

## **Addendum to the Minister's Direction Letter to Wind Up the Waste Diversion Program for Municipal Hazardous or Special Waste (MHSW)**

SO is directed to develop a plan to wind up the diversion program for MHSW that includes the following:

- A description of the designated wastes that are covered by the MHSW program, including a description of designated wastes to which an industry stewardship plan (ISP) relates.
- A description of how the program will be operated while the plan is being implemented and until the program ceases operation.
- A proposed timeline according to which key aspects of the plan will be implemented.
- A description of and a proposal for dealing with the assets, liabilities, rights and obligations of SO in relation to the waste diversion program for MHSW including:
  - All monies held in trust by SO related to the waste diversion program for MHSW pursuant to Section 35 of the WDTA.
  - Any other assets of SO related to the waste diversion program for MHSW, including, and without limitation, any intellectual property, physical assets or real property.
  - Any liabilities incurred by SO during the development and implementation of the waste diversion program for MHSW and anticipated to be incurred during the development and implementation of the wind up plan.
  - A detailed account of anticipated costs to operate and wind up the waste diversion program for MHSW, and a detailed account of how SO will finance these costs.
  - A detailed account of how SO proposes to equitably apportion its assets, liabilities, rights and obligations among stewards of municipal hazardous or special materials (MHSM) (including stewards that formerly participated in the waste diversion program for MHSW and now participate in ISPs), and among stewards of MHSM and stewards of products that result in Blue Box waste.
- A description of and a proposal for dealing with any program surpluses or deficits associated with any of the MHSW, including:
  - An approach to limit program expenditures necessary to maintain or exceed current program performance for both collection and processing until the program ceases operation.
  - Proposed rules governing stewards fees that are in accordance with the principles set out in Section 33 of the WDTA.
  - The wind up plan and accompanying rules shall set out a process for returning surplus funds to stewards in proportion to stewards' contribution to these surpluses. The rules governing the return of program surpluses to stewards must include stewards of MHSM categories for which there is an approved ISP (including stewards that formerly participated in the waste diversion program for MHSW and now participate in ISPs).
  - The rules governing the return of surpluses may include a fee elimination for MHSM categories managed by SO, as long as the fee elimination will be in effect until the waste diversion program for MHSW ceases operation. Any fee elimination date must be approved by the Authority.

- Except as the return of surplus funds is governed by rules for a fee elimination, the surplus should be returned to the stewards who contributed to the surplus within three months of the plan being approved.
  - Any return of surplus funds to stewards will be determined in a manner that would provide for sufficient funds to cover the costs set out in subsection 33 (5) of the WDTA, including costs of operating the program, costs incurred to wind up the waste diversion program for MHSW, as well as costs incurred by the Authority under clauses 33 (5) (iv), (v) and (vi).
- A description of all data and information that is within SO's custody or control and that is related to the operation of the waste diversion program for MHSW since the Minister's program request letter (December 12, 2006), and a proposal for transferring all data and information to the Authority, including:
    - The process for transferring all data and information to the Authority within any timeframes specified by the Authority.
    - The data and information that is to be transferred to the Authority, including, but not limited to:
      - A list of all registered stewards (including stewards that participate in ISPs), including their business addresses and contact information, the nature of each steward's designation under the WDTA (e.g. whether designated because the steward is a brand holder, a first importer, or other person with a commercial connection to MHSW); the classes of MHSW for which the steward is designated; the number of classes of MHSW for which the steward is designated; the number of materials in each class supplied by the steward into the Ontario marketplace;
      - Data and information relating to the collection and management of MHSW, including a list of collectors, haulers, processors, recycled product manufacturers, operators of sites that manage and dispose of MHSW, and persons operating approved ISPs, their business address, business contact information and past program performance data and information; and,
      - Other additional data and information requested by the Authority.
    - Data and information related to the waste diversion program for MSHW that is in SO's custody or control shall not be for sale.
- A proposal for identifying confidential or personal data and information related to the waste diversion program for MHSW and indicating how such data and information will be supplied in confidence when transferring it to the Authority, which will assist the Authority in determining its treatment of such data and information based on applicable law and policies.
- The procedures that SO is putting in place to ensure there is no real, potential or apparent conflict of interest in respect of the plan's development, contents or implementation. Without limiting the scope of these procedures, the plan should address:
    - Any real, potential or apparent conflict of interest in respect of SO's relationship with the Canadian Stewardship Services Alliance (CSSA) and persons operating approved ISPs.
    - Any necessary steps to ensure that the CSSA and persons operating approved ISPs do not receive preferential treatment over other potential market participants in respect of MHSW resource recovery markets that may be created under the RRCEA.

- An approach that outlines how SO will deal with any information technology systems related to the waste diversion program for MHSW to ensure fair and equitable access to all users, as an alternative to disposing of these assets for fair market value.
- A description of changes to the program that are anticipated to be necessary to implement the wind up plan.

I am further directing that the plan to wind up the waste diversion program for MHSW include the following:

- A detailed report of SO's communications with affected stakeholders and the public during the development of the wind up plan.
- A detailed proposal for a communications plan for all affected stakeholders and the public during the implementation of the wind up plan, if approved, including:
  - The process by which SO will provide information to the affected stakeholders and the public on a regular basis.
  - A description of the key steps that will be taken by SO to wind up the waste diversion program for MHSW, and show how affected stakeholders and the public will be affected by the wind up.
  - A summary of lessons learned based on consumer feedback related to the waste diversion program for MHSW.
- A detailed report of how SO has met the consultation requirements of subsection 14 (13) of the WDTA during the development of the wind up plan, including:
  - A list of the stewards, municipalities, service providers, persons operating approved ISPs and other affected stakeholders that were consulted during the development of the plan.
  - A summary of the communications directed by SO through its outreach channels and analytics on responses.
  - A summary of the comments received by SO from affected stakeholders.
  - A report of how the comments were considered by SO in the development of the wind up plan.

