
EBR Registry Number: RA03E0016**Type of Posting:** Regulation**Ministry:** Environment**Status of Posting:** Proposal**Date Proposal Loaded:** 2003/04/25**Comment Period:** 30 day(s)Written submissions may be made between April 25, 2003 and May 25, 2003.

NOTICE OF PROPOSAL FOR REGULATION© Queen's Printer for Ontario, 2003

Proposal Title:

Ban on the Land Application of Untreated Portable Toilet Waste

Short Description:

This notice is a follow up to the Proposed Strategy for the Five-year Phase-out of the Land Application of Untreated Septage released as part of the Stage 2 regulatory initiative under the Nutrient Management Act. As one of the components of the Proposed Strategy, the Ministry of the Environment proposed an immediate ban on the land application of untreated portable toilet waste. Attached is a draft regulation, which will, if passed, impose that ban through an amendment to Regulation 347 under the Environmental Protection Act. The draft regulation will ban the land application of untreated portable toilet waste by July 31, 2003. Portable toilet waste, which has been treated to meet the requirements in the draft regulation, may continue to be land-applied. The ban on the land application of untreated portable toilet waste emerges from the government's efforts to protect drinking water.

Purpose of the Proposal:

The purpose of this proposed regulation is to ban the land application of untreated portable toilet waste. This proposal was one component of the Proposed Strategy for the Five-Year Phase-Out of the Land Application of Untreated Septage which was posted as part of the Stage 2 regulatory initiative under the Nutrient Management Act in December 2002.

Other Public Consultation:

Public Consultation Meetings on Nutrient Management Stage 2 Regulatory Initiative

At a series of regional meetings held across the province during December, January and February, the Proposed Strategy for the Five-year Phase-out of the Land Application of Untreated Septage was discussed. Many of the comments received in response to the Environmental Registry posting addressed septage. The ministry met informally with stakeholders during the past four months to discuss these responses.

Activities/Reports/Announcements

March 2003

Release of New Direction on Nutrient Management.

December 2002

Release of Stage 2 draft regulations under the Nutrient Management Act including a Proposed Strategy for the Five-year Phase-out of the Land Application of Untreated Septage

August 2000

Launch of Operation Clean Water

Please refer to Ministry's website for additional information concerning nutrient management and previous public consultations on the matter.

Regulatory Impact Statement:

Untreated portable toilet waste may contain chemicals and foreign objects. The ban on the land application of untreated portable toilet waste will, if made, prevent the release of these pollutants to the environment. The ban on the land application of untreated portable toilet waste could have an impact on some municipalities which may be requested to accept portable toilet waste at municipal sewage treatment plants.

Comments should be directed to the following Contact Person:

Eileen Smith, Manager, Land Application
Waste Management Policy Branch
135 St. Clair Ave. West, 7th floor
Toronto, Ontario, M4V 1P5
PHONE: (416) 314-5135 FAX: (416) 325-4437

Some Government offices have additional information on this proposal for viewing. These are listed below:

Waste Management Policy Branch
135 St. Clair Avenue West
7th floor, Toronto, Ontario, M4V 1P5
PHONE: (416) 325-4440 FAX: (416) 325-4437

Additional material in support of this notice is available by clicking the following hyperlink(s):

http://www.ene.gov.on.ca/envision/env_reg/er/documents/2003/RA03E0016-reg.pdf

All comments will be considered as part of the decision-making by the Ministry if they:

- a. are submitted in writing;
- b. reference the EBR Registry number; and
- c. are received by the Contact person within the specified comment period.

Please Note: No acknowledgment or individual response will be provided to those who comment. All comments and submissions received will become part of the public record.

DRAFT

ONTARIO REGULATION

made under the

ENVIRONMENTAL PROTECTION ACT

Amending Reg. 347 of R.R.O. 1990

(General - Waste Management)

1. **Subsection 1 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:**

“portable privy” means a portable latrine in which the receptacle for human body waste and the superstructure are combined structurally into one unit.

“portable toilet waste” means waste from a portable privy or self-contained portable toilet.

2. The Regulation is amended by adding the following sections:

- 14.2 (1) Despite any other provision in this regulation, and any approval, certificate of approval, provisional certificate of approval or order, no person shall, after July 31, 2003, cause or permit the disposal or distribution of untreated portable toilet waste to the surface of the ground, except
 - (a) in accordance with the terms and conditions in a certificate of approval or provisional certificate of approval issued under Part V of the Act permitting a waste disposal site consisting of a trench designed to receive hauled sewage for the purpose of drying it, and from which the dried residue is periodically excavated and disposed of to a waste disposal site approved to accept the dried residue, or
 - (b) to a sewage works for which an approval has been issued under section 53 of the *Ontario Water Resources Act* to receive sanitary sewage.
- (2) A Section 39 Director shall not issue an approval for the disposal of untreated portable toilet waste or hauled sewage in a trench described in clause (a) of subsection (1) if:
 - (a) a sewage works of sufficient design capacity approved under the *Ontario Water Resources Act* is practicably available to receive and treat such material, having regard to the technical, physical and financial resources that

are or can reasonably be made available to transport the material from the site where it is generated to the sewage works for treatment; or

- (b) a waste disposal site of sufficient design capacity approved under Part V of the *Environmental Protection Act* is practicably available to receive and treat such material, having regard to the technical, physical and financial resources that are or can reasonably be made available to transport the material from the site where it is generated to the waste disposal site for treatment.

14.3(1) The following are prescribed as standards for the disposal on the surface of the ground of treated portable toilet waste at a site permitted under a certificate of approval or a provisional certificate of approval issued under Part V of the Act to receive such waste:

- 1. In addition to any requirements in a certificate of approval or provisional certificate of approval, a person shall not apply treated portable toilet waste to land unless it is analysed in accordance with the methods set out in the Ministry of the Environment and the Ministry of Agriculture and Food publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated 1996, as amended from time to time, and the requirements set out in clauses (a) to (f) are satisfied:
 - (a) the treated portable toilet waste contains a concentration of E. Coli not exceeding a maximum concentration of 2 million colony forming units per gram total solids, dry weight,
 - (b) the treated portable toilet waste contains no more than 0.5% dry weight of plastic objects that do not pass through an 8 mesh screen size Tyler sieve,
 - (c) the treated portable toilet waste contains no more than 2% dry weight of non-biodegradable objects other than plastic, including but not limited to glass and metal objects, which do not pass through an 8 mesh screen size Tyler sieve,
 - (d) the treated portable toilet waste contains no more than the maximum concentration of any regulated metal set out in Column 2 or 3 of Table 1,
 - (e) the maximum loading rate of the receiving soils onto or into which the treated portable toilet waste is to be applied in kilograms of a regulated metal per hectare of land per 5 year period does not exceed the maximum loading rate as set out in Column 4 of Table 1 for the regulated metal; and
 - (f) the maximum metal concentration of the receiving soils onto or into which the treated portable toilet waste is to be applied does not exceed the

maximum metal concentration as set out in Column 5 of Table 1 for the regulated metal.

Table 1: Standards for Regulated Metals for Treated Portable Toilet Waste

Column 1	Column 2	Column 3	Column 4	Column 5
Regulated Metals	Maximum metal concentration for the materials that contain total solids less than 10,000 mg per litre of the material	Maximum metal concentration for the materials that contain total solids equal to or greater than 10,000 mg per litre of the material	Maximum metal addition to soil receiving the materials	Maximum metal concentration in soils receiving the materials
	(mg / L of Sample)	(mg / Kg of TS ¹ , d.w. ²)	(Kg /Ha / 5 Years)	(mg / Kg of Soil, d.w.)
Arsenic	1.70	170	1.40	14
Cadmium	0.34	34	0.27	1.6
Cobalt	3.40	340	2.70	20
Chromium	28.00	2800	23.30	120
Copper	17.00	1700	13.60	100
Mercury	0.11	11	0.09	0.5
Molybdenum	0.94	94	0.80	4
Nickel	4.20	420	3.56	32
Lead	11.00	1100	9.00	60
Selenium	0.34	34	0.27	1.6
Zinc	42.00	4200	33.00	220
¹ TS means total solids				
² d.w. means dry weight				

2. A person shall not apply treated portable toilet waste to land unless

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- (a) it is analysed in accordance with the methods set out in the Ministry of the Environment and the Ministry of Agriculture and Food publication entitled "Guidelines for the Utilization of Biosolids and Other Wastes on Agricultural Land" dated 1996, as amended from time to time, for total keldjahl nitrogen, ammonia and ammonium nitrogen, total phosphorous, potassium and total solids, and
 - (b) the test results in clause (a) are used to determine the maximum rate of application to land in accordance with the nutrient management computer program entitled "NMAN 2003", which is also available in a workbook, as established by the Ministry of Agriculture and Food, and as amended from time to time.
- (2) If the Guidelines or the computer program referred to in subsection (1) are amended, they shall be made available to the public by either of the following means and in a form that incorporates all amendments to the document or computer program made from time to time after this Regulation is made:
- (a) A posting on a website maintained by the Ministry and a notice in the registry under the *Environmental Bill of Rights, 1993*,
 - (b) Any other print or electronic medium of mass communication.

