



## **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

### USED OIL HANDLING REGULATIONS

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

#### 1. In these regulations

#### Definitions

- |  |                                   |
|--|-----------------------------------|
| (a) "contaminated used oil" means used lubricating oil that has a flash-point less than 38 degrees Centigrade or that 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; | contaminated used oil             |
| (b) "industrial seller" means a person who sells lubricating oil directly to industrial customers by contract;   | industrial seller                 |
| (c) "lubricating oil" means engine oil, transmission fluid and gear oil, but does not include oils derived from animal or vegetable fats;  | lubricating oil                   |
| (d) "organic halogen compound" means an organic chemical compound into which one or more of the halogen elements are incorporated;   | organic halogen compound          |
| (e) "point of display" means an area of a seller's premises where containers of lubricating oil are displayed;   | point of display                  |
| (f) "point of sale" means an area of a seller's premises where the transaction to purchase lubricating oil takes place;  | point of sale                     |
| (g) "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;   | Polychlorinated Biphenyls or PCBs |
| (h) "return facility" means a place for the return and short term storage of used oil;   | return facility                   |
| (i) "seller" means a person who stores lubricating oil at a fixed location for sale direct to the users;   | seller                            |
| (j) "used oil" means lubricating oil which through use, storage or handling has become unsuitable for its original purpose but is suitable for re-refining or other permitted uses;  | used oil                          |

used oil collector	(k) “used oil collector” means a person engaged in the business of collecting, transporting, storing, selling and handling used oil. (EC425/92)
Regulated activities	<p><b>2. No person shall</b></p> <p>(a) contaminate used oil with any substance that has a flash-point less than 38 degrees Centigrade or a substance listed in column I of Schedule A;</p> <p>(b) dispose of used oil at a solid waste management facility;</p> <p>(c) place used oil in a container intended for pick up to go to a solid waste management facility;</p> <p>(d) dispose of contaminated used oil at a return facility;</p> <p>(e) offer for sale, sell, transfer possession or dispose of contaminated used oil without the approval by the Department;</p> <p>(f) in any manner, dispose of used oil to any sanitary or storm sewer or to any fixture, catch basin or drain leading to a sanitary or storm sewer; or</p> <p>(g) apply or otherwise dispose of used oil on public or private land for any purpose, including dust suppression. (EC425/92)</p>
Used oil analysis	<p><b>3. (1) No person shall transport used oil into or out of the province, without first</b></p> <p>(a) requesting and obtaining the results of laboratory analysis of a sample or samples from each used oil storage container in the form set out in Schedule B;</p> <p>(b) providing a copy of a completed Schedule B form to the Department; and</p> <p>(c) receiving written permission from the Department.</p>
Samples	(2) Samples of used oil collected for laboratory analysis must be representative of the full depth of the storage container from which the sample is taken.
Results	(3) The laboratory analysis results referred to in subsection (1) shall be kept by the person referred to in subsection (1) for a period of not less than three years from the date of analysis.
Notice	<p>(4) Every person in possession of contaminated oil shall</p> <p>(a) within seven days of the receipt of the laboratory analysis, provide the Department with notice, in the form set out in Schedule C; and</p> <p>(b) provide such other information as may be required by the Department.</p>
Disposal	(5) Contaminated used oil must be disposed of in a manner that has been approved by the Department. (EC425/92)

4. (1) All used oil collectors must obtain a license from the Department. Licenses
- (2) An application for a license shall contain Application, contents
- (a) a detailed written proposal outlining
- (i) the location of the business,
  - (ii) the plans and specifications of the storage, and transfer facilities and equipment,
  - (iii) the training of employees,
  - (iv) a contingency plan for the prevention, detection and handling of leaks and spills and a description of the methods used to fill and empty each storage tank,
  - (v) such other information as may be required by the Department;
- (b) a certificate of insurance which
- (i) evidences insurance coverage for the used oil collector'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,
- and be accompanied by an application fee of \$100.
- (3) Upon review of an application, the Department may request additional information. Grant of license
- (4) The Department may attach such terms and conditions to a license as it considers necessary. Conditions
- (5) The Department may revoke a license at any time upon finding that the license holder is in violation of the Act or these regulations. Revocation
- (6) The Department may revoke a license at any time upon finding that the license holder is in violation of the Act or these regulations. Violation
- (7) Failure to comply with a term or condition of a license is an offence. Offence
- (8) Every used oil collector shall keep and maintain a record of the volume of the used oil transferred, the date of the transfer, and the person from whom and to whom the used oil was transferred for a period of three years from the date of the transfer. (EC425/92) Records
5. Within twelve months of the coming into force of these regulations, all sellers except industrial sellers shall Requirements for return facilities
- (a) provide a return facility at the seller's premises; or

(b) contract with a person who operates a return facility that is located within a five kilometer radius of the seller's premises, to accept used oil from the seller's customers. (EC425/92)

Waiver

**6.** Notwithstanding clause 5(b), where geographical or other considerations do not allow a seller to contract with a person within a 5 kilometer radius, the Department may, in writing, waive the five kilometer requirement to permit a seller to contract with a person who operates a return facility which is located outside a five kilometer radius of the seller's premises. (EC425/92)

Obligations of  
operation of return  
facility

**7.** A person operating a return facility shall

- (a) make it available to any person who wishes to return used oil and do so without charge;
- (b) accept used oil in quantities of up to ten litres per person per day or a larger quantity per day that is equivalent to the maximum size of container of lubricating oil sold on the premises;
- (c) operate during the normal business hours of the premises where the return facility is located;
- (d) store used oil in compliance with the Petroleum Storage Tanks Regulations (EC187/90) and the National Fire Code of Canada;
- (e) keep and maintain a record of the volume of used oil transferred to any person, the date of the transfer, and the person to whom the used oil was transferred for a period of three years from the date of the transfer. (EC425/92)

Signs on sellers  
premises

**8.** (1) Every seller shall, at the entrance to the seller's premises, the point of display or the point of sale, post a sign which

- (a) clearly displays the used oil return facility logo as shown in Schedule D; and
- (b) states that
  - (i) a return facility is located on the seller's premises, or
  - (ii) the name and location of the facility which has been contracted to accept the seller's used oil.

Educational  
materials

(2) Every seller shall 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 from time to time by the petroleum industry and the Department. (EC425/92)

Information

**9.** (1) Every used oil collector and return facility shall furnish such information and carry out such tests and examinations as the Department may require.

Samples

(2) The Department may collect samples of used oil for laboratory analysis from any person in possession of used oil.

(3) In a prosecution, proceeding or hearing under the Act or these regulations, the production of a certificate or report by the Minister as to the analysis, description, ingredients, quality, or quantity of used oil is evidence of the facts stated therein. (EC425/92)

Certificate etc. as  
evidence

**SCHEDULE A**  
**CONTAMINATED USED OIL**

## Column I

*Substance*

polychlorinated biphenyls  
total organic halogens as chlorine  
arsenic  
cadmium  
chromium  
lead  
(EC425/92)

## Column II

*Concentration*

5 mg/l  
1000 mg/l  
5 mg/l  
2 mg/l  
10 mg/l  
100 mg/l

**SCHEDULE B**  
**Used Oil - Certificate of Analysis****A. OWNER IDENTIFICATION**

1. Owner (Name)..... Phone No.....
2. Address.....
3. Location of Waste Oil (if different from owner's address).....
4. Volume of batch certified herein: .....

I, the undersigned declare that the information given above is true and complete respecting the identification of the source of this sample and request that a copy of the Certificate of Analysis be sent directly to the Department of Fisheries, Aquaculture and Environment, Air Quality and Hazardous Materials Section, P.O. Box 2000, Charlottetown, P.E.I., C1A 7N8

Date .....

.....  
Signature of Owner Representative**B. RECORD OF ANALYSIS OF SAMPLE**

1. Polychlorinated Biphenyls (mg/L).....
2. Total Organic Halogens as Chlorine (mg/L) .....
3. Arsenic (mg/L).....
4. Cadmium (mg/L).....
5. Chromium (mg/L) .....
6. Lead (mg/L) .....
7. Flash Point (degree C closed cup) .....

**C. LABORATORY IDENTIFICATION**

1. Name of Laboratory .....
2. Address.....

I, the undersigned hereby certify that the above sample is not contaminated waste oil, and that the analytical information given is a true and complete record respecting a sample provided to me by the above-identified owner or his authorized representative.

Date .....

.....  
Signature of chemist or authorized Laboratory representative  
(EC425/92)



**SCHEDULE C**

COMPLETE ONE FORM FOR EACH TANK CONTAINING CONTAMINATED USED OIL.

**A. OWNER OF TANK**

1. Owner (Name) .....
2. Address .....
3. Community .....
4. Province .....
5. Postal Code .....
6. Phone Number .....

**B. LOCATION OF TANK**

1. Same as Section A Yes [ ] No [ ]
2. Address .....
3. Community .....
4. Province .....
5. Postal Code .....
6. Phone Number .....

**C. TYPE OF OIL STORED****D. TYPE OF INSTALLATION** Above ground [ ] Under ground [ ]

1. Is the tank locked or otherwise secured? Yes [ ] No [ ]
2. Is the tank dyked (above ground only)? Yes [ ] No [ ]
3. Capacity of tank is .....litres.
4. Petroleum Storage Tanks Regulations registration number

**E. REASON FOR STORAGE**

1. [ ] Re-sale
2. [ ] Treatment
3. [ ] Fuel Source
4. [ ] Other

(EC425/92)

**SCHEDULE D**  
**Used Oil Return Facility Logo**

