

## Schedule A to Waste Diversion Ontario's Program Agreement

### Rules for Stewards with Respect to Payment of Fees respecting Municipal Hazardous and Special Materials for the period January 1, 2011 to December 31, 2011

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#### **1. Introduction**

On July 21, 2010 the Minister of the Environment issued *Ontario Regulation 298/10* which suspended the payment of fees on some Municipal Hazardous and Special Materials (MHSM). The suspension was made permanent by *Ontario Regulation 396/10*. Consequently, the Consolidated MHSW Rules that took effect on July 1, 2010 are no longer fully effective. To assist stewards in reporting under the combined effect of the Consolidated MHSW Rules and these two regulations, these Rules replace the Consolidated MHSW Rules and become effective as of January 1, 2011. From July 21, 2010 to December 31, 2010 the Consolidated MHSW Rules apply to a reduced scope of materials that are set out in Appendix A of these Rules.

The following Rules relate to the MHSW Program, and the definitions of capitalized words used in these Rules are contained in a glossary attached as Appendix F.

The following Rules do not revoke but replace the Consolidated MHSW Rules as of January 1, 2011. There will be no payment and/or obligation holiday between these Rules and the Consolidated MHSW Rules.

#### **2. Materials included in the Municipal Hazardous or Special Waste Program**

The special and hazardous waste materials included in the MHSW program are identified in the Minister's Program Request letter dated December 12, 2006 (see Appendix E).

For reporting and fee calculations, the designated materials, as defined by the *Waste Diversion Act, 2002 – Ontario Regulation 542/06*, are organized into nine (9) material categories as outlined in Appendix A.

### **3. Designation of Stewards under the Municipal Hazardous or Special Waste Program**

For the purpose of determining which person shall be designated as a steward for a particular category of MHSM the following provisions shall apply, in the order in which they are set out. If two or more persons are designated as a steward pursuant to the following provisions, then the earlier provision shall prevail:

- (1) A Brand Owner is designated as a steward with respect to all MHSM, for which it is the Brand Owner and Supplied such MHSM during the Data Period, for which it has a Commercial Connection.
- (2) A Franchisor is designated as a steward with respect to all MHSM Supplied within the relevant Franchise System during the Data Period.
- (3) A First Importer is designated as a steward with respect to all MHSM for which it is the First Importer and Supplied such MHSM during the Data Period.
- (4) In the event there is more than one Brand Owner for the same MHSM, the Brand Owner more directly connected to the production of the MHSM shall be designated as the steward, but where the Brand Owner is a Franchisor who is Resident in Ontario (see Appendix B), the Franchisor shall be designated as the steward.
- (5) In the event there is no identifiable brand on a particular MHSM product or good and if the manufacturer of the MHSM is Resident in Ontario, the manufacturer of such MHSM shall be designated as the steward for such MHSM, otherwise the First Importer shall be designated as the steward for such MHSM.

### **4. Fees and Reporting**

#### **4.1 Steward Reporting**

- (1) Every steward shall File in accordance with the timetable in Appendix C a Quarterly MHSM Steward's Report following notification. A steward is notified:
  - (a) on the day the steward receives personal service via email of how to obtain a copy of these Rules; or
  - (b) three days following the sending by Stewardship Ontario by prepaid first class postage to the steward at its Published Address in Ontario, of a copy of these Rules or a written notice of how to obtain a copy of these Rules.
- (2) Every steward shall File subsequent Quarterly MHSM Steward's Reports with Stewardship Ontario in accordance with the timetable in Appendix C.
- (3) Quarterly MHSM Steward's Reports shall contain accurate data. If a steward identifies any errors in any Quarterly MHSM Steward's Report after submission, they must notify Stewardship Ontario in writing via email to [wecycle@stewardshipontario.ca](mailto:wecycle@stewardshipontario.ca) with full particulars of the error.

- (4) Quarterly MHSM Stewards' Reports must include the following information (currently submitted on the Stewardship Ontario reporting portal):
  - (a) name of steward, mailing and billing addresses of steward, date of report;
  - (b) primary contact person, contact information for the Quarterly MHSM Steward's Report including email addresses;
  - (c) description of methodology and data used to prepare the Quarterly MHSM Steward's Report;
  - (d) date of the Quarterly MHSM Steward's Report and associated data period;
  - (e) description of any excluded waste deductions from the Quarterly MHSM Steward's Report;
  - (f) list of brands or trademarks covered in the Quarterly MHSM Steward's Report; (g) list of all Affiliates and/or Franchisees included in the Quarterly MHSM Steward's Report;
  - (h) declaration of accuracy of contents of the Quarterly MHSM Steward's Report; and
  - (i) quantities of materials Supplied according to the reporting categories and units of measure as laid out in Appendix A.
  
- (5) A steward shall report for its Affiliates and Franchisees under one steward number. Any steward whose MHSM is included in a Quarterly MHSM Steward's Report of its Affiliate need not file a separate Quarterly MHSM Steward's Report.

#### **4.2 Steward Fees, Penalties and Interest**

Stewards shall pay fees to Stewardship Ontario in accordance with the following:

- (1) the fees for all MHSM categories as set out in Appendix A according with the timetable set out in Appendix C;
- (2) stewards who fail to pay fees by the date specified in the timetable set out in Appendix C will be subject to interest on the unpaid fees. Interest on unpaid fees shall accrue from such date at the prime rate established by CIBC as at the close of business on the first day of each month plus three (3) percent per annum;
- (3) stewards who fail to report by the date specified in Appendix C will be subject to a penalty calculated at 10% of fees due and payable;
- (4) in the event that the amounts reported in an Quarterly MHSM Steward's Report are inaccurate, any deficiency in fees paid resulting from such inaccuracies will be subject to the same reporting penalties and payment interest outlined in (2) and (3) above;
- (5) all penalties and interest charges begin accruing on the business day immediately following the reporting and payment due dates identified in Appendix C; and
- (6) Where an error is identified by Stewardship Ontario on any Quarterly MHSM Steward's Report, as a result of an email sent under 4.1(3) or otherwise, Stewardship Ontario shall issue an invoice to the steward for the amount of fees owing on account of the error.

### **4.3 Relief from Requirements to Report and Pay Fees**

If a steward Files a notice with Stewardship Ontario of their inclusion in a Waste Diversion Ontario or Minister approved Industry Stewardship Plan (ISP) covering MHSM which that steward generates, that steward will be exempted from the per unit Service Cost accruing in respect of the period following the Effective Date of such ISP. Any payment of Service Costs and/or fees made to Stewardship Ontario, attributable to the period after the Effective Date of the ISP, shall be refunded to the steward. Notwithstanding such exemption, each such steward must remain a Steward In Good Standing as it will remain obligated to pay its share of the costs, outlined in Appendix D with respect to the period ending on the Effective Date of the ISP.

Within 60 days of approval of an ISP, each exempted steward must File all outstanding Quarterly MHSM Steward's Reports and report all MHSM Supplied up to the Effective Date.

Upon approval of an ISP, each steward that is participating in the ISP will be responsible to pay the following costs to Stewardship Ontario to the Effective Date:

- (1) its share of the full amount of outstanding Plan Development Costs identified in Appendix D to the Effective Date;
- (2) its share of Plan Implementation Costs to the Effective Date excluding Deficit (Surplus) Costs identified in Appendix D;
- (3) the full amount of any and all outstanding Deficit (Surplus) Costs relating to MHSW Plan Implementation Costs to the Effective Date; and
- (4) any outstanding fees, previously owing.

These costs will be allocated on the basis of dividing the steward's reported MHSM by material category with the total MHSM reported by all stewards for each material category.

Stewardship Ontario shall send an invoice to each steward claiming exemption under an ISP, setting out their respective share of the above mentioned costs.

## **5) General Program Rules**

### **5.1 Record Provision and Retention**

- (1) Upon request from Stewardship Ontario stewards shall promptly provide the following: data used by stewards in the preparation of any Quarterly MHSM Steward's Report, all Affiliates and/or Franchisees included in the report, calculation methodology, product and packaging data, audit reports, list of brands reported and list of brands excluded from report and percentage allocation of data reported.
- (2) Stewards shall retain records to substantiate and verify the amount set out in their Quarterly MHSM Steward's Report for a period of not less than five years from the date of the Quarterly MHSM Steward's Report to which they relate. Upon request a steward shall grant access to Stewardship Ontario to examine its books and records to enable Stewardship Ontario to audit and inspect such records respecting any Quarterly MHSM Steward's Report up to five years after the date of receipt of such Quarterly MHSM Steward's Report by Stewardship Ontario.

## **5.2 Dispute Resolution**

If any dispute arises between a steward and Stewardship Ontario as to the amount of MHSM that is required to be included in a Quarterly MHSM Steward's Report:

- (1) The parties shall attempt to resolve the dispute through designated representatives from each of Stewardship Ontario and the steward within thirty (30) days of the date upon which written notice of the dispute was first given, or as otherwise agreed upon.
- (2) If the parties are unable to resolve the dispute within the above period, the steward and Stewardship Ontario shall, within thirty (30) days thereafter, jointly select an arbitrator to arbitrate the dispute and failing agreement as to the arbitrator within such time frame, Waste Diversion Ontario shall appoint the arbitrator on behalf of the parties.
- (3) The arbitrator shall render a decision on the dispute and the award arising there from, in accordance to the *Arbitration Act, 1991*, as amended from time to time.
- (4) Non-payment of fees or failing to File a Quarterly MHSM Steward's Report by a steward shall not be items subject to arbitration.
- (5) The decision of the arbitrator shall be final and binding on the parties and shall not be subject to appeal on any grounds whatsoever, and shall be enforceable against Stewardship Ontario and the steward, as the case may be, immediately on the issue of the decision to the parties to the dispute.

## **5.3 Interpretive Memoranda**

Stewardship Ontario may publish on its website interpretive memoranda describing its interpretations of these Rules and how it proposes to administer them.

## **5.4 Publishing of Company Names**

Stewardship Ontario may post any of the following:

- (1) The names of stewards Filing Quarterly MHSM Steward's Reports with Stewardship Ontario;
- (2) A list of Stewards In Good Standing;
- (3) The registry of all brands reported in Quarterly MHSM Steward's Reports; and
- (4) The names of any person that may appear to be a steward Resident in Ontario, but which it has determined upon investigation is not Resident in Ontario.

## **5.5 Non-compliance with these Rules**

Failure to comply with these Rules is a violation of these Rules and may be subject to enforcement under the *Waste Diversion Act (2002)*.

## Appendix A – Municipal Hazardous and Special Materials Definitions

The following tables contain definitions for all the materials included in the Municipal Hazardous or Special Waste (MHSW) Program.

If a material or product falls within more than one of the definitions outlined, stewards will report that material under the category that reflects how the waste is managed at its end of life under the program.

Please note that exclusion from a definition does not necessarily mean exclusion from the program. A product listed under exclusions for a particular material may be captured under a different category. A material is only exempt from the program if it is not included in any of the other material definitions.

The following materials are defined by one or more of the following Acts, Standards, and/or Regulations:

- *Waste Diversion Act, 2002 (Ontario)*
- *Environmental Protection Act (Ontario)*
- *Fertilizers Act (Canada)*
- *Hazardous Products Act (Canada)*
- *Pest Control Products Act (Canada)*
- *SOR/2001-269 – Canadian Standards Association Standard Z752-03*
- *Waste Diversion Act, 2002, Ontario Regulation Section 542/06*
- *Waste Diversion Act, 2002, Ontario Regulation Section 393/04*
- *Environmental Protection Act, Ontario Regulation 347*
- *Environmental Protection Act, Ontario Regulation 189/94*
- *Fertilizers Regulations (Canada)*

**Key for using Appendix A:**

Material Definitions	Provides the name and a definition for each of the 9 (nine) material categories designated under the MHSW Program.
Notes	Indicates if the material is categorized as special or hazardous waste and includes any other general comments on the material.
Sector(s) into which MHSW is supplied	Identifies the sector(s) into which materials must be supplied to be included in the MHSW Program: <ul style="list-style-type: none"><li>- The residential sector; and/or</li><li>- All industrial-commercial-institutional (IC&amp;I) sectors; and/or</li><li>- Designated IC&amp;I businesses (e.g. small quantity generator—a business that generates MHSW and is not required to submit a generator registration report as per subsection 18(1) of <i>Regulation 347</i> under the <i>Environmental Protection Act</i> and that does not return more than 100 kg per month of MHSW through the program).</li></ul>
Examples	Contains a list of product examples. <b>Note: This is not intended to be an exhaustive list.</b>
Exclusions	Identifies product exemptions for each material category. <b>Note: This does not mean that these products are necessarily excluded from the program. A material is only exempt from the program if it is not included in any of the other material definitions.</b>
Reporting Category	Indicates all sub categories for each material, as it appears on the steward reporting site
Unit of Measure	Contains the unit of measure that stewards will be required to report.
Fee Rate	Indicates the fee per unit of measure. <b>*Please note that the fee rates for material categories with an asterisk include a deficit recovery charge (i.e. Single Use Dry Cell Batteries; Fertilizers; Paints &amp; Coatings; Pressurized Containers).</b>

<b>Antifreeze</b>						
Means ethylene or propylene glycol used or intended for use as a vehicle engine coolant.						
<b>Notes</b>	<b>Sector(s) into which MHSM is Supplied</b>	<b>Examples</b>	<b>Exclusions</b>	<b>Reporting Category</b>	<b>Unit of Measure</b>	<b>Fee Rate</b>
Special Waste  <i>Includes containers in which it is contained</i>  <i>Final volumes Supplied are to be reported, regardless of content (concentrate or premixed/water diluted)</i>	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>Includes premixed (water diluted) and concentrated product</li> </ul>	<b>Excluded from Antifreeze</b> <ul style="list-style-type: none"> <li>Factory fill initial charge of vehicle antifreeze</li> <li>Plumbing antifreeze</li> <li>Vehicle windshield antifreeze</li> <li>Product marketed as industrial heat transfer fluid</li> <li>Fuel (gasoline &amp; diesel) antifreeze</li> <li>Lock de-icer</li> <li>Air brake antifreeze</li> <li>Antifreeze Supplied in containers greater than 30 litres</li> </ul>	Packaged	Volume in litres	\$0.12/L



<b>Fertilizers</b>						
Means packaged products regulated under the <i>Fertilizer's Act (Canada)</i> .						
<b>Notes</b>	<b>Sector(s) into which MHSM is Supplied</b>	<b>Examples</b>	<b>Exclusions</b>	<b>Reporting Category</b>	<b>Unit of Measure</b>	<b>Fee Rate</b>
Special Waste  <i>Includes containers in which it is contained</i>	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>All N-P-K fertilizers, micronutrients and supplements that are registered under the <i>Fertilizers Act (Canada)</i>, and therefore would bear a <i>Fertilizers Act</i> registration number</li> <li>Products that match the definition of both a Fertilizer and a Pesticide are to be reported under Fertilizers</li> </ul>	<p><b>Excluded from Fertilizers</b></p> <ul style="list-style-type: none"> <li>Compost (that do not make an N-P-K claim)</li> <li>Fertilizers and supplements exempted from registration including: <ul style="list-style-type: none"> <li><b>a)</b> fertilizers and supplements set out in Schedule II (<i>Fertilizer Regulations</i>);</li> <li><b>b)</b> farm fertilizers that do not contain pesticides and that satisfy section 10 (<i>Fertilizer Regulations</i>);</li> <li><b>c)</b> supplements sold only for correction of soil acidity or alkalinity;</li> <li><b>d)</b> supplements referred to in subsections 10.2(3) and (5) (<i>Fertilizer Regulations</i>) – (i.e., seeds coated with inoculant);</li> <li><b>e)</b> peat, peat moss, sphagnum moss, tree bark and other fibrous organic matter that is represented for use only in improving the physical conditions of the soil;</li> <li><b>f)</b> customer-formula fertilizers;</li> <li><b>g)</b> specialty fertilizers, other than those referred to in paragraph (b) of the definition "specialty fertilizers", that do not contain pesticides; and</li> <li><b>h)</b> potting soils that contain supplements, if those supplements are registered under the <i>Fertilizers Act</i>.</li> </ul> </li> <li>Fertilizers supplied in containers greater than 30 litres and/or 30 kilograms</li> </ul>	Fertilizers	Volume in litres or weight in kilograms	\$0.02/L or Kg*

## Oil Containers

Means, oil containers with a volume of 30 litres or less, which are used for the containment of lubricating oil products including:

- Petroleum-derived or synthetic
- Crankcase, engine and gear oils, and hydraulic, transmission and heat transfer fluids, and
- Fluids used for lubricating purposes in machinery or equipment.

Notes	Sector(s) into which MHSM is Supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special Waste	Residential and all IC&I businesses	<p>Containers that contained:</p> <ul style="list-style-type: none"> <li>• electrical insulating oil, refrigeration system oil, compressor oil, mineral heat transfer fluid, marine engine oil for vessels operating domestically, metal working oil, form release oil, textile oil, chain oil, rock drill oil, 2-cycle engine oil, gasoline/2 cycle engine oil mixes, saw guide oil, drawing oil, stamping oil, shaping oil, process oil, dedusting oil, marine cylinder oil, machine tool &amp; slideway lubricant, natural gas compressor oil, conveyor lube, dripless lube, quenching oil, pneumatic system oil, rustproof oil, synthetic crankcase engine oil, hydraulic fluid, polyol ester fluids, circulating &amp; turbine oil, paper machine oil, transmission fluid, power steering fluid, gear oil, vegetable oil for lubrication, re-refined oil, food grade white mineral oil, etc.</li> </ul>	<p><b>Excluded from Oil Containers</b></p> <ul style="list-style-type: none"> <li>• ethylene glycol heat transfer fluid, propylene glycol heat transfer fluid, silicone heat transfer fluid, synthetic aromatic hydrocarbon heat transfer fluid, glycol-based heat transfer fluid, water glycol hydraulic fluid, phosphate ester hydraulic fluid, hydraulic oil dye, polyglycol synthetic compressor oil, base oil (including re-refined base oil), grease, oil additive, oil treatment, diesel fuel treatment, cleaning &amp; flushing fluids for motors &amp; equipment, winter start fluid, brake fluid, undercoating, penetrating oil, hydraulic jack oil, 3-in-1 household oil, aerosol propelled lubricant, gun oil, kerosene, urethane coating, sewing machine oil, cooking oil, windshield washer fluid and emulsified oil</li> </ul>	Oil Containers	Volume in litres	\$0.05/ L

### Oil Filters

Means filters produced and/or arriving into the province, and which are for sale, directly or as part of a product, in Ontario.

Notes	Sector(s) into which MHSM is Supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special Waste	Residential and all IC&I businesses	<ul style="list-style-type: none"> <li>Spin-on or element style filters that are used in hydraulic transmission or internal combustion engine applications</li> <li>Diesel fuel filters</li> <li>Household furnace fuel filters</li> <li>Coolant filters</li> <li>Storage tank diesel fuel filters</li> <li>Plastic &amp; paper element style filters</li> <li>Diesel fuel filters used at retail commercial pump islands</li> </ul>	<b>Excluded from Oil Filters</b> <ul style="list-style-type: none"> <li>Gasoline fuel filters</li> <li>Air filters</li> <li>Household furnace air filters</li> <li>Sock-type filters</li> </ul>	Less than or equal to 8"	Number of units Supplied	\$0.50/ unit
				Greater than 8"	Number of units Supplied	\$1.00/ unit

<b>Paints &amp; Coatings</b>						
Means latex, oil and solvent-based architectural coatings, including paints and stains, whether tinted or untinted.						
<b>Notes</b>	<b>Sector(s) into which MHSM is Supplied</b>	<b>Examples</b>	<b>Exclusions</b>	<b>Reporting Category</b>	<b>Unit of Measure</b>	<b>Fee Rate</b>
Special Waste  <i>Includes containers in which it is contained</i>  <i>Architectural coatings means organic coatings intended for onsite applications at ambient temperatures to interior or exterior surfaces of residential, commercial, institutional, industrial, or government structures including; exterior and interior house paints, stains, undercoaters, primers and sealer</i>	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>All architectural paints and coatings for household and industrial use</li> <li>All paints and coatings in aerosol containers</li> <li>Driveway sealers and roof coatings</li> </ul> Products that match the definition of both Paints & Coatings and a Pesticide are to be reported under Pesticides	<b>Excluded from Paints and Coatings</b> <ul style="list-style-type: none"> <li>Bitumen based driveway sealers and roof coatings</li> <li>Stucco and spackling compounds</li> <li>Waxes and polishes</li> <li>Paints &amp; Coatings supplied in containers with a volume greater than 30 litres</li> </ul>	< = 250 mL	Number of units Supplied	\$0.05/ unit*
				> 250 mL – 1 L	Number of units Supplied	\$0.20/ unit*
				> 1 – 5 L	Number of units Supplied	\$0.81/ unit*
				> 5 L	Number of units Supplied	\$4.03/unit*
				Aerosols	Number of units Supplied	\$0.06/ unit

<b>Pesticides</b>						
Pesticides include fungicides, herbicides, insecticides and certain repellents registered under the <i>Pest Control Products Act (Canada)</i> bearing the “DOMESTIC” classification. By definition, commercial, agricultural and restricted classifications are excluded.						
<b>Notes</b>	<b>Sector(s) into which MHSM is Supplied</b>	<b>Examples</b>	<b>Exclusions</b>	<b>Reporting Category</b>	<b>Unit of Measure</b>	<b>Fee Rate</b>
Special Waste  <i>Includes containers in which it is contained</i>	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>• Pesticides bearing the “DOMESTIC” classification</li> <li>• All pesticides in aerosol containers</li> </ul>	<b>Excluded from Pesticides</b> <ul style="list-style-type: none"> <li>• Insect repellents for personal use</li> <li>• Sanitizers and disinfectants</li> <li>• Products regulated under the <i>Food and Drugs Act (Canada)</i></li> <li>• Pool chemicals</li> <li>• Insecticidal soaps</li> <li>• Diatomaceous earth</li> <li>• Ant traps</li> <li>• Pet products</li> <li>• Pesticides supplied in containers greater than 30 litres and/or 30 kilograms</li> </ul>	Pesticides	Volume in litres or weight in kilograms	\$0.23/ L or Kg

## Pressurized Containers

### Means:

- Seamless Cylinders and Tubes: TC-3AAM, TC-3AAXM, TC-3ALM, TC-3AM, TC-3ANM, TC-3ASM, TC-3AXM, TC-3EM, and TC-3HTM
- Welded Cylinders and Spheres: TC-4AAM-33, TC-4BM, TC-4BM17ET, TC-4BAM, TC-4BWM, TC-4DM, TC-4DAM, TC-4DSM and TC-4EM
- Non-refillable Containers: TC-39M
- Composite Cylinders: TC-3FCM and TC-3HWM
- Insulated Cylinders: TC-4LM
- Cylinders for Acetylene Service: TC-8WM and TC-8WAM

Notes	Sector(s) into which MHSM is Supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special Waste	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>• All industrial gas cylinders, medical gas cylinders, laboratory gas cylinders, beverage gas cylinders, specialty gas cylinders and breathing air supply cylinders</li> <li>• All single use non-refillable cylinders</li> <li>• All portable refillable cylinders such as propane cylinders</li> </ul>	<b>Excluded from Pressurized Containers</b> <ul style="list-style-type: none"> <li>• Aerosols</li> <li>• Butane Lighters</li> <li>• Reservoir tanks intended for use with an air compressor</li> <li>• Cylinders that must be punctured for use (e.g. small CO2)</li> <li>• Cylinders over 100 kilogram</li> </ul>	Non-Refillable	Number of units Supplied	\$0.51/ unit*
				Refillable	Number of units Supplied	\$0.44/ unit*

**Singles use dry cell batteries**

Means batteries that are one or more cells, including case, terminals and markings. The source of electrical energy is obtained by the direct conversion of chemical energy that is not designed to be charged by any other electrical source.

Notes	Sector(s) into which MHSM is Supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
Special Waste	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>• Removable batteries according to the following chemistry: Alkaline-Manganese, Zinc-Carbon, Lithium batteries, Button Cells (a variety of chemistries such as those used in hearing aids and watches)</li> <li>• Batteries provided within products such as toys, electronics, remote controls, watches, calculators and greeting cards</li> <li>• Batteries used for flashlights, smoke detectors, radios, phone and emergency kits</li> </ul>	<p><b>Excluded from Single use dry cell batteries</b></p> <ul style="list-style-type: none"> <li>• Secondary batteries that are designed to be recharged</li> </ul>	Single use dry cell batteries	Weight in kilograms	\$0.76/ Kg*

## Solvents

Means liquid products that are intent to be used to dissolve or thin a compatible substances and,

1. are comprised of 10% or more of water-immiscible liquid hydrocarbons, including halogen substituted liquid hydrocarbons; or,
2. are flammable as described in part (c) of “municipal hazardous waste” in *Ontario Reg. 542*.

**Water-miscibility** – Means the ability of a material (or mixture) to mix uniformly with water, without separating. A 1:5 ratio of material to water, at 20°C does not display visible separation in less than 1 hour. This includes mixing by dissolving, reacting, suspending, or dispersing. [ref. *CSA Z752*].

Notes	Sector(s) into which MHSM is Supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee Rate
<p>Hazardous Waste</p> <p><i>Includes containers in which it is contained</i></p>	Residential and Designated IC&I Businesses (small quantity generator)	<ul style="list-style-type: none"> <li>• Turpentine, alcohols (methanol, isopropanol, ethanol), ketones (acetone, methyl ethyl ketone), xylene, toluene, mineral spirits, linseed oil, naphtha, methylene chloride</li> <li>• All solvents in aerosol containers</li> <li>• Products marketed as paint thinners, lacquer thinners, automotive body resin solvents, contact cement thinners, paint strippers and degreasers</li> </ul>	<p><b>Excluded from Solvents</b></p> <ul style="list-style-type: none"> <li>• Products sold as fuels</li> <li>• Cleaning products that are not sold as solvents</li> <li>• Solvents supplied in containers with a volume greater than 30 litres</li> </ul>	Solvents	Volume in litres	\$0.02/ L



## Appendix B – Resident in Ontario

**Resident in Ontario, with respect to a corporation, means a corporation that has a permanent establishment in Ontario, where:**

- (a) “**permanent establishment**” includes branches, mines, oil wells, farms, timberlands, factories, workshops, warehouses, offices, agencies and other fixed places of business and
- (b) the following rules apply;

### **Contracting Employees or Inventory Sufficient**

Where a corporation carries on business through an employee or agent who has general authority to contract for the corporation or who has a stock of merchandise owned by the corporation from which the employee or agent regularly fills orders which the employee or agent receives, such employee or agent shall be deemed to operate a permanent establishment of the corporation.

### **Commission Agent not Sufficient**

The fact that a corporation has business dealings through a commission agent, broker or other independent agent shall not of itself be deemed to mean that the corporation has a permanent establishment.

### **Parent of Subsidiary not Sufficient**

The fact that a corporation has a subsidiary controlled corporation in a place or a subsidiary controlled corporation engaged in a trade or business in a place shall not of itself be deemed to mean that the first-mentioned corporation is operating a permanent establishment in that place.

### **Licensed Insurance Company Sufficient**

An insurance corporation is deemed to have a permanent establishment in each jurisdiction in which the corporation is registered or licensed to do business.

### **Purchasing Office not Sufficient**

The fact that a corporation maintains an office solely for the purchase of merchandise shall not of itself be deemed to mean that the corporation has a permanent establishment in that office.

### **Ownership of Land Sufficient**

Where a corporation, otherwise having a permanent establishment in Canada, owns land in a province or territory of Canada, such land is a permanent establishment.

### **Production Packing and other Activities Sufficient**

The fact that a non-resident corporation in a year produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed in whole or in part anything in Canada, whether or not the corporation exported that thing without selling it prior to exportation, shall of itself, be deemed to mean that the corporation maintained a permanent establishment at any place where the corporation did any of those things in the taxation year.

**Machinery or Equipment Sufficient**

The use of substantial machinery or equipment in a particular place at any time in a year of a corporation constitutes a permanent establishment of such corporation in that place for such a year.

**Principal Place of Business Sufficient**

Where a corporation has no fixed place of business, it has a permanent establishment in the principal place in which the corporation's business is conducted.

**Charter or By Laws designating Head or Registered Office Sufficient**

Where a corporation does not otherwise have a permanent establishment in Canada, it has a permanent establishment in the place designated in its charter or by-laws as being its head office or registered office.

### Appendix C – Payment and Reporting Timetable

Commencing January 1, 2011, all stewards of the MHSW Program are legally obligated under the *Ontario Waste Diversion Act, 2002* to register as a steward of the MHSW Program, and to File Quarterly MHSW Steward's Reports of the quantities of MHSW Supplied in Ontario and to pay fees on these materials in accordance with Appendix A.

Stewards become obligated to report and pay fees for the quarter that begins immediately following notification within the meaning of Section 4.1 of these Rules.

Notification Received During Quarter	First Obligation Period
Q4 – 2010 December 16, 2010 – Dec. 31, 2010	Q1 – 2011 Starts January 1, 2011
Q1 – 2011 January 1, 2011 – March 31, 2011	Q2 – 2011 Starts April 1, 2011
Q2 – 2011 April 1, 2011 – June 30, 2011	Q3 – 2011 Starts July 1, 2011
Q3 – 2011 July 1, 2011 – Sept. 30, 2011	Q4 – 2011 Starts October 1, 2011

Stewardship Ontario will make all reasonable efforts to notify stewards in a timely and appropriate manner.

A Quarterly MHSW Steward's Report for an obligation period is based on data collected from the previous quarter.

Obligation Period	Collect Data from Data Period	Report Due	Payment Due
<b>Q1 – 2011</b> January 1, 2011 – March 31, 2011	<b>Q4 – 2010</b> October 1, 2010 – Dec. 31, 2010	January 31, 2011	February 28, 2011
<b>Q2 – 2011</b> April 1, 2011 – June 30, 2011	<b>Q1 – 2011</b> January 1, 2011 – March 31, 2011	April 30, 2011	May 31, 2011
<b>Q3 – 2011</b> July 1, 2011 – Sept. 30, 2011	<b>Q2 – 2011</b> April 1, 2011 – June 30, 2011	July 31, 2011	August 30, 2011
<b>Q4 – 2011</b> October 1, 2011 – Dec. 31, 2011	<b>Q3 – 2011</b> July 1, 2011 – Sept. 30, 2011	October 31, 2011	November 30, 2011

## **Appendix D – Cost Components**

### **Plan Development Cost Components**

Plan Development Costs are the costs that have been incurred during plan development for the following activities relating to the MHSW Program Plan:

- (1) consulting with stakeholders, including stewards, service providers, municipalities, the public and Waste Diversion Ontario and the Ministry of the Environment;
- (2) research and purchase of data to establish baselines e.g. lab pack analysis, sales into market data, etc;
- (3) legal opinions on definitions and exemptions;
- (4) legal drafting of program rules; and
- (5) consulting fees paid to various professionals for the purpose of:
  - (a) determining the definition of obligated materials,
  - (b) compiling baseline data on the quantities of MHSM Supplied that will be available for collection as MHSW, collected, diverted and disposed,
  - (c) defining program metrics for accessibility, collection and diversion and for design of a program to meet those targets and
  - (d) developing, refining and testing of cost models and fee rates.

### **Plan Implementation Cost Components**

Plan Implementation Costs are the following costs, relating to the MHSW Program Plan:

- (1) Stewardship Ontario's Start-up Cost recovery;
- (2) deficit in Stewardship Ontario's Start-up Cost recovery for the first eighteen months;
- (3) deficit in Waste Diversion Ontario's Start-up Cost recovery for the first eighteen months;
- (4) steward registration and compliance management;
- (5) material and supplier management:
  - (a) field operations,
  - (b) vendor audits and
  - (c) vendor standards;
- (6) program management costs:
  - (a) industry funding organization administration,
  - (b) performance tracking systems,
  - (c) material tracking systems, and
  - (d) Waste Diversion Ontario administration;
- (7) shared promotion and education;
- (8) MHSW specific promotion and education costs;
- (9) MHSW specific research and development; and
- (10) MHSW Service Costs.

**Appendix E – Extract from the Minister’s Program Request Letter dated December 12, 2006 to Waste Diversion Ontario for Phase 1 of the Waste Diversion Program for Municipal Hazardous or Special Waste**

Phase 1 of the program must be capable of addressing diversion of the following wastes: paint and coatings, and containers in which they are contained; solvents, and containers in which they are contained; oil filters, after they have been used for their intended purpose; containers that have a capacity of 30 litres or less and that were manufactured and used for the purpose of containing lubricating oil; single use dry cell batteries; antifreeze, and containers in which they are contained; pressurized containers; and fertilizers, fungicides, herbicides, insecticides or pesticides and containers in which they are contained...

...The Municipal Hazardous or Special Waste program shall target residential waste and small quantity waste from IC&I businesses.

## Appendix F – Glossary of Key Terms in these Rules

Interpretation in these Rules:

**Affiliate** is an entity that controls a steward or is controlled by a steward or is controlled by an entity that also controls a steward, where "control" in the case of a corporation has the meaning ascribed thereto by subsection 1(5) of the *Business Corporations Act (Ontario)* as amended from time to time;

**Brand Owner** with respect to a specific product or good, that is MHSM, where such product or good, or its packaging bears a trademark means during any time in any Data Period:

- (a) a person Resident in Ontario who is the holder of the registered trademark, or
- (b) a person Resident in Ontario who is the licensee, in respect of the registered trademark, or
- (c) a person Resident in Ontario, who owns the intellectual property rights to the unregistered trademark, or
- (d) a person Resident in Ontario, who is the licensee, in respect of the intellectual property rights of the unregistered trademark.

Where "licensee" includes a person who packages goods and the products or goods are MHSM or MHSM Packaging, and bear a trademark, other than a packer, producer or filler of Private Label Goods, and includes any person whose corporate name or business name registration contains the trademark;

**Commercial Connection** a person has a commercial connection with MHSM if it derives an economic benefit when such MHSM is Supplied;

**MHSW Program Plan** means the waste diversion program required to be developed by the Minister in the Minister's Program Request Letter (see Appendix E);

**Data Period** means the 3 month periods ending December 31, 2010—March 31, 2011—June 30, 2011—September 30, 2011;

**Deficit (Surplus) Cost** means the deficit (surplus) cost associated with each material type from services provided under all MSHM Rules. These costs are related to activities undertaken in the development, implementation and management of the MHSW Program Plan;

**Designated IC&I Business** means an industrial, commercial or institutional business that generates MHSW of the types described in Appendix A that is not required to submit a Generator Registration Report with respect to that MHSW under subsection 18 (1) of *Ontario Regulation 347*, made under the *Environmental Protection Act*, as amended from time to time;

**Effective Date** means the date upon which the approval of the Industry Stewardship Plan (ISP) becomes effective in accordance with its terms;

**File** means electronically submitted by a steward to Stewardship Ontario through the interactive website, stipulated by Stewardship Ontario. Filed and File have similar meanings;

**First Importer** means a person Resident in Ontario, who imports into Ontario, a specific product or good that is MSHM, for which a Brand Owner does not exist in Ontario and includes a

person Resident in Ontario who is the first to take title to such product or good, upon or after arrival in Ontario from elsewhere during the Data Period;

**Franchisor, Franchisee and Franchise System** have the meaning ascribed thereto under the *Arthur Wishart Act (Franchise Disclosure), 2000*, as amended from time to time;

**MHSM Packaging** means materials that are used for the containment, protection, handling, delivery and presentation of MHSM Supplied;

**Minister** means Minister of the Environment, Province of Ontario;

**Municipal Hazardous or Special Materials (MHSM)** means those goods and products set out in Appendix A which are Supplied and that result in the generation of MHSW;

**Municipal Hazardous or Special Waste (MHSW)** has the meaning as defined in *Ontario Regulation 542/06*;

**Obligation Date** means the first day stewards are obligated for Service Costs related to MHSM in these Rules starting January 1, 2011;

**Plan Development Costs** means the cost of those items listed in Appendix D;

**Plan Implementation Costs** means the cost of those items listed Appendix D;

**Private Label Goods** means goods that carry the brand or trademark of a Brand Owner and are Supplied to consumers by such Brand Owner that is a retail outlet in Ontario;

**Program Request Letter** means the letter from the Minister to Waste Diversion Ontario dated December 12, 2006 requiring Waste Diversion Ontario to develop a waste diversion program in respect of certain categories of Municipal Hazardous or Special Waste;

**Published Address** means an address in Ontario appearing in a current telephone directory or a recognized current published business directory;

**Quarterly MHSM Steward's Report** means a report prepared by a steward describing the aggregate amount of MHSM, that was Supplied in the Data Period by the steward or his Franchisees and/or Affiliates containing the information in accordance with Section 4.1 (4) and Filed with Stewardship Ontario in the timeframe set out in Appendix C;

**Resident in Ontario** with respect to a corporation, means a corporation that has a permanent establishment in Ontario in accordance with the provisions of Appendix B, at any time in the Data Period;

**Rules** mean these rules;

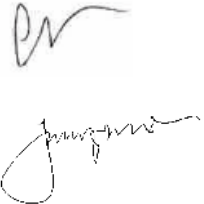
**Service Cost** is any waste management costs including the costs to collect, transport, consolidate, process and dispose of MHSW;

**Start-up Costs** means any unrecovered costs incurred by Stewardship Ontario and Waste Diversion Ontario related to the MHSW Program Plan;

**Steward in Good Standing** means a steward who is current with its financial and reporting obligations to Stewardship Ontario including:

- (a) Plan Development Costs,
- (b) Plan Implementation Costs and
- (c) Deficit (Surplus) Costs;

**Supplied** means sold, leased, donated, disposed of, used, transferred the possession or title of or otherwise made available or distributed for use in the Province of Ontario. Supply and Supplies have similar meanings.

A handwritten signature in black ink, consisting of a stylized, cursive script that is difficult to decipher but appears to be a personal name.