

This is not the official version.

Copyright © 2003: Queen's Printer,
St. John's, Newfoundland and Labrador, Canada

**NEWFOUNDLAND AND LABRADOR
REGULATION 82/02**

Used Oil Control Regulations
under the
Environmental Protection Act
(O.C. 2002-430)

(Filed November 18, 2002)

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 12, 2002.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

Analysis

1. Short title
2. Interpretation
3. Designate
4. Used grease
5. Disposal of used oil or used grease
6. Combustion of used oil or used grease
7. Prohibition on contaminating used oil

8. Disposal of certain substances prohibited

9. Used oil filters

10. Application

11. Return facilities for used lubricating oil

12. Used lubricating oil visual inspection

13. Storage facilities

14. Industrial vendors

15. Storage facility owner responsibilities

16. Application

17. Storage of used oil by classification

18. Certificates of approval for used oil collection, storage and transportation

19. Application for certificate of approval

20. Suspension or cancellation of certificate of approval

21. Construction standards

22. Ownership of used oil

23. Accreditation standards

24. Inspections

25. Offences

26. Commencement

Schedule

Short title

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

Interpretation

2. (1) In these regulations,

(a) "accredited laboratory" means a laboratory formally recognized as being competent to carry out specified tests and meeting departmental policy;

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

(c) "class 1" means used oil in which the concentration of each contaminant listed in column 1 of the Schedule is equal to or below the corresponding level in column 2 of the Schedule;

(d) "class 2" means used oil in which the concentration of each contaminant listed in column 1 of the Schedule is equal to or below the corresponding level in column 2 of the Schedule with the exception of lead which is above the corresponding level in column 2 of the Schedule but below or equal to the corresponding level in column 3 of the Schedule;

(e) "class 3" means used oil in which the concentration of each contaminant listed in column 1 of the Schedule is equal to or below the corresponding level in column 2 of the Schedule, with the exception of polychlorinated biphenyls (PCBs) and total organic halogens (TOHs) with the concentration of PCBs or TOHs being

above the corresponding level in column 2 of the Schedule and equal to or below the corresponding level in column 3 of the Schedule;

(f) "class 4" means used oil in which the concentration of at least one of the contaminants listed in column 1 of the Schedule is above the corresponding level in column 3 of the Schedule;

(g) "contaminated used oil" means used oil which contains one or more contaminants, excluding those contaminants listed in column 1 of the Schedule, including paint, paint thinner, chemical solvent or gasoline;

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

(i) "generator" means a person who generates used oil either directly in his or her business or indirectly as a vendor and includes a used oil collector;

(j) "grease" means a semisolid lubricant composed of a fluid hydrocarbon based lubricant thickened with a material that contributes a degree of plasticity;

(k) "high efficiency" means having a retention time of at least 2 seconds at a temperature of at least 1250° Celsius;

(l) "industrial user" means a person who purchases lubricating oil from an industrial vendor;

(m) "industrial vendor" means a vendor who sells lubricating oil directly to industrial users by a contract that includes provisions respecting the life cycle management of the lubricating oil;

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

(o) "life cycle management" means a process that ensures the appropriate environmental management of used lubricating oil, including the return of used lubricating oil from all contracted industrial users to the industrial vendor for recycling, treatment, reuse or disposal;

(p) "lubricating oil" means crankcase oil, gear oil and transmission fluid;

(q) "minister" means the minister appointed under the *Executive Council Act* to administer the *Environmental Protection Act*;

(r) "oil" means a hydrocarbon mixture that is refined from crude or synthetic oil, and includes naphtha, middle distillates, fuel oil, base stocks, mineral spirits, hydraulic fluids, metal working fluids, insulating fluids or coolants, treated oil and hydrocarbon solvents, but does not include gasoline, grease, chemical solvents, ethylene glycol or oil derived from animal or vegetable fats;

(s) "organic halogen" means an organic chemical into which one or more of the halogen elements are incorporated;

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

(u) "polychlorinated biphenyls" or "PCBs" means chlorobiphenyls that have a molecular formula $C_{12}H_{10-n}Cl_n$ in which "n" is greater than 2;

(v) "remote" means, with reference to a community, not connected to the provincial road network and not connected, even seasonally, by a scheduled ferry capable of carrying a tank truck with a capacity of 9,000 litres;

(w) "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;

(x) "return facility" means a facility set up, in accordance with section 11, for the purpose of collecting used lubricating oil returned by the general public;

(y) "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;

(z) "spill" means a loss of used oil or used grease in excess of 70 litres from a storage tank system, pipeline, tank vessel or vehicle onto or into the soil or water and "spillage" has a corresponding meaning;

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

(bb) "storage tank" means a closed container with a capacity greater than 205 litres, used or intended for use for the containment of petroleum products, that is located in a stationary location, including a temporary arrangement on cradles, skids or wheels;

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

(dd) "used grease" means grease that as a result of spillage or contamination by any means or by its use, is altered so that it is no longer suitable for its intended purpose;

(ee) "used lubricating oil" means lubricating oil that as a result of its use, storage or handling, is altered so that it is no longer suitable for its intended purpose but is suitable for re-refining or other permitted uses;

(ff) "used lubricating oil recycling logo" means a logo that is designated by the minister;

(gg) "used oil" means a used lubricating oil or waste oil;

(hh) "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;

(ii) "vendor" means a person who stores lubricating oil for sale direct to customers, and includes a bulk oil plant, service station, marine station, department store, grocery store, auto supply store, drug store, or other fixed location, and a truck, van or other mobile unit, or business that sells, or offers for sale, lubricating oil; and

(jj) "waste oil" means an oil that as a result of contamination by any means or by its use, is altered so that it is no longer suitable for its intended purpose.

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

(3) Where these regulations provide a discretion to the minister, a person may apply to the minister in writing, to request the minister to exercise his or her discretion.

Designate

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

Used grease

4. (1) A person generating used grease shall ensure that

(a) used grease is collected and stored in suitable lidded containers including barrels, drums or pails;

(b) containers used to collect and store used grease have their lids in place or are otherwise kept covered at all times except when used grease is being placed into or being removed from the containers;

(c) containers used to collect and store used grease are stored in a manner that ensures that the used grease stored in the container does not come into contact with precipitation; and

(d) used grease is disposed of in accordance with the requirements of subsection 22(6).

(2) Notwithstanding subsection (1), a person may use other measures, acceptable to the minister, to prevent the release of used grease into the environment.

Disposal of used oil or used grease

5. (1) In this section, "used oil" includes any mixture of used oil and another liquid where the concentration of total petroleum hydrocarbons 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 grease, either directly or indirectly, into a body of water or a sanitary or storm sewer, or to a fixture, catch basin, or drain, leading to a sanitary or storm sewer, 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 grease in a manner acceptable to the minister;

(b) apply, abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil or used grease 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 or used grease in a waste disposal site;

(d) place used oil or used grease in a container, or with other waste material, intended for pick up for transportation to, a waste disposal site;

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

(f) use used grease in an explosive formulation to facilitate the legitimate use of explosives;

(g) use used oil in an explosive formulation to facilitate the legitimate use of explosives unless the facility, company or person has a certificate of approval to use used oil for this purpose issued under the Act; and

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

(i) the used oil is a class 1 used oil,

(ii) the used oil has a flash point greater than 38° Celsius, and

(iii) the used oil is obtained from a facility which has a certificate of approval issued under the Act.

(3) The minister may waive the requirements of paragraphs (2)(c) and (d) with respect to a remote community where in his or her opinion no other viable means exists to properly treat or dispose of used oil.

Combustion of used oil or used grease

6. (1) A person shall not

(a) abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil or used grease, or place used oil or used grease in a container, in or with other waste material intended for pick up for transportation to an incinerator other than one referred to in subsection (2);

(b) use used oil or used grease as a fuel or otherwise combust used oil or used grease 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 or used grease to start a brush fire, bonfire, or incinerator or for fire fighting training or practice.

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

Prohibition on contaminating used oil

7. (1) Notwithstanding section 17, a person shall not

(a) contaminate used oil with, or add to used oil, paint, paint thinner, chemical solvent, gasoline or another substance except used oil; or

(b) knowingly mix used oils of class 1, class 2, class 3, or class 4 with other used oil or hydrocarbon except

(i) in quantities less than 10 litres, including

(A) used lubricating oil returned by the public to a return facility, or

(B) used oil collected by industry in a manner similar to that referred to in clause (A),

(ii) in the collection of used oil by a licensed used oil collector using a bulking truck,

(iii) in the initial bulking in a fixed tank by the same used oil collector,

(iv) that used oil may be mixed with another volume of used oil in the same class,

(v) a person referred to in subsection 6(2), or

(vi) by the owner of an industrial or processing works approved under the Act to facilitate the efficient delivery of the used oil feedstock to the works.

(2) The mixing of otherwise uncontaminated products resulting from the flushing of product lines from a tanker, tank vessel, tank car or tanks at a bulk plant or similar facility is not considered contamination as referred to in paragraph (1)(a).

Disposal of certain substances prohibited

8. Except as provided for in clause 7(1)(b)(i)(A), a person shall not dispose of used grease, waste oil, contaminated used oil, class 2, class 3 or class 4 used oil at a return facility.

Used oil filters

9. (1) A person removing filters containing used oil from vehicles or equipment on a commercial or maintenance basis shall ensure that free flowing oil is drained from them and they are placed in an appropriate container.

(2) A used oil collector or an owner of a return facility shall ensure, with respect to oil filters referred to in subsection (1), that

(a) the filters are crushed, punctured, perforated or otherwise have their structural integrity compromised so that all free flowing used oil is drained from the filters;

(b) the used oil that drains from the filters is collected for placement into an approved storage facility; and

(c) once drained, the filters are collected for recycling or disposal in a manner acceptable to the department including deposit in a waste material disposal site.

(3) Notwithstanding subsections (1) and (2), the minister may require other measures be taken to prevent the release of used oil, from filters, to the environment.

Application

10. Sections 11 to 15 and 17 to 24 do not apply to households, individual fishers, farmers or loggers consuming less than 400 litres of lubricating oil a year, but they shall return used lubricating oil to a return facility as required in section 11.

Return facilities for used lubricating oil

11. (1) Beginning on April 1, 2003, every vendor, except an industrial vendor or one who sells less than 1,000 litres a year and does not, as part of his or her business, engage in activities that result in the accumulation of used oil at his or her premises, shall

(a) provide a return facility at the vendor's premises; or

(b) contract with a person who operates a return facility who agrees to accept used lubricating oil from the vendor's customers.

(2) A return facility described in paragraph (1)(b) shall be located within a 5 kilometer radius of the vendor's premises.

(3) Notwithstanding subsection (2), where geographical or other considerations do not allow a person to contract with a person within a 5 kilometer radius, the minister may, in writing waive the 5 kilometer requirement to permit a vendor to contract with a person who operates a return facility which is located outside a 5 kilometer radius of the vendor's premises.

(4) Beginning on April 1, 2003, a vendor, except an industrial vendor or one who sells less than 1,000 litres a year, shall

(a) post, at the entrance to the vendor's premises, at the point of display or at the point of sale, at least one sign that

(i) clearly displays the used lubricating oil recycling logo,

(ii) contains information regarding the return facility on the vendor's premises and, if applicable, the name and location of an alternate return facility as described in paragraph (1)(b),

(iii) contains information regarding the days and hours during which used lubricating oil shall be accepted at the return facility or the alternate return facility, if applicable, and

(iv) clearly indicates that contaminated oil shall not be accepted; and

(b) provide an area, either at the point of display or point of sale, for the display of educational materials in the form of pamphlets and other appropriate materials made available by the lubricating oil industry, the department or other authorized official.

(5) Each vendor, or designate in accordance with paragraph (1)(b) shall, at the return facility or, if addressed in a written agreement in accordance with subsection 13(1)(b), at an alternate return facility, accept back used lubricating oil from a customer,

(a) in the event of the sale of a quantity of lubricating oil to the customer, an amount equal to at least the quantity purchased;

(b) provided that the used lubricating oil is in closed containers;

(c) provided that the used lubricating oil is considered acceptable subsequent to the visual inspection conducted in accordance with paragraph 12(1)(a);

(d) only at the times posted under subparagraph (4)(a)(iii), those times to be, at a minimum, normal business hours; and

(e) without direct charge.

(6) A vendor shall not reduce, or offer to reduce, the cost of lubricating oil, or offer other goods or services on the condition that the consumer agree not to return a quantity or to return a reduced quantity of used lubricating oil.

(7) Not later than October 1, 2003, a wholesaler or distributor of lubricating oil shall not provide lubricating oil to a vendor without first having determined, where required, that the vendor has a return facility or has contracted with a third party to provide a return facility in accordance with these regulations.

Used lubricating oil visual inspection

12. (1) An owner of a return facility shall ensure that

- (a) a person who accepts used lubricating oil at the return facility visually inspects the used lubricating oil for possible contamination, as described in paragraph 7(1)(a), before accepting or rejecting it;
- (b) each time used lubricating oil is rejected at the return facility, the person rejecting the used lubricating oil legibly records his or her name, the date, the name and address of the person who brought the used lubricating oil to the return facility, the estimated quantity of used lubricating oil refused and the reason for rejecting the used lubricating oil; and
- (c) each record made at the return facility is kept at the return facility for a period not less than 3 years after it is made.

(2) Used oil rejected under these regulations shall be considered hazardous waste and disposed of at a facility approved for that purpose.

Storage facilities

13. (1) Except for an industrial vendor, all other generators of used oil shall, beginning on April 1, 2003, have in place

- (a) a storage tank system in accordance with section 21; or
- (b) a written agreement, to accept used oil, with the owner of an approved storage facility for used oil.

(2) A generator having a written agreement in accordance with paragraph (1)(b) shall produce that agreement upon the request of an inspector.

(3) Except for industrial vendors, a generator shall, as it is received, place into an approved storage container for used oil, the volumes of used oil

- (a) generated directly in his or her business; or
- (b) returned to the vendor, in accordance with subsection 11(4), at the vendor's premises.

Industrial vendors

14. (1) An industrial vendor shall submit the specified life cycle management portion of his or her contract to the minister for approval under subsection (2).

(2) An industrial vendor who engages in activities associated with the collection, transportation and storage of used lubricating oil, including the construction, installation or operation of used lubricating oil storage tanks or other associated equipment, under the terms of each, and the life cycle management portion of a contract with an industrial user shall obtain an approval for those activities, equipment or facilities under section 18.

(3) An industrial vendor shall not reduce, or offer to reduce the cost of lubricating oil, or offer other goods or services on the condition that the industrial user agrees not to return a quantity or a reduced quantity of used lubricating oil, or on the condition that the industrial user disposes of his or her used lubricating oil to a used oil collector.

Storage facility owner responsibilities

15. 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 at the storage facility;

(b) a person who accepts, handles, stores or deposits used oil at the storage facility is knowledgeable about relevant legislation, regulations and departmental policy;

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

(i) an owner of the storage facility or a person who has the charge, management or control of the storage facility, or

(ii) an employee of one of the persons referred to in subparagraph (i);

(d) used oil is stored in approved storage tanks and

(i) a storage tank used to store used oil bears a visible and legible label or other identification that indicates the name and address of the storage facility and that it contains used oil,

(ii) in the case of an underground storage tank, the label or other identification is located on the fill pipe for the storage tank and need not include the name and address of the storage facility,

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

(iv) a storage tank used to store used oil 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;

(e) the storage facility is visually inspected for leaks and spills of used oil by a person who is knowledgeable about the requirements pertaining to used oil storage facilities, at least once during each day in which the storage facility is open;

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

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

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

(A) one or more existing agreements, in writing, and each agreement shall be between the owner of the storage facility and a person to whom a certificate of approval has been issued under the *Environmental Protection Act* or subsection 18(1) of these regulations authorizing the person to transport one or more classes of used oil that includes the class or classes of used oil to be removed from the storage facility by the person under the agreement,

(B) the owner of the storage facility having been issued a certificate of approval under either the *Environmental Protection Act* or subsection 18(1) of these regulations authorizing the owner or an employee of the owner to transport one or more classes of used oil that are to be removed from the storage facility, or

(C) a combination of clauses (A) and (B);

(h) used oil is removed from the storage facility only

(i) by the owner, an employee of the owner or a person with whom a written agreement, in accordance with paragraph 13(1)(b) exists, and

(ii) by a person to whom a certificate of approval has been issued under either the *Environmental Protection Act* or subsection 18(1) of these regulations authorizing the transport of one or more classes of used oil; and

(i) a copy of a written agreement, in accordance with paragraph 13(1)(b), is kept at the storage facility during the term of the agreement and for a period of 3 years after the termination or expiration of the agreement.

Application

16. Sections 17 to 24 do not apply to a retailer who sells less than 1,000 litres, or another quantity the minister considers appropriate in the circumstances, of lubricating oil a year and does not, as part of his or her business, engage in activities that result in the accumulation of used oil at his or her premises.

Storage of used oil by classification

17. A user of used oil and a used oil collector that stores used oil subsequent to its collection shall ensure that

(a) class 1, class 2, class 3 and class 4 used oil is stored separately in approved storage tanks; and

(b) a storage tank used to store used oil bears a label or other suitable identification that indicates the class of used oil contained in that tank.

Certificates of approval for used oil collection, storage and transportation

18. (1) Except as provided for in subsections (3) and (6) and section 16, a person in possession of used oil, including a return facility, shall not construct, install or operate any associated equipment or engage in the collection, transportation and storage of used oil without first

(a) applying for a certificate of approval in accordance with the requirements of section 19; and

(b) obtaining a certificate of approval from the minister.

(2) The minister may

(a) accept or reject an application for a certificate of approval; or

(b) issue a certificate of approval subject to the terms and conditions that the minister considers appropriate.

(3) A person only storing used oil is not required to obtain a certificate of approval under subsection (1) if that used oil storage tank system is covered by an appropriate certificate of approval under the *Storage and Handling of Gasoline and Associated Products Regulations*.

(4) Where the used oil storage tank system referred to in subsection (3) does not fully comply with the requirements of section 21, that used oil storage tank system shall, within 2 years of the coming into force of these regulations, be

(a) upgraded to meet the requirements of section 21;

(b) replaced with a system that meets the requirements of section 21;
or

(c) removed from service in accordance with the *Storage and Handling of Gasoline and Associated Products Regulations*.

(5) Where a used oil storage tank system is required to be upgraded or replaced in accordance with subsection (4), a certificate of approval under subsection (1) shall be applied for and obtained before that work is undertaken.

(6) A person only transporting used oil need not obtain a certificate of approval under subsection (1) if that system is covered by a valid certificate of approval under the *Environmental Protection Act*.

(7) A person renewing a certificate of approval issued under the *Environmental Protection Act* solely for the purpose of transporting used oil shall apply for a certificate of approval under subsection (1) of these regulations.

(8) Failure to comply with a term or condition of a certificate of approval is an offence contrary to these regulations.

Application for certificate of approval

19. An applicant for a certificate of approval shall provide

(a) information on the location of the facility;

(b) information on the equipment used for collecting or transporting the used oil;

(c) the plans and specifications of the storage or transfer facilities;

(d) information on the training of employees;

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

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

(g) information detailing methods for handling different classes of used oil and for holding used oil while awaiting a certificate of analysis;

(h) environmental impairment insurance in an amount required by the minister;

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

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

Suspension or cancellation of certificate of approval

20. (1) The minister may suspend or cancel a certificate of approval for failure by the holder of the certificate to comply with a provision of the Act, these regulations or a term or condition of the certificate of approval.

(2) The minister may, while it is in effect, amend a certificate of approval.

Construction standards

21. (1) A used oil 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 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 storage tank system contains any used oil, or

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

(2) Notwithstanding subsection (1), used oil in a quantity that does not exceed 205 litres a site, may be stored in one 18-gauge, 205 litre steel drum where

(a) the drum is placed on or in a sturdy structure which acts as a secondary containment and is capable of preventing spilled or leaked used oil from entering the environment;

(b) the top of the drum is equipped with an opening of sufficient size and shape that spillage during filling or emptying is prevented;

(c) the drum opening is kept covered when not in use to prevent foreign material from entering;

(d) if intended for emptying by vacuuming, the drum is equipped with appropriate venting; and

(e) if intended to be transported by road while containing used oil, the drum meets the requirements of CAN/CGSB - 43.150-95, "Performance Packagings for Transportation of Dangerous Goods".

Ownership of used oil

22. (1) Except in accordance with subsections (4), (5) and (7) or in accordance with section 16, a person shall not dispose of, offer for sale, sell, or transfer possession of used oil for any purpose to a person other than a used oil collector or the owner or operator of a used oil treatment, rerefining, recycling or destruction facility.

(2) A person who disposes of, offers for sale, sells or transfers possession of used oil under subsection (1) shall first

(a) obtain a certificate of analysis of the results of a representative sample or samples of that used oil from an accredited laboratory; and

(b) supply copies of the certificate of analysis to the minister and the used oil collector.

(3) Notwithstanding subsection (2), a person, instead of complying with subsection (2), may enter into an agreement in writing, with a used oil collector which provides for

(a) the collection of used oil from the person,

(b) the used oil collector to obtain a certificate of analysis of the results of a representative sample or samples of the used oil, either before or after bulking, from an accredited laboratory,

(c) the used oil to be disposed of in accordance with these regulations, and

(d) the delivery of a copy of the certificate of analysis to the minister.

(4) A person selling or offering for sale or transferring possession of used oil shall

(a) maintain a record of the volume of used oil sold or transferred, the date of the transaction, and the person to whom the used oil was sold or transferred;

(b) keep the record for a period of not less than 3 years from the date of the transaction; and

(c) keep the certificate of analysis referred to in paragraph (2)(a) for a period of not less than 3 years.

(5) Except that this section shall not apply to used lubricating oil accepted at either a return facility or an alternate return facility for a vendor in accordance with subsection 13(1)(b), every person buying or accepting possession of used oil shall

(a) maintain a record of the volume of used oil bought or accepted, the date of the transaction, and the person from whom the used oil was bought or accepted;

(b) keep the record for a period of 3 years from the date of the transaction; and

(c) keep the certificate referred to in paragraph (2)(a) for a period of not less than 3 years.

(6) Used grease or class 4 used oil may only be offered for sale, sold or transferred to a used oil collector, or to a treatment, rerefining, recycling or destruction facility

(a) which has a certificate of approval, issued under the Act, to treat, rerefine, recycle or destroy used oil or used grease; or

(b) permitted by another jurisdiction.

(7) In the event of a spill of used oil or other hydrocarbon, a person may enter into an agreement, which shall be in writing, with another party for the interim storage of the used oil pending compliance with subsections (1), (2) and (3) for a period not to exceed 6 months, or the lesser time the minister may, in writing, specify.

Accreditation standards

23. (1) The minister may set accreditation standards for laboratories performing analyses under subsections 22(1), (2) and (3).

(2) Where accreditation standards are set by the minister under subsection (1), a person shall use an accredited laboratory for analyses as required under subsections 22(1), (2) and (3).

(3) Where the minister does not set accreditation standards under subsection (1) a person may use another appropriate laboratory for analysis as required under subsections 22(1), (2) and (3).

Inspections

24. (1) A person who owns or operates a facility for handling used oil shall furnish information, 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 employee.

(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 shall be considered to be evidence of the facts stated in that certificate or report.

Offences

25. A person who violates a provision of these regulations is guilty of an offence.

Commencement

26. These regulations come into force on **April 1, 2003**.

Schedule

Table of Contaminant Limits

Substance	Concentration (milligrams/kilogram)	
Column 1	Column 2	Column 3
Polychlorinated Biphenyls (PCBs)	5	50
Total Organic Halogens (as chlorine)	1000	3000
Cadmium	2	2
Chromium	10	10
Lead	10	100