

Environmental Protection Act
Loi sur la protection de l'environnement

ONTARIO REGULATION 103/94

No Amendments

INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL SOURCE SEPARATION PROGRAMS

Notice of Currency:* This document is up to date.

*This notice is usually current to within two business days of accessing this document. For more current amendment information, see the [Table of Regulations \(Legislative History\)](#).

This Regulation is made in English only.

SOURCE SEPARATION PROGRAMS

1. In this Regulation,

“Northern Ontario” means the territorial districts of Algoma, Cochrane, Kenora, Manitoulin, Nipissing, Parry Sound, Rainy River, Sudbury, Thunder Bay and Timiskaming and The Regional Municipality of Sudbury;

“source separation program” means a program to facilitate the source separation of waste for reuse or recycling. O. Reg. 103/94, s. 1.

2. (1) A source separation program required under this Regulation must include,

(a) the provision of facilities for the collection, handling and storage of source separated wastes described in subsection (2) adequate for the quantities of anticipated wastes;

(b) measures to ensure that the source separated wastes that are collected are removed;

(c) the provision of information to users and potential users of the program,

(i) describing the performance of the program,

(ii) encouraging effective source separation of waste and full use of the program;

(d) reasonable efforts to ensure that full use is made of the program and that the separated waste is reused or recycled.

(2) The source separated waste referred to in clause (1) (a) is waste that has been source separated from other kinds of waste and that consists solely of waste from one or more of the following categories:

1. The categories of waste set out in the part of the Schedule applicable to the person required to implement the source separation program.

2. The categories of waste set out in Schedule 1, 2 or 3 of Ontario Regulation 101/94 that the source separation program accepts.

(3) A source separation program required under this Regulation must provide for all the categories of waste set out in the part of the Schedule applicable to the person required to implement the program except for categories of waste that cannot be reasonably anticipated. O. Reg. 103/94, s. 2.

3. Source separation programs required by this Regulation are exempt from sections 27, 40 and 41 of the Act. O. Reg. 103/94, s. 3.

4. (1) A source separation program that is not required by this Regulation is exempt from sections 27, 40 and 41 of the Act if,

(a) the program is restricted to waste generated at a single site;

(b) the program only accepts waste that has been source separated from other kinds of waste and that consists solely of waste from one or more of the categories of waste set out in Schedule 1, 2 or 3 of Ontario Regulation 101/94;

(c) the program includes everything set out in subsection 2 (1).

(2) For the purposes of clause (1) (c), the reference to source separated waste in clause 2 (1) (a) shall be deemed to be a reference to the waste described in clause (1) (b). O. Reg. 103/94, s. 4.

RETAIL SHOPPING ESTABLISHMENTS

5. (1) This section applies to the owner of an establishment that sells goods or services at retail to persons who come to the establishment if,

- (a) the establishment occupies premises with a floor area of at least 10,000 square metres; or
 - (b) the establishment occupies premises in a complex in respect of which section 6 applies and the owner of the establishment is solely responsible for the establishment's waste management.
- (2) The owner shall implement a source separation program for the wastes generated by the establishment or shall ensure that such a program is implemented.
- (3) This section applies only in respect of an establishment located within a local municipality that has a population of at least 5,000.
- (4) This section takes effect with respect to an establishment in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 5.

RETAIL SHOPPING COMPLEXES

- 6.** (1) This section applies to the owner of a complex that contains premises occupied by establishments that sell goods or services at retail to persons who come to the establishments if the total floor area of such premises is at least 10,000 square metres.
- (2) The owner shall implement a source separation program for the wastes generated at the complex or shall ensure that such a program is implemented.
- (3) The source separation program need not provide for the waste generated in the operation of an establishment in the complex if section 5 applies to the owner of the establishment.
- (4) This section applies only in respect of a complex located in a local municipality that has a population of at least 5,000.
- (5) This section takes effect with respect to a complex in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 6.

LARGE CONSTRUCTION PROJECTS

- 7.** (1) A person who undertakes, on their own behalf or on behalf of another person, a construction project consisting of the construction of one or more buildings with a total floor area of at least 2,000 square metres shall implement a source separation program for the waste that will be generated in the construction of the structure or shall ensure that such a program is implemented.
- (2) In addition to the requirements set out in section 2, the source separation program required under this section shall,
- (a) deal separately with each of the categories of waste set out in Part III of the Schedule that have been source separated from other kinds of waste and also from each other category of waste in Part III; or
 - (b) provide for removal from the building site of any commingled categories of waste set out in Part III of the Schedule and for the immediate separation of such waste from all other kinds of waste and also from each other category of waste in Part III, at,
 - (i) permanent premises of the person undertaking the construction project,
 - (ii) permanent premises of the person on whose behalf the construction project is undertaken, or
 - (iii) a waste disposal site operating under the authority of a certificate of approval or provisional certificate of approval.
- (3) The source separation program shall be implemented before construction work begins at the site. O. Reg. 103/94, s. 7.

LARGE DEMOLITION PROJECTS

- 8.** (1) A person who undertakes, on their own behalf or on behalf of another person, a demolition project consisting of the demolition of one or more buildings with a total floor area of at least 2,000 square metres shall implement a source separation program for the waste that will be generated in the demolition of the structure or shall ensure that such a program is implemented.
- (2) In addition to the requirements set out in section 2, the source separation program required under this section shall,
- (a) deal separately with each of the categories of waste set out in Part IV of the Schedule that have been source separated from other kinds of waste and also from each other category of waste in Part IV; or
 - (b) provide for removal from the demolition site of any commingled categories of waste set out in Part IV of the Schedule and for the immediate separation of such waste from all other kinds of waste and also from each other category of waste in Part IV, at,
 - (i) permanent premises of the person undertaking the demolition project,
 - (ii) permanent premises of the person on whose behalf the demolition project is undertaken, or
 - (iii) a waste disposal site operating under the authority of a certificate of approval or provisional certificate of approval.
- (3) The source separation program shall be implemented before demolition work begins at the site. O. Reg. 103/94, s. 8.

OFFICE BUILDINGS

9. (1) The owner of a building or group of buildings that has at least 10,000 square metres of floor area for use as offices shall implement a source separation program for the waste generated at the building or shall ensure that such a program is implemented.

(2) For purposes of subsection (1),

“group of buildings” means two or more buildings where,

(a) each of the buildings has the same ownership, and

(b) each of the buildings is in proximity to at least one other of the buildings such that there is at most one building or other real property of different ownership located between the two.

(3) For purposes of determining, under subsection (2), whether there is at most one building or other real property of different ownership located between two buildings, the following properties shall not be counted: public roads; public parks; and any land over which the public has a general right of access.

(4) This section applies only in respect of a building located within a local municipality that has a population of at least 5,000.

(5) This section takes effect with respect to a building in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 9.

MULTI-UNIT RESIDENTIAL BUILDINGS

10. (1) The owner of a building that contains six or more dwelling units shall implement a source separation program for the waste generated at the building.

(2) In subsection (1),

“owner” includes a condominium corporation created under the *Condominium Act*.

(3) This section applies only in respect of a building located within a local municipality that has a population of at least 5,000.

(4) This section takes effect with respect to a building in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 10.

RESTAURANTS

11. (1) This section applies to the owner of a restaurant, including a take-out restaurant.

(2) The owner shall implement a source separation program for the waste generated by the operation of the restaurant or ensure that such a program is implemented.

(3) This section does not apply with respect to a restaurant that occupies premises in,

(a) an establishment in respect of which section 5 applies;

(b) a complex in respect of which section 6 applies;

(c) a building in respect of which section 9 applies;

(d) a hotel or motel in respect of which section 12 applies;

(e) a hospital in respect of which section 13 applies;

(f) a location or campus of an educational institution in respect of which section 14 applies.

(4) This section does not apply to an owner of a restaurant in a particular calendar year if,

(a) during the two preceding calendar years there was no year in which the gross sales for all restaurants operated by the owner in Ontario equalled or exceeded \$3,000,000; and

(b) the owner is able to demonstrate this fact, within seven days of a request from the Director, through evidence satisfactory to the Director.

(5) Copies of the records related to purchase and sale maintained under subsection 5 (1) of Regulation 1013 of the Revised Regulations of Ontario, 1990 shall be deemed to be sufficient evidence of the gross sales of a restaurant if the copies are certified by the owner or the owner’s representative as to the accuracy of the records.

(6) This section applies only in respect of a restaurant located within a local municipality that has a population of at least 5,000.

(7) This section takes effect with respect to a restaurant in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 11.

HOTELS AND MOTELS

12. (1) The owner of a hotel or motel that has more than seventy-five units shall implement a source separation program for the wastes generated by the operation of the hotel or motel or shall ensure that such a program is implemented.

(2) This section applies only in respect of a hotel or motel located within a local municipality that has a population of at least 5,000.

(3) This section takes effect with respect to a hotel or motel in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 12.

HOSPITALS

13. (1) The operator of a public hospital classified as a class A, B or F hospital in Regulation 964 of the Revised Regulations of Ontario, 1990 shall implement a source separation program for the wastes generated by the operation of the hospital or shall ensure that such a program is implemented.

(2) This section applies only in respect of a public hospital located within a local municipality that has a population of at least 5,000.

(3) This section takes effect with respect to a public hospital in Northern Ontario on July 1, 1996. O.Reg. 103/94, s. 13.

EDUCATIONAL INSTITUTIONS

14. (1) This section applies to the operator of an educational institution in respect of a location or campus of the institution if, at the location or campus, at any time during the calendar year, more than 350 persons are enrolled.

(2) The operator shall implement a source separation program for the waste generated by the operation of the institution at the location or campus or shall ensure that such a program is implemented.

(3) This section continues to apply in respect of a location or campus for the two calendar years following the last year in which more than 350 persons were enrolled at the location or campus.

(4) This section applies only in respect of a location or campus located within a local municipality that has a population of at least 5,000.

(5) This section takes effect with respect to a location or campus in Northern Ontario on July 1, 1996. O. Reg. 103/94, s. 14.

LARGE MANUFACTURING ESTABLISHMENTS

15. (1) This section applies to the owner or operator of a site that is a manufacturing establishment.

(2) The owner shall implement a source separation program for the waste generated by the operation of the establishment at the site or shall ensure that such a program is implemented.

(3) This section does not apply to an owner of a site in a particular calendar year if,

(a) during the two preceding calendar years there was no calendar month in which the hours worked by the persons employed at the site exceeded 16,000 hours; and

(b) the owner is able to demonstrate this fact, within seven days of a request from the Director, through evidence satisfactory to the Director.

(4) Copies of the records related to hours of employment maintained under section 11 of the *Employment Standards Act* shall be deemed to be sufficient evidence of hours worked at a site if the copies are certified by the owner or the owner's representative as to the accuracy of the records.

(5) In this section,

“owner” includes the operator of a manufacturing establishment but does not include a landlord;

“site” means one property and includes nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not travelling along, a public highway. O. Reg. 103/94, s. 15.

TRANSITION

16. Except as otherwise provided, a person who, upon the coming into force of this Regulation, or at any time within twelve months after the coming into force of this Regulation, becomes subject to an obligation with respect to the implementation of a source separation program shall fulfil the obligation within twelve months after the coming into force of this Regulation. O. Reg. 103/94, s. 16.

SCHEDULE WASTES TO BE PROVIDED FOR IN SOURCE SEPARATION PROGRAMS

PART I RETAIL SHOPPING ESTABLISHMENTS

(referred to in section 5)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).

3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART II
RETAIL SHOPPING COMPLEXES

(referred to in section 6)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART III
LARGE CONSTRUCTION PROJECTS

(referred to in section 7)

1. Brick and Portland cement concrete.
2. Cardboard (corrugated).
3. Drywall (unpainted).
4. Steel.
5. Wood (not including painted or treated wood or laminated wood).

PART IV
LARGE DEMOLITION PROJECTS

(referred to in section 8)

1. Brick and Portland cement concrete.
2. Steel.
3. Wood (not including painted or treated wood or laminated wood).

PART V
OFFICE BUILDINGS

(referred to in section 9)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART VI
MULTI-UNIT RESIDENTIAL BUILDINGS

(referred to in section 10)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Glass bottles and jars for food or beverages.
3. Newsprint.

4. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
5. Steel food or beverage cans (including cans made primarily of steel).
6. The categories of waste that are collected or accepted by the blue box waste management system, if any, of the municipality where the building is located.

PART VII
RESTAURANTS

(referred to in section 11)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
7. Steel food or beverage cans (including cans made primarily of steel).

PART VIII
HOTELS AND MOTELS

(referred to in section 12)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Polyethylene terephthalate bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
7. Steel food or beverage cans (including cans made primarily of steel).

PART IX
HOSPITALS

(referred to in section 13)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.
6. Steel food or beverage cans (including cans made primarily of steel).

PART X
EDUCATIONAL INSTITUTIONS

(referred to in section 14)

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Cardboard (corrugated).
3. Fine paper.
4. Glass bottles and jars for food or beverages.
5. Newsprint.

6. Steel food or beverage cans (including cans made primarily of steel).

PART XI
LARGE MANUFACTURING ESTABLISHMENTS
(referred to in section 15)

1. Aluminum.
2. Cardboard (corrugated).
3. Fine paper.
4. Glass.
5. Newsprint.
6. Polyethylene (high density) jugs, pails, crates, totes and drums.
7. Polyethylene (linear low density and low density) film.
8. Polystyrene (expanded) foam.
9. Polystyrene trays, reels and spools.
10. Steel.
11. Wood (not including painted or treated wood or laminated wood).

O. Reg. 103/94, Sched.