

APPENDIX

Environmental Protection and Enhancement Act

LUBRICATING OIL MATERIAL RECYCLING AND MANAGEMENT BY-LAW

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- Definitions**
- 1(1)** In this By-law,
- (a) "calendar quarter" means a period of 3 months beginning on the first day of January, April, July or October in each calendar year;
 - (b) "environmental handling charge" means the environmental handling charge referred to in section 5;
 - (c) "Fund" means the Lubricating Oil Material Recycling and Management Fund;
 - (d) "process oil" means oil that is not recoverable because it is fully consumed in a process or is incorporated in another product;
 - (e) "registrant" means a supplier or end user who is registered under section 5 of the regulation;
 - (f) "regulation" means the *Lubricating Oil Material Recycling and Management Regulation*.
- (2)** Terms that are defined in the regulation have the same meaning when they are used in this By-law.

**Recycling
fund
established**

2 (1) There is hereby established an industry operated recycling fund to be called the "Lubricating Oil Material Recycling and Management Fund", which shall be used to provide or pay for any or all of the following:

- (a) establishing and administering a lubricating oil material waste minimization, recycling and management program;
- (b) education programs for the purpose of the lubricating oil material waste minimization, recycling and management program;
- (c) expenditures incurred in the collection, transportation, storage, processing and disposal of lubricating oil material;
- (d) research and development activities related to lubricating oil material management;
- (e) promotion and development for marketing the products of lubricating oil material recycling.

(2) The following shall be deposited into the Fund:

- (a) environmental handling charges on lubricating oil material, as provided for in this By-law;
- (b) gifts, donations and bequests to the Fund.

(3) Investment income earned on deposits of the Fund accrues to and forms part of the Fund.

(4) Salaries, fees, costs, expenses and liabilities incurred in the administration of the Fund shall be paid out of the Fund.

(5) The Association shall administer the Fund in accordance with the Act, the regulation and this By-law.

Registration

3 (1) An application for registration by a person referred to in section 5 of the regulation must be in a form acceptable to or provided by the Association and must contain the information required by the Association.

(2) The registration fee to be paid by an applicant for registration is \$200.

(3) If the Association registers an applicant it shall assign a registration number and issue a certificate of registration to the registrant and shall notify the registrant in writing of the number and the effective date of registration.

- Security** **4** The Association may require an applicant for registration or a registrant
- (a) to provide security to the Association, or
 - (b) 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 as registrant in accordance with the Act, the regulation and this Bylaw.
- Environment Handling Charge** **5 (1)** A registrant who, being a supplier, supplies lubricating oil material through any of the transactions described in section 1(j) of the regulation shall levy and collect as a surcharge from the person to whom the lubricating oil material is supplied an environmental handling charge in the amount prescribed for that class of lubricating oil material by by-law of the Association.
- (2)** A registrant who, being an end user, imports lubricating oil material into Alberta for the end user's own business use shall pay to the Association as a surcharge an environmental handling charge in the amount prescribed for that class of lubricating oil material by by-law of the Association.
- (3)** No environmental handling charge shall be levied or paid in the case of a transaction for the following types of lubricating oil:
- (a) two-cycle oil;
 - (b) chain oil;
 - (c) rockdrill oil;
 - (d) marine oil;
 - (e) metal working oil;
 - (f) saw guide oil used to cool and lubricate cutting operations;
 - (g) waylube oil used to lubricate metal machining operations;
 - (h) textile oil used to lubricate sewing needles.
- (4)** Subsection (3) does not exempt the oil container in which the lubricating oil is contained.

- (5) It is the intent of this By-law that the environmental handling charge in respect of a particular lubricating oil material be levied or paid only once.

Return and payment of environmental handling charge

- 6 (1) A registrant shall
- (a) complete and file with the Association at its head office a return in respect of each reporting period not later than 30 days after the end of the reporting period, and
 - (b) remit to the Association with the return all environmental handling charges the registrant has collected or for which the registrant is liable under section 5 during the reporting period.
- (2) A return shall be in a form acceptable to the Association.
- (3) Unless the Association directs otherwise, the reporting period for the purposes of this section is a calendar quarter.
- (4) The Association may in writing at any time extend the time for filing a return.

Assessments

- 7 (1) Where
- (a) a registrant fails to file a return in accordance with section 6, or
 - (b) the Association reasonably believes that a return that has been filed is incorrect or misleading, the Association may assess the amount of environmental handling charges to be remitted by the registrant in respect of the reporting period.
- (2) Where a registrant fails to collect or remit an environmental handling charge during a reporting period, the Association may assess the environmental handling charge in an amount equal to the amount of the environmental handling charge that the registrant failed to collect or remit.
- (3) Where the Association makes an assessment under subsection (1) or (2), the registrant shall remit
- (a) the amount of the assessment, or
 - (b) where a return has been filed and a remittance made, the amount, if any, by which the amount of the assessment exceeds the amount remitted, and the remittance is due and payable from the time the person receives notice of the assessment.

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| Interests | 8 | Interest is payable by a registrant on environmental handling charges that the registrant fails to remit as required by this By-law, and is payable at the rate of 1% per month, compounded at a rate of 12.68% per year, from the date the unpaid amount is due until the amount is paid. |
| Charges In Trust | 9 | A registrant holds all environmental handling charges referred to in section 5 in trust for the Association. |
| Recovery of Charge | 10 | An environmental handling charge and any interest owing in respect of it are recoverable by the Association in an action in debt. |
| Records | 11 | <p>A registrant shall</p> <ul style="list-style-type: none">(a) keep records of the registrant's transactions in lubricating oil material and of the amount of the applicable environmental handling charge,(b) make those records available<ul style="list-style-type: none">(i) for inspection by the Association and representatives of the Department of Environment, and(ii) for audit at the times and by a person designated by the Association, and(c) provide to the Association on request information in respect of the registrant's transactions in lubricating oil material. |
| Confidentiality | 12 | Where the Association or a representative of the Department of Environment acquires information under this By-law from a registrant and the information relates to a trade secret, process or technique that the registrant providing the information keeps confidential, the Association or the representative, as the case may be, shall take all reasonable steps to ensure that the information is not used or released in a form or manner that is likely to undermine the confidentiality. |
| Repeal | 13 | The <i>Lubricating Oil Material Recycling and Management By-law (AR 141/97)</i> is repealed. |