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RE: Final Report on Pilot Project Between Canada and the United States Regarding the Transboundary Movement of Municipal Solid Waste (MSW)

Environment Canada and the United States Environmental Protection Agency (U.S. EPA) conducted a voluntary pilot project in 2005 between the two governments to test the implementation of a notice and consent scheme with respect to the movements of municipal solid waste (MSW). The notice and consent scheme was patterned after the existing hazardous waste export notice process used for hazardous waste shipments under the *Agreement Between the Government of Canada and the Government of the United States of America Concerning the Transboundary Movement of Hazardous Waste* (The Bilateral Agreement). Enclosed is a copy of the final report.

We are pleased to report that the project was successful. A total of six Canadian exporters volunteered and submitted a total of fourteen notices under the pilot project, which began on April 1, 2005 and concluded on December 31, 2005. All of the notices were for exports from Ontario to landfills in Michigan. The two landfills were Republic Services' Carleton Farms Landfill and Waste Management's Pine Tree Acres Landfill. All wastes described in the export notices were shipped via tractor trailer, and accounted for approximately forty percent of the total volume of Canadian MSW disposed in Michigan landfills (based on a comparison with Michigan's data regarding the annual waste flows between October 1, 2004 and September 30, 2005). After performing a detailed review of the export notices and receiving landfills, U.S. EPA officials provided feedback to Environment Canada officials stating that the shipments of MSW described in the notices did not conflict with applicable federal and State of Michigan requirements.

Upon completion of the pilot project, U.S. EPA and Environment Canada conducted an assessment and evaluation that analyzed the experiences of the various participants in the pilot project. Specifically, we have drawn the following conclusions:

- The pilot project served as a good testing ground for future notice-and-consent activities for MSW, particularly in establishing procedures, roles and responsibilities of the key players in these import/export transactions.
- The pilot project demonstrated that the 30-day period for notice review and feedback under Article 3 of the Bilateral Agreement is an attainable deadline for MSW notifications.

- Because of the variability in state and provincial/territorial requirements regarding MSW, an appropriately-structured notice review process may be needed to address these specific requirements efficiently.
- The pilot project provided Environment Canada with beneficial information for developing regulatory provisions for the export and import of non-hazardous waste for final disposal.
- Compliance assistance and data management tools developed by U.S. EPA during the pilot project should prove useful in future notice and consent activities for MSW.

If you have any questions about the report or wish to discuss it further, please feel free to contact Martin Sirois (819) 934-3545 of Environment Canada's Waste Management Division, and Frank McAlister at (703) 308-8196 or Laura Coughlan at (703) 308-0005 in the Hazardous Waste Identification Division of U.S. EPA's Office of Solid Waste.

Sincerely,



Martin Sirois
A/Director, Waste Management Division
Environment Canada



Robert Dellinger
Director, Hazardous Waste Identification Division
Office of Solid Waste
U.S. EPA

Enclosure