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Type of Posting: Regulation

Ministry: Environment

Status of Posting: Proposal

Date Proposal Loaded: 2007/01/11

Comment Period: 51 day(s)

Written submissions may be made between January 11, 2007 and March 03, 2007.

NOTICE OF PROPOSAL FOR REGULATION

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February 8, 2007: This notice has been re-posted to extend the comment period for an additional three weeks. The balance of the notice has not been altered.

Proposal Title:

A ban on the burning of used oil in space heaters.

Short Description:

The Ministry of the Environment intends to ban the burning of used oil (i.e. waste-derived fuel) for the purposes of space heating through a regulation amending Regulation 347, made under the Environmental Protection Act. The draft regulation is attached for comment. The draft regulation is specific to "waste-derived fuel" as defined in Regulation 347, but the more commonly recognized term "used oil" will be used throughout this posting. The draft regulation stipulates that the burning of used oil is banned unless an air approval authorizing the activity has been issued prior to the date of this proposal posting. The draft regulation is posted at the URL listed below.

The proposed ban does not apply to facilities in northern Ontario. The proposed ban also does not affect agricultural operations that burn their own used oil. It is proposed that the ban not take effect until June 1, 2009 for facilities that, prior to the date of this posting, have received an air certificate of approval issued under section 9 of the Environmental Protection Act authorizing the activity.

The draft regulation also amends Regulation 347 to designate used lubricating oil as a waste.

Purpose of the Proposal:

To consult on a draft regulation to ban the burning of used oil in space heaters. This regulation is intended to help protect our air by eliminating the emissions that result from burning used oil for comfort heating in southern Ontario while promoting re-refining and other preferred management options for used oil.

Other Relevant Information:

The draft regulation will ban the burning of used oil in space heaters. The ban comes into force upon filing the regulation, but will include all facilities that, prior to the date of this posting, do not have an air certificate of approval issued under section 9 of the Environmental Protection Act authorizing the burning of used oil in a space heater. As a result, once the proposed regulation becomes law, the burning of used oil for space heating will be banned for any facility that has not been approved prior to this posting or that is not otherwise exempt. The ministry will continue to accept and process applications for approval of this activity until the draft regulation comes into force.

It is proposed that the ban not apply to facilities in northern Ontario. For this regulation, northern Ontario means north and west of the Mattawa River, Lake Nipissing and the French River, or in the Territorial District of Manitoulin.

The ban also does not affect agricultural operations that burn their own used oil but would affect agricultural operations that receive used oil from off-site. Regulation 347 defines "agricultural waste" to include any waste resulting from farm operations, including used oil. Agricultural waste is exempt from waste management requirements. As a result, agricultural operations are not included in the ban if the used oil is from agricultural operations.

It is proposed that the ban not take effect until June 1, 2009 for facilities that, prior to this posting, have received an air certificate of approval issued under section 9 of the Environmental Protection Act authorizing the activity. This provides at least two full winters for affected businesses to decide upon replacement heating and make appropriate arrangements.

The draft regulation defines lubricating oil and clarifies that used lubricating oil is a waste by specific designation in Regulation 347. The designation of used lubricating oil as a waste clarifies existing policy for used oil and will not affect Ontario companies or change their existing approvals for the management of used oil. The designation clarifies that used lubricating oil, even when processed or used as fuel, remains a waste and is subject to Ontario's waste requirements.

It is proposed that the ban be limited to operations that principally involve burning used oil for comfort heating purposes or for the provision of a suitable temperature for materials, including plant or animal life. As a result, the ban would not affect industrial operations, such as cement kilns, blast furnaces and industrial boilers, that are approved to burn used oil or other waste-derived fuels. The ban is not limited to the size or capacity of the space heater.

The burning of used oil in space heaters is considered to be a less than state-of-the-art management option for used oil. Lubricating oil is specially formulated with chemical additives designed for its individual application and is not intended to be used as fuel. Used oil is typically contaminated with elevated levels of additives, heavy metals and organic compounds when compared to natural gas and other commercially available heating fuels. In addition, these heaters have no emission control equipment to mitigate releases into the atmosphere. As a result, harmful chemicals such as lead, chromium, arsenic and zinc are released in much greater quantity when burning used oil in space heaters than from burning new fuel oil or natural gas.

Superior options for managing used oil, such as used oil re-refining, are readily available throughout most of Ontario. Re-refining used oil into new lubricating oil allows the oil to be used over and over again. This conserves our non-renewable petroleum resources, reduces greenhouse gas emissions and saves energy when compared to burning the used oil as fuel.

Comments should be directed to the following Contact Person:

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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/2007/draft_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.

ONTARIO REGULATION

made under the

ENVIRONMENTAL PROTECTION ACT

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

(General — Waste Management)

Note: Regulation 347 has previously been amended. Those amendments are listed in the Table of Regulations – Legislative History Overview which can be found at www.e-laws.gov.on.ca.

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

“lubricating oil” means petroleum-derived or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid, or other oil or fluid used for lubricating machinery or equipment;

2. Subsection 2 (1) of the Regulation is amended by adding the following paragraph:

19. Used lubricating oil.

3. Section 28.3 of the Regulation is amended by adding the following subsection:

(3.1) A waste-derived fuel site described in subsection 28.6 (1) that is exempt under subsection (2) ceases to be exempt if,

- (a) the site is altered by the replacement of the combustion unit;
- (b) the site is altered by an increase in the capacity of the combustion unit or the incorporation of an additional combustion unit; or
- (c) the site is enlarged or extended.

4. The Regulation is amended by adding the following section:

28.6 (1) No person shall use, operate, establish, alter, enlarge or extend a waste-derived fuel site, or cause or permit the use, operation, establishment, alteration, enlargement or extension of a waste-derived fuel site, if the site includes a combustion unit that is used principally for heating the interior of a building or other enclosed space for the comfort of occupants or for the provision of a suitable temperature for materials, including plant or animal life, in the building or enclosed space.

(2) Subsection (1) does not apply to a waste-derived fuel site that is located in the part of Ontario lying north and west of the Mattawa River, Lake Nipissing and the French River, or in the Territorial District of Manitoulin.

(3) Before June 1, 2009, subsection (1) does not apply to a waste-derived fuel site that is in operation on the day this section comes into force, if, on the day this section comes into force,

- (a) the combustion unit is operating under a certificate of approval that authorizes acceptance and combustion of waste and that was issued under section 9 of the Act before January 11, 2007;
- (b) the site is used in agriculture; or
- (c) pursuant to subsection 28.3 (2), the site is exempt from section 27 of the Act in respect of its use and operation.

(4) Subsection (3) ceases to apply to a waste-derived fuel site if,

- (a) the site is altered by the replacement of the combustion unit;
- (b) the site is altered by an increase in the capacity of the combustion unit or the incorporation of an additional combustion unit; or
- (c) the site is enlarged or extended.