

ALBERTA REGULATION 82/97

Environmental Protection and Enhancement Act

LUBRICATING OIL MATERIAL RECYCLING AND MANAGEMENT REGULATION

Table of Contents

Definitions	1
Designated material	2
Management board established	3
Freedom of information and protection of privacy	3.1
Annual report	4
Registration	5
Cancellation and suspension of registration	6
Prohibition	7
By-laws	8
Notice to Minister	9
Offence	10
	Expiry
Expiry	11
	Coming into Force
Coming into force	12

- Definitions** **1** In this Regulation,
- (a) "Act" means the *Environmental Protection and Enhancement Act*;
 - (b) "Association" means the Alberta Used Oil Management Association;
 - (c) "by-law" means a by-law made by the Association under section 8;
 - (d) "end user" means a person who purchases and uses lubricating oil material or equipment containing lubricating oil for its intended use;
 - (e) "filter" means any spin-on or element style fluid filter that is used in hydraulic or internal combustion engine applications, but does not include a gasoline fuel filter;
 - (f) "lubricating oil" means petroleum-derived or synthetic crankcase oil, engine oil, hydraulic fluid, transmission fluid, gear oil, heat transfer fluid or other oil or fluid used for lubricating purposes in machinery or equipment;

- (g) "lubricating oil material" means lubricating oil, oil containers and filters;
- (h) "Minister" means the Minister of Environment;
- (i) "oil container" means a container in which lubricating oil is supplied and that has a capacity of 30 litres or less;
- (j) "supplier" means
 - (i) a manufacturer of lubricating oil material who supplies the manufacturer's own brand of lubricating oil material to

- (A) a jobber,
- (B) a retailer, or
- (C) the end user;

- (ii) a marketer who supplies lubricating oil material to

- (A) a jobber,
- (B) a retailer, or
- (C) the end user,

where the lubricating oil material was manufactured for the marketer by another person and the marketer owns the brand;

- (iii) a marketer who supplies lubricating oil material to

- (A) a jobber,
- (B) a retailer, or
- (C) the end user,

where the lubricating oil material was manufactured for the marketer by another person and the marketer is the licensee of the brand;

- (iv) a wholesaler, including a retail distributor, who supplies lubricating oil material to

- (A) a jobber,
- (B) a retailer, or
- (C) the end user;

(v) a jobber who supplies lubricating oil material that the jobber has imported into Alberta to

(A) a retailer, or

(B) the end user;

(vi) a retailer who supplies to the end user lubricating oil material that the retailer has imported into Alberta;

(vii) a wholesale equipment supplier who supplies equipment to

(A) its dealers, or

(B) the end user of the equipment,

where, as part of the transaction, lubricating oil material is also supplied;

(k) "supply" means a sale or other transfer.
AR 82/97 s1;206/2001

Designated material

2 Lubricating oil material is hereby designated as designated material for the purposes of Part 9, Division 1 of the Act.

Management board established

3 The Alberta Used Oil Management Association, being a society incorporated under the Societies Act, is hereby established as a management board within the meaning of section 175(jj) of the Act.
AR 82/97 s3;251/2001

Freedom of information and protection of privacy

3.1(1) The Association shall comply with the *Freedom of Information and Protection of Privacy Act* in the course of carrying out its powers, duties and functions under this Regulation.

(2) The Association shall designate a person to be responsible for freedom of information matters.

(3) If a request for access to information pursuant to *the Freedom of Information and Protection of Privacy Act* is made, the Association shall,

(a) in the case of a request made directly to the Association, immediately direct the request to the Department's Freedom of Information and Protection of Privacy Co-ordinator, and

(b) in every case, comply with such directions regarding the request as may be provided by the Co-ordinator.

- (4) All records in the custody or under the control of the Association that are required in the carrying out of its powers, duties or functions under this Regulation are subject to
 - (a) the Records Management Regulation (AR 57/95), or
 - (b) any regulation that replaces the Records Management Regulation (AR 57/95).
- (5) All information and records created or maintained in the course of carrying out the powers, duties and functions under this Regulation become and remain the property of the Crown in right of Alberta.
- (6) The Association shall designate a person to be responsible for records management matters.
AR 68/99 s2

**Annual
report**

- 4(1)** The Association shall
 - (a) not less than 30 days before the start of each fiscal year provide to the Minister a business plan for the Association that indicates its goals for the coming fiscal year, and
 - (b) not more than 6 months after the end of each fiscal year provide to the Minister an annual report summarizing the activities of the Association and containing the audited financial statements of the Association for the fiscal year.
- (2) The remuneration and benefits that were paid to
 - (a) all members of the board of directors of the Association, and
 - (b) all management personnel who report directly to one or more of the members of the board of directors during the fiscal year must be reported in the financial statements or as a note or schedule to the financial statements.
- (3) The remuneration and benefits must be reported
 - (a) on an individual basis by name in the case of the persons referred to in subsection (2)(a), and
 - (b) on an aggregate basis in the case of the persons referred to in subsection (2)(b).

(4) The Minister is authorized to disclose personal information reported under this section, and this subsection constitutes an authorization for the purposes of section 40(1)(f) of the Freedom of Information and Protection of Privacy Act.

AR 82/97 s4;251/2001

- Registration** **5(1)** Every
- (a) supplier, and
 - (b) end user who imports lubricating oil material into Alberta for the end user's own business use
- shall apply to the Association to be registered.
- (2) An application referred to in subsection (1) shall be made in the form and manner prescribed in the by-laws.
- Cancellation and suspension of registration** **6(1)** The Association may cancel or suspend the registration of a registrant if the registrant contravenes the Act, this Regulation or the by-laws.
- (2) The Association may cancel the registration of a registrant if the registrant ceases to carry on business or applies to surrender his certificate of registration.
- (3) A person who ceases to be a registrant by virtue of subsection (1) or (2) or whose certificate of registration is under suspension shall forthwith surrender the certificate of registration to the Association.
- Prohibition** **7** No person shall act as a supplier or as an end user within the meaning of section 5(1) unless the person is registered and the registration is not under suspension
- By-laws** **8(1)** The Association may make by-laws
- (a) classifying lubricating oil material for the purposes of the by-laws;
 - (b) providing for the establishment, operation and winding-up by the Association of an industry operated recycling fund in respect of lubricating oil materials, including, without limitation, by-laws
 - (i) prescribing the manner in which and the purposes for which money in the fund may be used;

- (ii) providing for the imposition of surcharges by the Association in respect of transactions in lubricating oil materials by registrants and providing for all matters related to the payment of those surcharges and the collection of them by the Association, including without limitation,
 - (A) prescribing the amounts of the surcharges and prescribing which registrant or class of registrant must pay, collect and remit the surcharges,
 - (B) governing the reports and returns to the Association that must be made by registrants,
 - (C) providing for interest charges on late payment of the surcharges, and
 - (D) providing for the assessment by the Association of surcharge amounts owing;
 - (c) governing registration of registrants, including prescribing the amount of any registration fee;
 - (d) requiring an applicant for registration or a registrant
 - (i) to provide security to the Association, or
 - (ii) to provide to the Association evidence of security in a form and amount that is acceptable to the Association for the purpose of ensuring that the applicant or registrant exercises the powers and carries out the duties of registrant in accordance with the Act, this Regulation and the by-laws;
 - (e) protecting the confidentiality of information provided by applicants for registration and registrants;
 - (f) respecting the keeping of records by registrants in respect of transactions in lubricating oil material, and the making of those records available for inspection by the Association and representatives of the Department of Environment;
 - (g) exempting supply transactions from any or all of the requirements of the by-laws;
 - (h) respecting any other matter related to the administration of this Regulation by the Association.
- (2) The Regulations Act applies to by-laws under subsection (1).
AR 82/97 s8;206/2001

Notice to Minister **9** Where the Association proposes to change its objects or by-laws under the Societies Act, it shall give reasonable prior notice of the nature of the proposed changes to the Minister.

Offence **10** A person who contravenes section 6(3) or 7 is guilty of an offence and liable to a fine of not more than

(a) \$50 000 in the case of an individual, or

(b) \$500 000 in the case of a corporation.

Expiry

Expiry **11** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be re-passed in its present or an amended form following a review, this Regulation expires on June 30, 2013.

AR 82/97 s11;116/2002

Coming into Force

Coming into force **12(1)** This Regulation, except section 7, comes into force on the date on which it is filed.

(2) Section 7 comes into force on July 1, 1997.