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NEWFOUNDLAND AND LABRADOR
REGULATION 100/18

Used Oil and Used Glycol Control Regulations
under the
Environmental Protection Act
(O.C. 2018-220)

(Filed November 1, 2018)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's , November 1, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Short title

1. These regulations may be cited as the *Used Oil and Used Glycol Control Regulations* .

Interpretation

2. (1) In these regulations

(a) "Act" means the *Environmental Protection Act* ;

(b) "contingency plan" means planned procedures for reporting, containing, removing and cleaning up a spill or leak;

(c) "container" means a storage vessel normally sealed by means of a lid or other device that neither liquid nor vapour will escape from it at ordinary temperatures and is designed or approved for the storage of the contained product;

(d) "department" means the department presided over by the minister;

(e) "generator" means a person who generates used oil or used glycol and includes a used oil or used glycol collector;

(f) "glycol" means ethylene or propylene glycol used or intended for use as a vehicle or commercial engine coolant but does not include

(i) plumbing antifreeze,

(ii) windshield washer antifreeze,

(iii) lock de-icer and lock antifreeze, and

(iv) gasoline and diesel antifreeze;

(g) "glycol container" means a container with a capacity of 50 litres or less manufactured for the purpose of holding glycol;

(h) "leak" means a discharge of used oil or used glycol from a storage tank system, container, pipeline, tank vessel, tank car or tank vehicle other than through the usual function for which the storage tank system, container, pipeline, tank vessel, tank car or tank vehicle was designed;

(i) "minister " means the minister appointed under the *Executive Council Act* to administer the Act;

(j) "oil" means

(i) petroleum or synthetic derived crankcase oil, engine oil and gear oil,

(ii) hydraulic fluid, transmission fluid and heat transfer fluid, and

(iii) fluid used for lubricating purposes in machinery or equipment;

(k) "oil container" means a container with a capacity of 50 litres or less manufactured for the purposes of holding oil;

(l) "oil filter" means a spin-on style or element style fluid filter that is used in hydraulic, transmission or internal combustion engine applications and includes a diesel fuel filter, a storage tank fuel filter, a household furnace oil filter but does not include a gasoline filter;

(m) "oil separator" means a device used to separate and remove oily wastes from oil and water mixtures;

(n) "person" includes a group of persons whether or not they are incorporated;

(o) "residence" means a house, mobile home, apartment, cottage, cabin or other dwelling and ancillary buildings including sheds, garages and other attached or detached buildings, whether temporary or permanent;

(p) "return facility" means a facility that accepts used oil, used oil filters, oil containers, used glycol and glycol containers from persons who wish to return them, and that is identified as a collection facility through an approved oil and glycol stewardship plan;

(q) "secondary containment" means containment that prevents leaks from the primary storage tank system from reaching outside the containment area and includes double-wall storage tanks and piping and impermeable barriers;

(r) "spill" means a loss of used oil or used glycol in excess of 70 litres from a storage tank system, pipeline, tank vessel or vehicle onto or into the soil or water;

(s) "storage facility" means a facility set up for the purpose of collecting and storing used oil or used glycol and includes all associated storage tank systems, loading and unloading areas and used oil or used glycol transport vehicle parking areas;

(t) "storage tank system" means an atmospheric closed storage tank, including associated piping and secondary containment, used or intended for use for the containment of used oil or used glycol that is located in a stationary location, including a temporary arrangement on cradles, skids or wheels;

(u) "total petroleum hydrocarbons" means the sum of total purgeable and total extractable hydrocarbons;

(v) "used glycol" means glycol that, through use, storage or handling, can no longer be used for its original purpose;

(w) "used oil" means oil that, through use, storage or handling, can no longer be used for its original purpose;

(x) "used glycol collector" means a person holding a valid certificate of approval, issued by the minister to engage in the business of collecting, transporting, storing, selling and handling used glycol and includes an agent of a used glycol collector; and

(y) "used oil collector" means a person holding a valid certificate of approval, issued by the minister to engage in the business of collecting, transporting, storing, selling and handling used oil and includes an agent of a used oil collector.

(2) For the purpose of these regulations, used oil, used oil filters, oil containers, used glycol and glycol containers shall be considered to be waste material.

Designate

3. The minister may designate an employee of the government to act on his or her behalf for the purpose of these regulations.

Disposal of used oil and used glycol

4. (1) In this section

(a) "used oil" includes any mixture of used oil and another liquid where the concentration of total petroleum hydrocarbons exceeds 15 parts per million; and

(b) "used glycol" includes any mixture of used glycol and another liquid where the concentration of glycol exceeds 15 parts per million.

(2) A person shall not

(a) deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil or used glycol, either directly or indirectly, into a body of water, a sanitary or storm sewer or septic system or to a fixture, catch basin or drain, leading to a sanitary or storm sewer, septic system or into a body of water unless the fixture, catch basin or drain has incorporated into its design a method or means to retain and remove the used oil or used glycol in a manner acceptable to the minister;

(b) apply, abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil or used glycol on public or private land, including a highway, road, lane, trail, bridge, parking area or quarry, for any purpose, including dust suppression;

(c) abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil, used oil filters, oil containers, used glycol or glycol containers in a waste disposal site except in accordance with paragraph 6(b);

(d) place used oil, used oil filters, oil containers, used glycol or glycol containers in a container or with other waste material, intended for pick up for transportation to a waste disposal site except in accordance with paragraph 6(b);

(e) apply or use used oil as a base for a preparation to be applied to the underside of vehicles as a rust inhibitor; and

(f) sell, give for use or use used oil as a lubricant or coating for a chainsaw or other mechanical device.

Combustion

5. (1) A person shall not

(a) abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil, used oil filters, oil containers, used glycol or glycol containers or place used oil, used oil filters, oil containers, used glycol or glycol containers in or with other waste material intended for pick up for transportation to an incinerator;

(b) use used oil as a fuel or otherwise combust used oil, used oil filters, oil containers, used glycol or glycol containers in a furnace, boiler, burner or other combustor located in, attached to or associated with a residence for the purpose of heating a residence or for another purpose; or

(c) ignite used oil, used oil filters, oil containers, used glycol or glycol containers to start a brush fire, bonfire or incinerator or for firefighting training or practice.

(2) A person shall not use used oil as a fuel or otherwise combust used oil in a furnace, boiler, burner or other combustor unless the furnace, boiler, burner or other combustor complies with the *Air Pollution Control Regulations, 2004* .

Disposal of certain substances prohibited

6. A person shall not dispose of oil, used oil, used oil filters, oil containers, glycol, used glycol or glycol containers unless that disposal is made to

(a) a return facility;

(b) a waste disposal site established under the Act and approved for that purpose by the minister; or

(c) an area that the minister may designate as appropriate for the purpose of the disposal of oil, used oil, used oil filters, oil containers, glycol, used glycol or glycol containers.

Storage facility owner responsibilities

7. An owner of a storage facility shall ensure that

(a) by means of gates, fencing, locks, guards or otherwise, only people authorized by the owner have access to used oil or used glycol at the storage facility;

(b) a person who accepts, handles, stores or deposits used oil or used glycol at the storage facility is

(i) knowledgeable about relevant legislation, departmental policy and the storage facility's contingency plan, and

(ii) is one of the following:

(A) an owner of the storage facility,

(B) a person who has the charge, management or control of the storage facility, or

(C) an employee of one of the persons referred to in clause (A) or (B);

(c) used oil or used glycol is stored in a registered storage tank system which

(i) bears a visible and legible label or other identification that indicates

(A) the registration number for the storage tank system,

(B) that it contains used oil or used glycol, and

(C) the name and address of the storage facility, where the storage facility is an aboveground storage tank,

(ii) is stored, handled and maintained so as to prevent leaks or spills of used oil or used glycol, damage or deterioration of the storage tank system or any adverse effect, and

(iii) is installed in a manner that facilitates both the use of fire fighting equipment and spill or leak containment and clean-up equipment throughout the storage facility and surrounding area and the inspection of the storage facility by an inspector;

(d) the label or other identification referred to in paragraph (c) is located on the fill pipe for an underground storage tank system;

(e) all storage tank systems at the storage facility are visually inspected for leaks and spills of used oil or used glycol by a person who is knowledgeable about the requirements pertaining to used oil or used glycol storage facilities, at least once during each day in which the storage facility is open or other intervals determined by the minister;

(f) at the time of an inspection referred to in paragraph (e) the person performing the inspection legibly records his or her name, the date and the findings of the inspection and that inspection record is kept at the storage facility for a period not less than 3 years after it is made;

(g) in the event of a spill or leak from a storage tank system the department is immediately notified and the steps necessary to abate the discharge, clean the area affected and restore the environment to the satisfaction of the department are undertaken;

(h) the facility's contingency plan is reviewed and updated

(i) annually,

(ii) after an event has occurred requiring the implementation of the contingency plan to determine its effectiveness during the event and areas for improvement, and

(iii) when staff changes occur which may affect the implementation of the contingency plan;

(i) used oil or used glycol is not accepted at the storage facility unless

(i) the used oil or used glycol is to be combusted, disposed or otherwise processed at the storage facility, or

(ii) provisions for the ongoing removal of all used oil or used glycol at the storage facility have been made;

(j) used oil or used glycol is removed from the storage facility only by a person to whom a certificate of approval has been issued under the Act authorizing the transport of used oil or used glycol;

(k) upon removal of used oil or used glycol from the storage facility a record is created and maintained that has information regarding the date of removal, the amount removed and the name of the person to whom the used oil or used glycol was transferred and that the record is kept at the storage facility for a period not less than 3 years after it is made; and

(l) verbal or written complaints of an environmental nature received from the public related to the activities of the storage facility, whether or not they are received anonymously, are reported to the department within one working day.

Registration of storage tank systems

8. (1) A person applying for registration of a storage tank system shall provide

(a) information on the location of the storage facility;

(b) the plans and specifications of the storage facility;

(c) information on the training of employees;

(d) the contingency plan for the prevention, detection, and handling of leaks and spills;

(e) an outline of the methods of filling and emptying each storage tank;

(f) proof of environmental impairment insurance in an amount required by the minister;

(g) a completed application in a form prescribed by the minister; and

(h) other information that may be required by the minister.

(2) The minister may accept or reject an application for registration.

(3) When an application for registration has been accepted the minister may issue a certificate of registration.

(4) Where the ownership of a storage facility changes, the new owner shall register the storage tank systems at the storage facility under the new owner's name within 90 days of the change of ownership.

Prohibition

9. (1) A person in possession of used oil or used glycol, including a return facility, shall not construct, install, alter or operate any associated equipment or engage in the storage of used oil or used glycol without a valid certificate of registration issued under these regulations.

(2) Subsection 9(1) does not apply to a person who stores 205 litres or less of used oil or used glycol on his or her property.

(3) A person referred to in subsection (2) shall

(a) store used oil and used glycol in accordance with section 11; and

(b) dispose of used oil and used glycol in accordance with section 6.

Amendment, suspension or cancellation of registration

10. The minister may amend, suspend or cancel a registration for failure by the holder of the certificate to comply with a provision of the Act or these regulations .

Construction standards

11. (1) All generators of used oil or used glycol shall have in place a storage tank system in accordance with this section.

(2) A used oil or used glycol storage tank system shall

(a) be constructed, shop tested, installed and maintained in accordance with standards acceptable to the minister;

(b) be designed and installed so as to have secondary containment of the tank and all associated piping;

(c) where the tank is manually filled, be fitted with a funnel having a capacity of at least 25 litres and the funnel shall include a rain cover and a screen;

(d) have used oil or used glycol removal or transfer connections located within a spill containment; and

(e) have

(i) interstitial leak detection devices located within all secondary containments which shall be operated at all times when the used oil or used glycol storage tank system contains any used oil or used glycol, or

(ii) alternative interstitial space monitoring procedures or methods established for all secondary containments where the minister has reviewed and accepted, in writing, those alternative proposals.

(3) Notwithstanding subsection (1), used oil or used glycol may be stored in one or more containers where the containers

(a) are manufactured for the purpose of storing oil, glycol, used oil or used glycol;

(b) have a secondary containment system that retains not less than 110% of the capacity of the volume stored, where greater than 50 litres is stored; and

(c) meet any other requirements set by the minister.

(4) In addition to the requirements in subsection (3), where greater than 205 litres of used oil or used glycol is to be stored in one or more containers, the storage shall be approved by the minister.

(5) Notwithstanding subsection (1), used oil that has been separated by an oil separator may be stored in the oil separator until the used oil is transferred to a storage tank system or a container.

(6) A person shall not use or operate an oil separator and associated piping unless the oil separator

(a) is registered with the minister;

(b) is installed and maintained in accordance with the manufacturer's instructions; and

(c) meets any other requirements set by the minister.

Inspections

12. (1) A person who owns or operates a storage facility for handling used oil or used glycol shall furnish information, plans, records, reports and agreements and carry out tests and examinations that an inspector may require for the purpose of carrying out these regulations.

(2) A person shall not hinder or obstruct an inspector in the lawful performance of his or her duties or furnish false information to an inspector.

(3) In a prosecution, proceeding or hearing under the Act or these regulations, the production of a certificate or report of an inspector as to the analysis, description, ingredients, quality or quantity of used oil or used glycol shall be considered to be evidence of the facts stated in that certificate or report.

Transitional

13. A certificate of approval issued under the *Used Oil Control Regulations* remains valid until the expiry date stated in the certificate.

Repeal

14. The *Used Oil Control Regulations* , Newfoundland and Labrador Regulation 82/02, are repealed .

Commencement

15. These regulations come into force 6 months after their publication in the Gazette.

(In force on May 2, 2019)