



PLEASE NOTE

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For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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CHAPTER E-9

ENVIRONMENTAL PROTECTION ACT

MATERIALS RECYCLING REGULATIONS

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

PART I

INTERPRETATION

1. (1) In these regulations
- | | |
|---|--------------------------------|
| | Definitions |
| (a) "Act" means the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9; | Act |
| (b) "electronic product endorsement" means a valid and subsisting electronic product endorsement issued under subsection 16(4); | electronic product endorsement |
| (c) "endorsement" means an electronic product endorsement, used oil endorsement or lead acid battery endorsement; | endorsement |
| (d) "lead acid battery endorsement" means a valid and subsisting lead acid battery endorsement issued under subsection 46(4); | lead acid battery endorsement |
| (e) "operator" means, in respect of a facility, a person who has control or management of the facility; | operator |
| (f) "permit" means a valid and subsisting recycling facility permit issued under subsection 3(4). | permit |
| (g) "permit holder" means a person who holds a permit; | permit holder |
| (h) "used oil endorsement" means a valid and subsisting used oil endorsement issued under subsection 33(4). | used oil endorsement |
- (2) For the purposes of the definition of "recyclable material" in clause 1(n.11) of the Act, a material or product is a recyclable material if it meets the following criteria:
- | | |
|---|--------------------------------|
| (a) it has been diverted from disposal; | Criteria – recyclable material |
| (b) it is managed as a marketable commodity with an established market, or is used or processed in the manufacture of a product that has an established market; | |
| (c) it is not | |
| (i) a designated material, or | |
| (ii) a beverage container as defined in the <i>Beverage Containers Act</i> , R.S.P.E.I. Cap. B-2.1. (EC690/09) | |

PART II
RECYCLING FACILITY PERMIT

Operation of Recycling Facility

Operation of
recycling facility

- 2.** No person shall
- (a) carry on the business of the collection or sale of recyclable material;
 - (b) operate a recycling facility; or
 - (c) hold himself or herself out as the operator of a recycling facility, except under the authority of a permit. (EC690/09)

Application

Application for
permit

- 3.** (1) A person who wishes to apply for a permit shall
- (a) file with the Minister a completed application on a form approved by the Minister; and
 - (b) pay the fee prescribed by subsection (6).

Material to be
submitted

- (2) An applicant shall submit the following with an application made under subsection (1):
- (a) a detailed written proposal outlining
 - (i) the location of the proposed recycling facility,
 - (ii) the distance from the active recycling area to
 - (A) the nearest property boundary, and
 - (B) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes,
 - (iii) the plans, if any, for
 - (A) noise reduction measures, or
 - (B) screening of the facility from view from nearby properties,
 - (iv) the types of recyclable material to be acquired,
 - (v) the plans for the acceptance, collection, storage, sorting, handling, preparing for transport and transporting of recyclable material,
 - (vi) the quantity of recyclable material to be acquired,
 - (vii) a contingency plan for the prevention, detection, handling and containment of leaks or spills of recyclable material or contamination resulting from the handling of recyclable material; and
 - (b) a certificate of insurance which
 - (i) evidences insurance coverage for the applicant's liability for bodily injury and property damage arising out of a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, during the period of insurance, with not less than \$1,000,000 coverage per occurrence, and

(ii) states that the insurance coverage may not be cancelled except upon thirty days prior written notice to the Department.

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application. Additional information

(4) The Minister shall issue a permit to an applicant if the Minister is satisfied that Requirements for issuance of permit

(a) the application has been made in accordance with the requirements of these regulations;

(b) the proposal submitted under clause (2)(a)

(i) includes the information referred to in subclauses (2)(a)(i) to (vii) and is otherwise acceptable to the Minister, and

(ii) adequately provides for the operation of the recycling facility in compliance with the Act and these regulations; and

(c) the issuance of the permit is in the public interest having regard to the matters referred to in subclauses (2)(a)(i) to (vii).

(5) Where the Minister refuses to issue a permit to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Refusal of permit

(6) The application fee for a permit is \$100 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC690/09; 253/12) Application fee

Expiry of Permit

4. A permit expires on March 1 following the day on which the permit was issued. (EC690/09) Expiry of permit

Reports

5. An operator of a recycling facility shall Report to Minister

(a) record the received weight, the recycled weight and the shipped weight of the recyclable material recycled at the recycling facility; and

(b) submit a written report to the Minister on or before March 1 of each year for the preceding calendar year. (EC690/09)

6. (1) An operator of a recycling facility shall include in a report required by clause 5(b) Weight of recyclable material

(a) the weight in kilograms of each type of recyclable material recycled at the facility for the year covered by the report; and

(b) the weight in kilograms of each type of recyclable material received by the facility and not recycled for the year covered by the report.

Material not recycled

(2) Where a recyclable material is reported under clause (1)(b) as having been received and not recycled, the report shall indicate

- (a) why the recyclable material was not recycled;
- (b) how the recyclable material was disposed of, if it was; and
- (c) what action is being taken by the person to ensure proper recycling of all recyclable material into reusable products. (EC690/09)

Terms and Conditions

Compliance with terms and conditions on permit

7. A permit holder and an operator of a recycling facility shall ensure that the recycling facility is operated in compliance with the terms and conditions of the permit issued for the recycling facility. (EC690/09)

Notice of Revocation or Terms and Conditions

Notice of revocation or terms and conditions

8. Where the Minister, under section 28 of the Act,

- (a) revokes;
- (b) imposes terms or conditions on; or
- (c) alters the terms or conditions of,

a permit, the Minister shall serve on the permit holder and the operator, in writing, notice of and reasons for the revocation, imposition or alteration. (EC690/09)

PART III

ENDORSEMENTS

Endorsement for Designated Material

Endorsement for designated material

9. (1) A permit may be endorsed with one or more of the following endorsements:

- (a) electronic product endorsement;
- (b) used oil endorsement;
- (c) lead acid battery endorsement.

Authorization

(2) Subject to any terms or conditions imposed on the endorsement under section 28 of the Act, an endorsement on a permit authorizes the permit holder to recycle the designated material identified on the endorsement at the recycling facility for which the permit is issued. (EC690/09)

Terms and Conditions

Terms and conditions of endorsement

10. A permit holder and an operator of a recycling facility for which an endorsement is issued shall ensure that the recycling facility is operated

in compliance with the terms and conditions of the endorsement.
(EC690/09)

Notice of Revocation or Terms and Conditions

11. Where the Minister, under section 28 of the Act,

- (a) revokes;
- (b) imposes terms or conditions on; or
- (c) alters the terms or conditions of,

an endorsement, the Minister shall serve on the permit holder and the operator, in writing, notice of and reasons for the revocation, imposition or alteration. (EC690/09)

Notice of revocation
or terms and
conditions

PART IV

ELECTRONIC PRODUCTS

Interpretation

12. In this Part

(a) “administrator” means an administrator appointed under section 22;

(b) “agent” means an agent of a brand owner designated under section 19;

(c) “brand owner” means, in respect of an electronic product sold, offered for sale or otherwise distributed in or into the province,

- (i) a manufacturer of the electronic product,
- (ii) a distributor of the electronic product in or into the province,
- (iii) an owner or licensee of the intellectual property rights to the electronic product, or
- (iv) where the electronic product is imported into the province, the first person to sell the electronic product in or into the province;

(d) “electronic material stewardship program” means a program approved by the Minister under subsection 20(5) that

- (i) establishes a process for the recycling of electronic products and, if no further options exist, the disposal of any residual electronic product components, and
- (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of electronic products;

(e) “electronic product” means an electronic product whether intended for consumer, industrial or commercial use, and includes

- (i) televisions,

Definitions

administrator

agent

brand owner

electronic material
stewardship
program

electronic product

(ii) desktop, laptop and notebook computers, including central processing units, keyboards, mice and cables,
 (iii) computer monitors,
 (iv) computer desktop printers, including desktop printers that have scanning or fax capabilities, or both,
 (v) desktop scanners,
 (vi) audio and video playback and recording systems,
 (vii) telephones and fax machines, and
 (viii) cell phones and other wireless communication devices,
 but does not include factory-installed devices developed for embedded use in motor vehicles.

electronic product
return facility

(f) “electronic product return facility” means a recycling facility where electronic products are
 (i) accepted and stored, and
 (ii) handled, collected, sorted or prepared for transport,
 for the purpose of the reuse of the products or material recovery;

retailer

(g) “retailer” means a person who sells or offers for sale electronic products directly to consumers. (EC690/09)

Designated material
– electronic product

13. For the purposes of the Act and these regulations, an electronic product is a designated material. (EC690/09)

Collection and Disposal of Electronic Products

Operation of
electronic product
return facility

14. No person shall
 (a) operate an electronic product return facility; or
 (b) hold himself or herself out as the operator of an electronic product return facility,
 except under the authority of a permit and an electronic product endorsement. (EC690/09)

Discarding
electronic product

15. No person shall discard an electronic product except
 (a) by disposal at an electronic product return facility; or
 (b) in accordance with an electronic material stewardship program. (EC690/09)

Electronic Product Endorsement

Application for
electronic product
endorsement

16. (1) A person who holds or has applied for a recycling facility permit and who wishes to apply for an electronic product endorsement on the permit shall
 (a) file with the Minister a completed application on a form approved by the Minister; and
 (b) pay the fee prescribed by subsection (6).

- (2) An applicant shall submit with an application made under subsection (1) a copy of an agreement with the administrator of an electronic material stewardship program respecting the management, collection and receipt of electronic products under the electronic material stewardship program. Material to be submitted
- (3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application. Additional information
- (4) The Minister shall issue an electronic product endorsement on an applicant's permit if the Minister is satisfied that Requirements for issuance of electronic product endorsement
- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the agreement referred to in subsection (2) adequately provides for the operation of the electronic product return facility in compliance with the Act and these regulations; and
- (c) the issuance of the endorsement is in the public interest having regard to the terms of the agreement referred to in subsection (2).
- (5) Where the Minister refuses to issue an electronic product endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Refusal of electronic product endorsement
- (6) The application fee for an electronic product endorsement is \$100 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC690/09; 253/12) Application fee
- 17.** No operator of an electronic product return facility shall charge a fee for accepting electronic products. (EC690/09) Fee for accepting electronic products prohibited
- Electronic Material Stewardship Program
- 18.** (1) No brand owner of an electronic product shall sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner, or an agent of the brand owner of the electronic product, operates an electronic material stewardship program in respect of the electronic product. Sale of electronic product prohibited
- (2) No retailer shall sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner of the electronic product, or an agent of the brand owner of the electronic product, operates an electronic material stewardship program in respect of the electronic product. (EC690/09) *Idem*
- 19.** A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate an electronic material stewardship program on the brand owner's behalf. (EC690/09) Designation of agent

Application

Application for approval of electronic material stewardship program

Idem

Material to be submitted

Additional information

Requirements for approval of electronic material stewardship program

20. (1) A brand owner who wishes to apply for approval of an electronic material stewardship program shall file with the Minister a completed application on a form approved by the Minister.

(2) An agent of a brand owner who wishes to operate an electronic material stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed application on a form approved by the Minister.

(3) An applicant shall submit with an application made under subsection (1) or (2) a detailed written proposal outlining

- (a) the management structure of the program;
- (b) how waste electronic products will be collected;
- (c) the plans for the receipt of electronic products at the electronic product return facilities that participate in the program and the policies and procedures to be followed by the electronic product return facilities;
- (d) the recycling options for waste electronic products;
- (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (f) an education and awareness program for consumers of electronic products that includes information about
 - (i) the electronic material stewardship program, specifying products accepted by the program,
 - (ii) how and when consumers can access electronic product return facilities,
 - (iii) the environmental benefits of participating in the electronic material stewardship program, and
 - (iv) a description of the proposed methods for reusing and recycling electronic products.

(4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

(5) The Minister shall approve an electronic material stewardship program if the Minister is satisfied that

- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the proposal submitted under subsection (3)
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the electronic material stewardship program in compliance with the Act and these regulations; and

(c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

(6) Where the Minister refuses to approve an electronic material stewardship program, the Minister shall provide written reasons for the refusal to the applicant. Refusal to approve electronic material stewardship program

(7) Where the Minister approves an electronic material stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8). Approval of electronic material stewardship program

(8) The fee for an approval of an electronic material stewardship program is \$25,000 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC690/09; 253/12) Fee

21. (1) A brand owner or an agent who operates an electronic material stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2). Annual fee

(2) The annual fee for an electronic material stewardship program is \$20,000 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC690/09; 253/12) *Idem*

22. The Minister may Administrator

(a) appoint any person as the administrator of an electronic material stewardship program; and

(b) specify the duties and responsibilities of an administrator appointed under clause (a). (EC690/09)

Information

23. A brand owner or an agent who operates an electronic material stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the electronic material stewardship program, including any of the following: Request for information from Minister

- (a) the types of processes used to reuse and recycle the electronic products and their components;
- (b) the location of the electronic product return facilities for the electronic products;
- (c) the location of any long term containment or final treatment and processing facilities for electronic products;
- (d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the electronic products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations. (EC690/09)

- Brand name, image or logo on electronic product **24.** A brand owner shall ensure that a brand name, image or logo is clearly affixed in plain view on an electronic product sold, offered for sale or otherwise distributed in or into the province by the brand owner. (EC690/09)
- Display of education and awareness program information **25.** A retailer shall prominently display, at the point of display or the point of sale of an electronic product, the education and awareness program information referred to in clause 20(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC690/09)
- Review of electronic material stewardship program **26.** A brand owner or an agent who operates an electronic material stewardship program shall review the electronic material stewardship program and
(a) submit to the Minister all proposed amendments to the electronic material stewardship program; or
(b) advise the Minister in writing that in its opinion no amendments to the electronic material stewardship program are necessary, not later than the date that is five years after the date the electronic material stewardship program was first approved under subsection 20(5) and every five years thereafter. (EC690/09)
- Information to Minister of quantity of electronic materials collected **27.** A brand owner or an agent who operates an electronic material stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of electronic products collected during the previous calendar year. (EC690/09)
- Operation of electronic material stewardship program **28.** (1) No brand owner who operates an electronic material stewardship program shall fail to operate the electronic material stewardship program in accordance with the program as approved under subsection 20(5).
- Idem* (2) No agent who has been designated to operate an electronic material stewardship program on a brand owner's behalf shall fail to operate the electronic material stewardship program in accordance with the program as approved under subsection 20(5). (EC690/09)

PART IV.1

PAINT

Interpretation

- Definitions **28.1** In this Part,
- administrator (a) "administrator" means an administrator appointed under section 28.11;

- (b) “agent” means an agent of a brand owner designated under section 28.8; agent
- (c) “brand owner” means, in respect of a consumer paint product sold, offered for sale or otherwise distributed in or into the province, brand owner
- (i) a manufacturer of the consumer paint product,
- (ii) a distributor of the consumer paint product in or into the province,
- (iii) where the consumer paint product is imported into the province, the first person to sell the consumer paint product in or into the province;
- (d) “consumer paint product” means consumer paint product
- (i) a tinted or untinted latex, oil or solvent-based architectural coating used for commercial or household purposes, including stain, and includes the coating’s container, or
- (ii) a coloured or clear paint or stain sold in an aerosol container and includes the paint’s or stain’s container, but does not include coatings intended for marine antifouling, industrial or automotive applications, non-latex concrete sealant, or bottled paint for hobby, craft, cosmetic or artistic use;
- (e) “consumer paint stewardship program” means a program approved by the Minister under section 28.9 that consumer paint stewardship program
- (i) establishes a process for the collection, transportation and recycling of paint, and
- (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of paint;
- (f) “paint return facility” means a recycling facility where paint is paint return facility
- (i) accepted and stored, and
- (ii) handled, collected, sorted or prepared for transport, for the purpose of reuse or recycling;
- (g) “retailer” means a person who sells or offers for sale consumer paint products directly to consumers. (EC253/12) retailer
- 28.2** For the purposes of the Act and these regulations, a consumer paint product is a designated material. (EC253/12) Designated material – consumer paint product

Collection and Disposal of Consumer Paint Products

- 28.3** No person shall Operation of consumer paint product return facility
- (a) operate a consumer paint product return facility; or
- (b) hold himself or herself out as the operator of a consumer paint product return facility,
- except under the authority of a permit and a consumer paint product endorsement. (EC253/12)

Discarding
consumer paint
product

28.4 No person shall discard a consumer paint product except
(a) by disposal at a consumer paint product return facility; or
(b) in accordance with a consumer paint material stewardship program. (EC253/12)

Consumer Paint Product Endorsement

Application for
consumer paint
product
endorsement

28.5 (1) A person who holds or has applied for a recycling facility permit and who wishes to apply for a consumer paint product endorsement on the permit shall
(a) file with the Minister a completed application on a form approved by the Minister; and
(b) pay the fee prescribed by subsection (6).

Material to be
submitted

(2) An applicant shall submit with an application made under subsection (1) a copy of an agreement with the administrator of a consumer paint material stewardship program respecting the management, collection and receipt of consumer paint products under the consumer paint material stewardship program.

Additional
information

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for
issuance of
consumer paint
product
endorsement

(4) The Minister shall issue a consumer paint product endorsement on an applicant's permit if the Minister is satisfied that
(a) the application has been made in accordance with the requirements of these regulations;
(b) the agreement referred to in subsection (2) adequately provides for the operation of the consumer paint product return facility in compliance with the Act and these regulations; and
(c) the issuance of the endorsement is in the public interest having regard to the terms of the agreement referred to in subsection (2).

Refusal of
consumer paint
product
endorsement

(5) Where the Minister refuses to issue a consumer paint product endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant.

Application fee

(6) The application fee for a consumer paint product endorsement is \$100 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC253/12)

Fee for accepting
consumer paint
products prohibited

28.6 No operator of a consumer paint product return facility shall charge a fee for accepting consumer paint products. (EC253/12)

Consumer Paint Material Stewardship Program

28.7 (1) No brand owner of a consumer paint product shall sell, offer for sale or otherwise distribute a consumer paint product in or into the province unless the brand owner, or an agent of the brand owner of the consumer paint product, operates a consumer paint material stewardship program in respect of the consumer paint product.

Sale of consumer paint product prohibited

(2) No retailer shall sell, offer for sale or otherwise distribute a consumer paint product in or into the province unless the brand owner of the consumer paint product, or an agent of the brand owner of the consumer paint product, operates a consumer paint material stewardship program in respect of the consumer paint product. (EC253/12)

Idem

28.8 A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate a consumer paint material stewardship program on the brand owner's behalf. (EC253/12)

Designation of agent

Application

28.9 (1) A brand owner who wishes to apply for approval of a consumer paint material stewardship program shall file with the Minister a completed application on a form approved by the Minister.

Application for approval of consumer paint material stewardship program

(2) An agent of a brand owner who wishes to operate a consumer paint material stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed application on a form approved by the Minister.

Idem

(3) An applicant shall submit with an application made under subsection (1) or (2) a detailed written proposal outlining

Material to be submitted

- (a) the management structure of the program;
- (b) how waste consumer paint products will be collected;
- (c) the plans for the receipt of consumer paint products at the consumer paint product return facilities that participate in the program and the policies and procedures to be followed by the consumer paint product return facilities;
- (d) the recycling options for waste consumer paint products;
- (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (f) an education and awareness program for consumers of consumer paint products that includes information about
 - (i) the consumer paint material stewardship program, specifying products accepted by the program,

- (ii) how and when consumers can access consumer paint product return facilities,
- (iii) the environmental benefits of participating in the consumer paint material stewardship program, and
- (iv) a description of the proposed methods for reusing and recycling consumer paint products.

Additional information

(4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for approval of consumer paint material stewardship program

(5) The Minister shall approve a consumer paint material stewardship program if the Minister is satisfied that

- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the proposal submitted under subsection (3)
 - (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for the operation of the consumer paint material stewardship program in compliance with the Act and these regulations; and
- (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).

Refusal to approve consumer paint material stewardship program

(6) Where the Minister refuses to approve a consumer paint material stewardship program, the Minister shall provide written reasons for the refusal to the applicant.

Approval of consumer paint material stewardship program

(7) Where the Minister approves a consumer paint material stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8).

Fee

(8) The fee for an approval of a consumer paint material stewardship program is \$10,000 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC253/12)

Annual fee

28.10 (1) A brand owner or an agent who operates a consumer paint material stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2).

Idem

(2) The annual fee for a consumer paint material stewardship program is \$10,000 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC253/12)

Administrator

28.11 The Minister may

- (a) appoint any person as the administrator of a consumer paint material stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a). (EC253/12)

Information

- 28.12** A brand owner or an agent who operates a consumer paint material stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the consumer paint material stewardship program, including any of the following:
- (a) the types of processes used to reuse and recycle the consumer paint products and their components;
 - (b) the location of the consumer paint product return facilities for the consumer paint products;
 - (c) the location of any long-term containment or final treatment and processing facilities for consumer paint products;
 - (d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the consumer paint products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations. (EC253/12)
- 28.13** No retailer shall charge a consumer any separate fee with respect to the costs associated with implementing or operating a paint stewardship plan. (EC253/12)
- 28.14** A retailer shall prominently display, at the point of display or the point of sale of a consumer paint product, the education and awareness program information referred to in clause 28.9(3)(f) that is supplied to it by the brand owner or the brand owner's agent. (EC253/12)
- 28.15** A brand owner or an agent who operates a consumer paint material stewardship program shall review the consumer paint material stewardship program and
- (a) submit to the Minister all proposed amendments to the consumer paint material stewardship program; or
 - (b) advise the Minister in writing that in its opinion no amendments to the consumer paint material stewardship program are necessary, not later than the date that is five years after the date the consumer paint material stewardship program was first approved under subsection 28.9(5) and every five years thereafter. (EC253/12)
- 28.16** A brand owner or an agent who operates a consumer paint material stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the

Request for
information from
Minister

Internalization of
fees

Display of
education and
awareness program
information

Review of
consumer paint
material
stewardship
program

Information to
Minister of quantity
of consumer paint
materials collected

total quantity of consumer paint products collected during the previous calendar year. (EC253/12)

Operation of
consumer paint
material
stewardship
program

28.17 (1) No brand owner who operates a consumer paint material stewardship program shall fail to operate the consumer paint material stewardship program in accordance with the program as approved under subsection 28.9(5).

Idem

(2) No agent who has been designated to operate a consumer paint material stewardship program on a brand owner's behalf shall fail to operate the consumer paint material stewardship program in accordance with the program as approved under subsection 28.9(5). (EC253/12)

PART V

USED OIL

Interpretation

Definitions

29. In this Part

contaminated used
oil

(a) "contaminated used oil" means used lubricating oil that
(i) has a flash-point less than 38 degrees Centigrade, or
(ii) contains any of the substances listed in Column I of Schedule A in concentrations in excess of those listed opposite the substance in Column II of Schedule A;

lubricating oil

(b) "lubricating oil" means engine oil, transmission fluid and gear oil, but does not include oils derived from animal or vegetable fats;

retailer

(c) "retailer" means a person who
(i) stores lubricating oil, hydraulic fluids, metal working fluids or insulating fluids at a fixed location, and
(ii) sells or offers for sale lubricating oil, hydraulic fluids, metal working fluids or insulating fluids directly to consumers;

used oil

(d) "used oil" means petroleum or synthetic lubricating oils, hydraulic fluids, metal working fluids and insulating fluids which have been used and are no longer suitable for their original purpose, but are suitable for other uses, including re-refining or other uses that are authorized under the Act or the regulations made under the Act;

used oil return
facility

(e) "used oil return facility" means a recycling facility where used oil is
(i) accepted and stored, and
(ii) handled, collected or prepared for transport,
for the purpose of re-refining. (EC690/09)

30. For the purposes of the Act and these regulations, used oil is a designated material. (EC690/09) Designated material
– used oil

Used Oil Endorsement

31. (1) No person shall
(a) carry on the business of the collection or sale of used oil;
(b) operate a used oil return facility; or
(c) hold himself or herself out as the operator of a used oil return facility,
except under the authority of a permit and a used oil endorsement. Operation of used
oil return facility

(2) Subsection (1) does not apply to a retailer for the purpose of the short term storage of used oil at the retailer's premises in accordance with clause 35(1)(a). (EC690/09) Exception

32. (1) No person shall sell, offer for sale, transfer, discard or otherwise dispose of used oil except by Disposal of used oil
(a) disposal at a used oil return facility; or
(b) delivery to a retailer that provides short term storage of used oil in accordance with clause 35(1)(a).

(2) Subsection (1) does not apply to a person who Exception
(a) has a representative sample of the used oil analyzed at a laboratory for the contaminants listed in Column I of Schedule A; and
(b) obtains a certificate respecting the analysis from the laboratory that confirms that the used oil is not contaminated used oil.

(3) A person referred to in subsection (2) shall keep a certificate referred to in clause 2(b), and make it available to an environment officer upon request, for a period of not less than two years from the date of the laboratory analysis. (EC690/09) Certificate retention

Application

33. (1) A person who holds or has applied for a permit and who wishes to apply for a used oil endorsement on the permit shall Application for used
oil endorsement
(a) file with the Minister a completed application on a form approved by the Minister; and
(b) pay the fee prescribed by subsection (6).

(2) An applicant shall submit with an application made under subsection (1) a detailed written proposal outlining Material to be
submitted
(a) the plans and specifications of the used oil storage and transfer facilities and equipment;

- (b) the plans for the acceptance, collection, storage, handling and preparing for transport of used oil, including a description of the methods used to fill and empty each storage tank;
- (c) the quantity of used oil to be acquired; and
- (d) a contingency plan for the prevention, detection, handling and containment of leaks or spills of used oil or contamination resulting from the handling of used oil.

Additional
information

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for
issuance of used oil
endorsement

(4) The Minister shall issue a used oil endorsement on an applicant's permit if the Minister is satisfied that

- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the proposal submitted under subsection (2)
 - (i) includes the information referred to in clauses (2)(a) to (d) and is otherwise acceptable to the Minister, and
 - (ii) adequately provides for operation of the used oil return facility in compliance with the Act and these regulations; and
- (c) the issuance of the endorsement is in the public interest having regard to the matters referred to in clauses (2)(a) to (d).

Refusal of used oil
endorsement

(5) Where the Minister refuses to issue a used oil endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant.

Application fee

(6) The application fee for a used oil endorsement is \$100 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC690/09; 253/12)

Records

Operator record

34. (1) An operator of a used oil return facility shall keep a record

- (a) in respect of each person from whom used oil was received, the name of the person, the date of the receipt and the volume of used oil received; and
- (b) in respect of each person to whom used oil is transferred, the name of the person, the date of the transfer and the volume of used oil transferred.

Record retention

(2) An operator of a used oil return facility shall keep a record referred to in subsection (1), and make it available to an environment officer upon request, for a period of three years from the date of the receipt or transfer, as the case may be. (EC690/09)

Retailers

- 35.** (1) A retailer shall Obligations of
retailer
- (a) provide short term storage for used oil at the retailer's premises;
 - or
 - (b) contract with an operator of a used oil return facility to accept used oil from the retailer's customers. (EC690/09)
- 36.** A retailer shall, at the entrance to the retailer's premises or at the point of display or the point of sale of lubricating oil, hydraulic fluids, metal working fluids or insulating fluids, post a sign which prominently displays the used oil return facility logo as shown in Schedule B. Used oil return
facility logo
(EC690/09)
- 37.** A retailer that provides short term storage of used oil in accordance with clause 35(1)(a) shall Acceptance and
storage of used oil
- (a) accept used oil without charge to any person who wishes to return it
 - (i) in a quantity of up to ten litres per day, or
 - (ii) in a quantity of more than ten litres per day that is equivalent to the maximum size of container of lubricating oil, hydraulic fluids, metal working fluids or insulating fluids sold on the retailer's premises;
 - (b) accept used oil during the normal business hours of the retailer's premises; and
 - (c) store used oil in compliance with the National Fire Code of Canada. (EC690/09)
- 38.** No person shall contaminate used oil with Prohibition
- (a) a substance that has a flash-point less than 38 degrees Centigrade; or
 - (b) a substance listed in Column I of Schedule A. (EC690/09)

PART VI

LEAD ACID BATTERIES

Interpretation

- 39.** In this Part Definitions
- (a) "lead acid battery" means a device consisting of one or more cells each containing the essentials for producing voltage electricity and designed and used for the storage of electrical energy through chemical reactions involving lead and acids; lead acid battery
 - (b) "lead acid battery return facility" means a recycling facility where used lead acid batteries are lead acid battery
return facility
 - (i) accepted and stored, and

	(ii) handled, collected, sorted or prepared for transport, for the purpose of material recovery;
new lead acid battery	(c) “new lead acid battery” means an unused or reconditioned lead acid battery;
retailer	(d) “retailer” means a person who (i) stores new lead acid batteries at a fixed location, and (ii) sells or offers for sale new lead acid batteries directly to consumers;
secure area	(e) “secure area” means a contained, restricted, designated area where lead acid batteries are stored;
used lead acid battery	(f) “used lead acid battery” means a lead acid battery which has been used and is no longer suitable for its original purpose. (EC690/09)
Designated material – lead acid battery	40. For the purposes of the Act and these regulations, a used lead acid battery is a designated material. (EC690/09)

Lead Acid Battery Endorsement

Operation of lead acid battery return facility	41. (1) No person shall (a) carry on the business of the collection or sale of used lead acid batteries; (b) operate a lead acid battery return facility; or (c) hold himself or herself out as the operator of a lead acid battery return facility, except under the authority of a permit and a lead acid battery endorsement.
Exception	(2) Subsection (1) does not apply to (a) a retailer, for the purpose of the short term storage of used lead acid batteries at the retailer’s premises; or (b) a person who operates an automobile junk yard under the authority of a permit issued under the <i>Automobile Junk Yards Act</i> R.S.P.E.I. 1988, Cap. A-25, for the purpose of the collection or sale of used lead acid batteries in the ordinary course of business of the automobile junk yard. (EC690/09)
Disposal of lead acid battery	42. No person shall sell, offer for sale, transfer, discard or otherwise dispose of a used lead acid battery except by (a) disposal at a lead acid battery return facility; or (b) delivery to a retailer who accepts the battery in accordance with clause 43(1)(a). (EC690/09)

Retailers

- 43.** (1) A retailer shall
- (a) during normal business hours, accept used lead acid batteries at the retailer's premises from customers in a quantity that is at least equal to the number of new lead acid batteries sold to consumers;
- (b) if a used lead acid battery is not exchanged at the time of sale, collect a \$5 deposit on the new lead acid battery.
- (2) A retailer shall return a deposit referred to in clause (1)(b) to a customer who delivers a used lead acid battery, with proof of purchase of a new lead acid battery from the retailer, within 30 days of the date of the purchase of the new lead acid battery.
- (3) A deposit that is not returned to a customer under subsection (2) shall accrue to the benefit of the retailer. (EC690/09)
- 44.** A retailer shall, at the entrance to the retailer's premises or at the point of display or the point of sale of new lead acid batteries, post a written notice measuring at least 21.5 cm by 28 cm and in the form set out in Schedule C. (EC690/09)
- 45.** A retailer shall provide a secure area for the storage of used lead acid batteries that is designed and constructed so that a contaminant cannot enter sewers, watercourses or groundwater or otherwise be discharged into the environment. (EC690/09)

Application

- 46.** (1) A person who holds a permit and who wishes to apply for a lead acid battery endorsement on the permit shall
- (a) file with the Minister a completed application on a form approved by the Minister; and
- (b) pay the fee prescribed by subsection (6).
- (2) An applicant shall submit with an application made under subsection (1) a detailed written proposal outlining
- (a) the distance from the active lead acid battery recycling area to
- (i) the nearest property boundary, and
- (ii) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes;
- (b) the plans for the acceptance, collection, storage, sorting, handling and preparing for transport of used lead acid batteries;
- (c) the quantity of used lead acid batteries to be acquired; and
- (d) a contingency plan for the prevention, detection, handling and containment of leaks or spills from used lead acid batteries or

contamination resulting from the handling of used lead acid batteries.

Additional information

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.

Requirements for issuance of lead acid battery endorsement

(4) The Minister shall issue a lead acid battery endorsement on the applicant's permit if the Minister is satisfied that

(a) the application has been made in accordance with the requirements of these regulations; and

(b) the proposal submitted under clause (2)(a)

(i) includes the information referred to in subclauses (2)(a) to (d) and is otherwise acceptable to the Minister, and

(ii) adequately provides for the operation of the lead acid battery return facility in compliance with the Act and these regulations; and

(c) the issuance of the endorsement is in the public interest having regard to the matters referred to in clauses (2)(a) to (d).

Refusal of lead acid battery endorsement

(5) Where the Minister refuses to issue a lead acid battery endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant.

Application fee

(6) The application fee for a lead acid battery endorsement is \$100 and shall be made payable to the Minister of Finance, Energy and Municipal Affairs. (EC690/09; 253/12)

Imported lead acid batteries - report

47. Revoked by EC253/12. (EC690/09; 253/12)

PART VII

GENERAL AND TRANSITIONAL

Service

Manner of service

48. (1) Any notice required to be served on a person under these regulations is deemed to be sufficiently served

(a) upon a copy of the notice being personally served on the person to whom it is directed;

(b) upon a copy of the notice being sent by facsimile or by other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or

(c) five days after a copy of the notice is sent by mail addressed to the person to whom it is directed at the last known address for that person.

(2) Where the person to be served with a notice is a corporation, service of the notice on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service of the notice on the corporation for the purposes of this Act.

Service on
corporation

(3) Where it is impractical for any reason to serve a notice in a manner referred to in subsection (1), an *ex parte* application may be made to a judge of the Supreme Court who may make an order for substituted service providing for such steps to be taken to bring the matter to the attention of the person to be served. (EC690/09)

Substituted service

Transitional

49. (1) A person who, immediately before the day these regulations come into force, holds an approval from the Minister to operate a recycling plant under section 65 of the Waste Resource Management Regulations (EC691/00) that is in effect is deemed to hold a permit under these regulations.

Deemed permit

(2) A person who, immediately before the day these regulations come into force, holds a license under section 4 of the Used Oil Handling Regulations (EC425/92) that is in effect is deemed to hold a permit and a used oil endorsement under these regulations.

Deemed permit and
used oil
endorsement

(3) A person who, immediately before the day these regulations come into force, holds a license under section 6 of the Lead-Acid Battery Regulations (EC26/93) that is in effect is deemed to hold a permit and a lead acid battery endorsement under these regulations.

Deemed permit and
lead acid battery
endorsement

(4) Where a person is deemed, subsection (1), to hold a permit under these regulations, the permit of the person is subject to any terms and conditions to which the approval held by the person was subject under the regulations under which it was issued.

Terms and
conditions continue

(5) Where a person is deemed, subsection (2) or (3), to hold a permit and an endorsement under these regulations, the permit and endorsement of the person are subject to any terms and conditions to which the license of the person was subject under the regulations under which it was issued.

Idem

(6) Where a person is deemed, under this section, to hold a permit or an endorsement under these regulations, the permit and endorsement of the person expire, unless sooner revoked under the Act or these regulations, on the earlier of

Expiry

(a) March 31 next following the day these regulations come into force; and

(b) the expiry date to which the license or approval held by the person was subject under the regulations under which it was issued. (EC690/09)

Commencement

Commencement

50. (1) Subject to subsection (2), these regulations come into force on December 26, 2009.

(2) Sections 15 and 18 of these regulations come into force on July 1, 2010.

SCHEDULE A**CONTAMINATED USED OIL**

Column I <i>Substance</i>	Column II <i>Concentration</i>
polychlorinated biphenyls	5 mg/l
total organic halogens as chlorine	1000 mg/l
arsenic	5 mg/l
cadmium	2 mg/l
chromium	10 mg/l
lead	100 mg/l
(EC690/09)	

SCHEDULE B

USED OIL RETURN FACILITY LOGO



(EC690/09)

SCHEDULE C

**NOTICE
USED LEAD ACID BATTERIES ACCEPTED**

1. Provincial law requires us to accept motor vehicle or other lead acid batteries for recycling in exchange for new lead acid batteries purchased.
2. A deposit of \$5 must be charged for each new lead acid battery that is not exchanged with a used lead acid battery.
3. It is illegal to dispose of a lead acid battery except at a place where lead acid batteries are sold or at an authorized return facility.
4. Recycle your used lead acid batteries.
(EC690/09)