



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I
PUBLISHED BY AUTHORITY

Vol. 93

ST. JOHN'S, FRIDAY, NOVEMBER 2, 2018

No. 44

LANDS ACT

Notice of Intent, Section 7 Lands Act, SNL 1991 c36 as amended

NOTICE IS HEREBY given that an application has been made to the Department of Fisheries and Land Resources, Agriculture and Lands Branch, to acquire title, pursuant to section 7(2)(d) of the said Act, to that piece of Crown lands situated within 15 metres of the waters of Norris Cove, Bonne Bay for the purpose of slipway and wharf.

The application may intrude on the 15 metre shoreline of the above mentioned water body(s) in various locations. For a detailed map, please see the website below:

<http://www.ma.gov.nl.ca/lands/sec7notifications.html>

Please note: It may take up to 5 days from the date of application for details to appear on the website.

Any person wishing to object to the application must file the objection in writing with reasons, within 30 days from the publication of the notice on the Department of Fisheries and Land Resources website, Crown Lands, <http://www.ma.gov.nl.ca/lands/index.html>, to the Minister of Fisheries and Land Resources by mail or email to the nearest Regional Lands Office:

- Eastern Regional Lands Office, P.O. Box 8700, Howley Building, Higgins Line, St. John's, NL, A1B 4J6 Email: easternlandsoffice@gov.nl.ca

- Central Regional Lands Office, P.O. Box 2222, Gander, NL, A1V 2N9 Email: centrallandsoffice@gov.nl.ca

- Western Regional Lands Office, P.O. Box 2006, Sir Richard Squires Building, Corner Brook, NL, A2H 6J8 Email: westernregionlands@gov.nl.ca

- Labrador Regional Lands Office, P.O. Box 3014, Station "B", Happy Valley-Goose Bay, NL, A0P 1E0 Email: labradorlandsoffice@gov.nl.ca

(DISCLAIMER: The *Newfoundland and Labrador Gazette* publishes a NOTICE OF INTENT received from the Applicant and takes no responsibility for errors or omissions in the property being more particularly described.)

Nov 2

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate of MARY BALDWIN, Late of Carbonear, in the Province of Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by blood, legal adoption or marriage) upon or affecting, the Estate of MARY BALDWIN, Gentlewoman, who died at Carbonear, NL on or about February 14, 2018, are hereby requested to send particulars thereof in writing, duly attested, to Office of the Public Trustee, 401 - 136 Crosbie Road, St. John's, NL, A1B 3K3.

Particulars will be received by the Public Trustee, as Administrator of the Estate of MARY BALDWIN, on or before December 7, 2018, after which date the said Administrator will proceed to distribute the Estate having regard only to the claims of which he then shall have had notice.

DATED AT the City of St. John's, in the Province of Newfoundland and Labrador, this 2nd day of November, 2018.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
MARY BALDWIN

ADDRESS FOR SERVICE:
401 - 136 Crosbie Road
St. John's, NL
A1B 3K3

Tel: (709) 729-850
Fax: (709) 729-3063

Nov 2

ESTATE NOTICE

IN THE MATTER OF the Estate and Effects of the late MICHAEL JOHN CONNELLY, Late of the Town of Twillingate, in the Province of Newfoundland and Labrador, Computer Support Specialist, Deceased.

All persons claiming to be creditors of or who have any claims or demands upon or affecting the Estate of MICHAEL JOHN CONNELLY, Late of the Town of Twillingate, aforesaid, Deceased, are hereby requested to send particulars thereof, in writing, duly attested, to the undersigned solicitors for the Administrator of the Estate of the said Deceased on or before the 23rd day of November, 2018, after which date the said Administrator will proceed to distribute the Estate having regard only to the claims of which they then shall have notice.

DATED AT the Town of Gander, in the Province of Newfoundland and Labrador, this 15th day of October, 2018.

EASTON HILLIER LAWRENCE INNES
Solicitors for the Administrator
PER: Mary Waterman Newton

ADDRESS FOR SERVICE:
Polaris Building
61 Elizabeth Drive
Gander, NL A1V 1G4

Tel: (709) 256-4006
Fax: (709) 651-2850

Nov 2

ESTATE NOTICE

IN THE MATTER OF the Estate of DAVID JOHN DAVIS, Late of St. John's in the Province of Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by full or half blood, legal adoption or marriage) upon or affecting, the Estate of DAVID JOHN DAVIS, Gentleman, who died at St. John's, NL on or about 6th day of June, 2017, are hereby requested to send particulars thereof in writing, duly attested, to Office of the Public Trustee, Suite 401 - 136 Crosbie Road, St. John's, NL, A1B 3K3.

Particulars will be received by the Public Trustee, as Administrator of the Estate of DAVID JOHN DAVIS, on or before 2nd day of December, 2018, after which date the said Administrator will proceed to distribute the Estate having regard only to the claims of which he then shall have had notice.

DATED AT the City of St. John's, in the Province of Newfoundland and Labrador, this 2nd day of November, 2018.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
DAVID JOHN DAVIS

ADDRESS FOR SERVICE:
Suite 401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709) 729-0850
Fax: (709) 729-3063

Nov 2

ESTATE NOTICE

IN THE MATTER OF the Estate of ELIZABETH HALLERAN, Late of St. John's, in the Province of Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any claims or demands either as beneficiaries or next-of-kin (by blood, legal adoption or marriage) upon or affecting, the Estate of ELIZABETH HALLERAN, Gentlewoman, who died at St. John's, NL on or about January 19, 2017, are hereby requested to send particulars thereof in writing, duly attested, to Office of the Public Trustee, 401 - 136 Crosbie Road, St. John's, NL, A1B 3K3.

Particulars will be received by the Public Trustee, as Administrator of the Estate of Elizabeth Halleran, on or before December 7, 2018, after which date the said Administrator will proceed to distribute the Estate having regard only to the claims of which he then shall have had notice.

DATED AT the City of St. John's, in the Province of
Newfoundland and Labrador, this 15th day of June, 2018.

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
ELIZABETH HALLERAN

ADDRESS FOR SERVICE:
401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709)729-0850
Fax: (709) 729-3063

Nov 2

ESTATE NOTICE

IN THE MATTER OF the Estate of GARY ALLAN
ROBERTS, Late of Spaniard's Bay in the Province of
Newfoundland and Labrador, Deceased.

All persons claiming to be creditors of, or who have any
claims or demands either as beneficiaries or next-of-kin
(by full or half blood, legal adoption or marriage) upon
or affecting, the Estate of GARY ALLAN ROBERTS,
Gentleman, who died at Carbonear, NL on or about 16th day
of October, 2017, are hereby requested to send particulars
thereof in writing, duly attested, to Office of the Public
Trustee, Suite 401 - 136 Crosbie Road, St. John's, NL, A1B
3K3.

Particulars will be received by the Public Trustee, as
Administrator of the Estate of GARY ALLAN ROBERTS,
on or before 2nd day of December, 2018, after which date
the said Administrator will proceed to distribute the Estate
having regard only to the claims of which he then shall have
had notice.

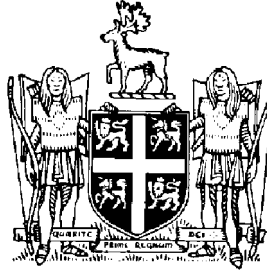
DATED AT the City of St. John's, in the Province of
Newfoundland and Labrador, this 2nd day of November,
2018

OFFICE OF THE PUBLIC TRUSTEE
Administrator of the Estate of
GARY ALLAN ROBERTS

ADDRESS FOR SERVICE:
401 - 136 Crosbie Road
St. John's, NL A1B 3K3

Tel: (709)729-0850
Fax: (709) 729-3063

Nov 2



THE NEWFOUNDLAND AND LABRADOR GAZETTE

**PART II
SUBORDINATE LEGISLATION
FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT**

Vol. 93

ST. JOHN'S, FRIDAY, NOVEMBER 2, 2018

No. 44

NEWFOUNDLAND AND LABRADOR REGULATIONS

**NLR 99/18
NLR 100/18
NLR 101/18
NLR 102/18**



NEWFOUNDLAND AND LABRADOR REGULATION 99/18

Milk Regulations, 1998 (Amendment)
under the
Milk Scheme, 1998
under the
Natural Products Marketing Act

(Filed October 30, 2018)

Under the authority of section 8 of the *Milk Scheme, 1998* and the *Natural Products Marketing Act*, the Dairy Farmers of Newfoundland and Labrador make the following regulations.

Dated at St. John's, October 26, 2018.

John Moores
General Manager
Dairy Farmers of Newfoundland and Labrador

REGULATIONS

Analysis

1. S.22 R&S
Minimum price for milk

NLR 69/98
as amended

1. Section 22 of the *Milk Regulations, 1998* is repealed and the following substituted:

Minimum price for
milk

22. The minimum price at which milk shall be bought, sold or offered for sale FOB registered processors premises in the province shall be \$120.55 per hectolitre of standard milk containing 3.6

kilograms of butterfat, and for every kilogram in excess of that butterfat content, the minimum price shall be adjusted by the amount of \$5.20 per hectolitre.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 100/18**

Used Oil and Used Glycol Control Regulations
under the
Environmental Protection Act
(O.C. 2018-220)

(Filed November 1, 2018)

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 1, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

- | | |
|--|---|
| 1. Short title | 8. Registration of storage tank systems |
| 2. Interpretation | 9. Prohibition |
| 3. Designate | 10. Amendment, suspension or cancellation of registration |
| 4. Disposal of used oil and used glycol | 11. Construction standards |
| 5. Combustion | 12. Inspections |
| 6. Disposal of certain substances prohibited | 13. Transitional |
| 7. Storage facility owner responsibilities | 14. Repeal |
| | 15. Commencement |

Short title

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

Interpretation

2. (1) In these regulations

- (a) "Act" means the *Environmental Protection Act*;
- (b) "contingency plan" means planned procedures for reporting, containing, removing and cleaning up a spill or leak;
- (c) "container" means a storage vessel normally sealed by means of a lid or other device that neither liquid nor vapour will escape from it at ordinary temperatures and is designed or approved for the storage of the contained product;
- (d) "department" means the department presided over by the minister;
- (e) "generator" means a person who generates used oil or used glycol and includes a used oil or used glycol collector;
- (f) "glycol" means ethylene or propylene glycol used or intended for use as a vehicle or commercial engine coolant but does not include
 - (i) plumbing antifreeze,
 - (ii) windshield washer antifreeze,
 - (iii) lock de-icer and lock antifreeze, and
 - (iv) gasoline and diesel antifreeze;
- (g) "glycol container" means a container with a capacity of 50 litres or less manufactured for the purpose of holding glycol;
- (h) "leak" means a discharge of used oil or used glycol from a storage tank system, container, pipeline, tank vessel, tank car or tank vehicle other than through the usual function for which the storage tank system, container, pipeline, tank vessel, tank car or tank vehicle was designed;
- (i) "minister " means the minister appointed under the *Executive Council Act* to administer the Act;
- (j) "oil" means

- (i) petroleum or synthetic derived crankcase oil, engine oil and gear oil,
 - (ii) hydraulic fluid, transmission fluid and heat transfer fluid, and
 - (iii) fluid used for lubricating purposes in machinery or equipment;
- (k) "oil container" means a container with a capacity of 50 litres or less manufactured for the purposes of holding oil;
- (l) "oil filter" means a spin-on style or element style fluid filter that is used in hydraulic, transmission or internal combustion engine applications and includes a diesel fuel filter, a storage tank fuel filter, a household furnace oil filter but does not include a gasoline filter;
- (m) "oil separator" means a device used to separate and remove oily wastes from oil and water mixtures;
- (n) "person" includes a group of persons whether or not they are incorporated;
- (o) "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;
- (p) "return facility" means a facility that accepts used oil, used oil filters, oil containers, used glycol and glycol containers from persons who wish to return them, and that is identified as a collection facility through an approved oil and glycol stewardship plan;
- (q) "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;
- (r) "spill" means a loss of used oil or used glycol in excess of 70 litres from a storage tank system, pipeline, tank vessel or vehicle onto or into the soil or water;

- (s) "storage facility" means a facility set up for the purpose of collecting and storing used oil or used glycol and includes all associated storage tank systems, loading and unloading areas and used oil or used glycol transport vehicle parking areas;
- (t) "storage tank system" means an atmospheric closed storage tank, including associated piping and secondary containment, used or intended for use for the containment of used oil or used glycol that is located in a stationary location, including a temporary arrangement on cradles, skids or wheels;
- (u) "total petroleum hydrocarbons" means the sum of total purgeable and total extractable hydrocarbons;
- (v) "used glycol" means glycol that, through use, storage or handling, can no longer be used for its original purpose;
- (w) "used oil" means oil that, through use, storage or handling, can no longer be used for its original purpose;
- (x) "used glycol 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 glycol and includes an agent of a used glycol collector; and
- (y) "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.

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

Designate

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

Disposal of used oil and used glycol

4. (1) In this section

- (a) "used oil" includes any mixture of used oil and another liquid where the concentration of total petroleum hydrocarbons exceeds 15 parts per million; and
 - (b) "used glycol" includes any mixture of used glycol and another liquid where the concentration of glycol 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 glycol, either directly or indirectly, into a body of water, a sanitary or storm sewer or septic system or to a fixture, catch basin or drain, leading to a sanitary or storm sewer, septic system 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 glycol in a manner acceptable to the minister;
 - (b) apply, abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil or used glycol 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, used oil filters, oil containers, used glycol or glycol containers in a waste disposal site except in accordance with paragraph 6(b);
 - (d) place used oil, used oil filters, oil containers, used glycol or glycol containers in a container or with other waste material, intended for pick up for transportation to a waste disposal site except in accordance with paragraph 6(b);
 - (e) apply or use used oil as a base for a preparation to be applied to the underside of vehicles as a rust inhibitor; and
 - (f) sell, give for use or use used oil as a lubricant or coating for a chainsaw or other mechanical device.

Combustion

5. (1) A person shall not

- (a) abandon, deposit, empty, pour, pump, dump, discard or otherwise dispose of used oil, used oil filters, oil containers, used glycol or glycol containers or place used oil, used oil filters, oil containers, used glycol or glycol containers in or with other waste material intended for pick up for transportation to an incinerator;
- (b) use used oil as a fuel or otherwise combust used oil, used oil filters, oil containers, used glycol or glycol containers 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, used oil filters, oil containers, used glycol or glycol containers to start a brush fire, bonfire or incinerator or for firefighting training or practice.

(2) A person shall not use used oil as a fuel or otherwise combust used oil in a furnace, boiler, burner or other combustor unless the furnace, boiler, burner or other combustor complies with the *Air Pollution Control Regulations, 2004*.

Disposal of certain substances prohibited

6. A person shall not dispose of oil, used oil, used oil filters, oil containers, glycol, used glycol or glycol containers unless that disposal is made to

- (a) a return facility;
- (b) a waste disposal site established under the Act and approved for that purpose by the minister; or
- (c) an area that the minister may designate as appropriate for the purpose of the disposal of oil, used oil, used oil filters, oil containers, glycol, used glycol or glycol containers.

Storage facility owner responsibilities

7. 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 or used glycol at the storage facility;
- (b) a person who accepts, handles, stores or deposits used oil or used glycol at the storage facility is

- (i) knowledgeable about relevant legislation, departmental policy and the storage facility's contingency plan, and
- (ii) is one of the following:
 - (A) an owner of the storage facility,
 - (B) a person who has the charge, management or control of the storage facility, or
 - (C) an employee of one of the persons referred to in clause (A) or (B);
- (c) used oil or used glycol is stored in a registered storage tank system which
 - (i) bears a visible and legible label or other identification that indicates
 - (A) the registration number for the storage tank system,
 - (B) that it contains used oil or used glycol, and
 - (C) the name and address of the storage facility, where the storage facility is an aboveground storage tank,
 - (ii) is stored, handled and maintained so as to prevent leaks or spills of used oil or used glycol, damage or deterioration of the storage tank system or any adverse effect, and
 - (iii) 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;
- (d) the label or other identification referred to in paragraph (c) is located on the fill pipe for an underground storage tank system;
- (e) all storage tank systems at the storage facility are visually inspected for leaks and spills of used oil or used glycol by a

person who is knowledgeable about the requirements pertaining to used oil or used glycol storage facilities, at least once during each day in which the storage facility is open or other intervals determined by the minister;

- (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) in the event of a spill or leak from a storage tank system the department is immediately notified and the steps necessary to abate the discharge, clean the area affected and restore the environment to the satisfaction of the department are undertaken;
- (h) the facility's contingency plan is reviewed and updated
 - (i) annually,
 - (ii) after an event has occurred requiring the implementation of the contingency plan to determine its effectiveness during the event and areas for improvement, and
 - (iii) when staff changes occur which may affect the implementation of the contingency plan;
- (i) used oil or used glycol is not accepted at the storage facility unless
 - (i) the used oil or used glycol is to be combusted, disposed or otherwise processed at the storage facility, or
 - (ii) provisions for the ongoing removal of all used oil or used glycol at the storage facility have been made;
- (j) used oil or used glycol is removed from the storage facility only by a person to whom a certificate of approval has been issued under the Act authorizing the transport of used oil or used glycol;

- (k) upon removal of used oil or used glycol from the storage facility a record is created and maintained that has information regarding the date of removal, the amount removed and the name of the person to whom the used oil or used glycol was transferred and that the record is kept at the storage facility for a period not less than 3 years after it is made; and
- (l) verbal or written complaints of an environmental nature received from the public related to the activities of the storage facility, whether or not they are received anonymously, are reported to the department within one working day.

Registration of
storage tank
systems

8. (1) A person applying for registration of a storage tank system shall provide

- (a) information on the location of the storage facility;
- (b) the plans and specifications of the storage facility;
- (c) information on the training of employees;
- (d) the contingency plan for the prevention, detection, and handling of leaks and spills;
- (e) an outline of the methods of filling and emptying each storage tank;
- (f) proof of environmental impairment insurance in an amount required by the minister;
- (g) a completed application in a form prescribed by the minister; and
- (h) other information that may be required by the minister.

(2) The minister may accept or reject an application for registration.

(3) When an application for registration has been accepted the minister may issue a certificate of registration.

(4) Where the ownership of a storage facility changes, the new owner shall register the storage tank systems at the storage facility under the new owner's name within 90 days of the change of ownership.

Prohibition

9. (1) A person in possession of used oil or used glycol, including a return facility, shall not construct, install, alter or operate any associated equipment or engage in the storage of used oil or used glycol without a valid certificate of registration issued under these regulations.

(2) Subsection 9(1) does not apply to a person who stores 205 litres or less of used oil or used glycol on his or her property.

(3) A person referred to in subsection (2) shall

(a) store used oil and used glycol in accordance with section 11; and

(b) dispose of used oil and used glycol in accordance with section 6.

Amendment,
suspension or
cancellation of
registration

10. The minister may amend, suspend or cancel a registration for failure by the holder of the certificate to comply with a provision of the Act or these regulations.

Construction
standards

11. (1) All generators of used oil or used glycol shall have in place a storage tank system in accordance with this section.

(2) A used oil or used glycol 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 or used glycol 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 or used glycol storage tank system contains any used oil or used glycol, or

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

(3) Notwithstanding subsection (1), used oil or used glycol may be stored in one or more containers where the containers

(a) are manufactured for the purpose of storing oil, glycol, used oil or used glycol;

(b) have a secondary containment system that retains not less than 110% of the capacity of the volume stored, where greater than 50 litres is stored; and

(c) meet any other requirements set by the minister.

(4) In addition to the requirements in subsection (3), where greater than 205 litres of used oil or used glycol is to be stored in one or more containers, the storage shall be approved by the minister.

(5) Notwithstanding subsection (1), used oil that has been separated by an oil separator may be stored in the oil separator until the used oil is transferred to a storage tank system or a container.

(6) A person shall not use or operate an oil separator and associated piping unless the oil separator

(a) is registered with the minister;

(b) is installed and maintained in accordance with the manufacturer's instructions; and

(c) meets any other requirements set by the minister.

Inspections

12. (1) A person who owns or operates a storage facility for handling used oil or used glycol shall furnish information, plans, 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 inspector.

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

Transitional

13. A certificate of approval issued under the *Used Oil Control Regulations* remains valid until the expiry date stated in the certificate.

Repeal

14. The *Used Oil Control Regulations, Newfoundland and Labrador Regulation 82/02*, are repealed.

Commencement

15. These regulations come into force 6 months after their publication in the Gazette.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 101/18**

Waste Management Regulations, 2003 (Amendment)
under the
Environmental Protection Act
(O.C. 2018 - 221)

(Filed November 1, 2018)

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 1, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

1. Part VI Added	31.39	Contents of oil and glycol stewardship plan
PART VI	31.40	Approval or imposition of plan
USED OIL AND USED GLYCOL	31.41	Amendment by the board
31.34 Definitions	31.42	Compliance required
31.35 Registration required	31.43	Renewal of oil and glycol stewardship plan
31.36 Restriction on supply of oil and glycol	31.44	Recovery rates for oil, oil filters and oil containers
31.37 Appointment of agent	31.45	Recovery rates for glycol and glycol containers
31.38 Transitional registration requirements	31.46	Annual report and other requirements

31.47	Consumer information	31.51	Use of fees, interest and penalties
31.48	Passing on of costs		
31.49	Fees	31.52	Management and disposal
31.50	Remittance of fees, imposition of interest and penalties		

NLR 59/03
as amended

1. The *Waste Management Regulations, 2003* are amended by adding immediately after section 31.33 the following:

**PART VI
USED OIL AND USED GLYCOL**

Definitions

31.34 In this Part

- (a) "agent" means a corporation appointed by a brand owner to act on behalf of the brand owner;
- (b) "brand owner", means a person who
 - (i) manufactures oil, oil filters or glycol in the province and sells, offers for sale or distributes the oil, oil filters or glycol in the province,
 - (ii) is an owner or licensee in the province of a registered or unregistered trademark under which oil, oil filters or glycol is sold, offered for sale or distributed in the province,
 - (iii) brings oil, oil filters or glycol into the province for sale or distribution, or
 - (iv) brings oil, oil filters or glycol into the province for use in a commercial enterprise;
- (c) "consumed in use", with respect to oil or glycol, means unavailable for recovery as a result of being
 - (i) fully or partially consumed in an internal combustion engine,
 - (ii) lost due to leakage, accident or mishap,
 - (iii) incorporated into another product, or

- (iv) used for another purpose in compliance with the Act;
- (d) "consumed in use rate" means the amount of oil or glycol that was consumed in use, divided by the amount of oil or glycol that was sold, expressed as a percentage;
- (e) "consumer" means a person who uses oil, oil filters or glycol for his or her own purposes and not for the purpose of resale;
- (f) "glycol" means ethylene or propylene glycol used or intended for use as a vehicle or commercial engine coolant, but does not include the following:
 - (i) plumbing antifreeze,
 - (ii) windshield washer antifreeze,
 - (iii) lock de-icer and lock antifreeze, and
 - (iv) gasoline and diesel fuel antifreeze;
- (g) "glycol container" means a container with a capacity of 50 litres or less manufactured for the purpose of holding glycol;
- (h) "oil" means
 - (i) petroleum or synthetic derived crankcase oil, engine oil and gear oil,
 - (ii) hydraulic fluid, transmission fluid and heat transfer fluid, and
 - (iii) fluid used for lubricating purposes in machinery or equipment;
- (i) "oil container" means a container with a capacity of 50 litres or less manufactured for the purpose of holding oil;
- (j) "oil filter" means a spin-on style or element style fluid filter that is used in hydraulic, transmission or internal combustion engine applications and includes a diesel fuel filter, a storage tank fuel filter, a household furnace oil filter but does not include a gasoline filter;

- (k) "recovery rate" means
 - (i) for oil and glycol, the amount of used oil or used glycol recovered divided by the amount of oil or glycol that was sold less the amount consumed in use, expressed as a percentage,
 - (ii) for oil filters, the number of used oil filters recovered divided by the number of oil filters sold, expressed as a percentage, and
 - (iii) for oil containers and glycol containers, the number of oil containers or glycol containers recovered divided by the number of oil containers or glycol containers sold, expressed as a percentage;
- (l) "retailer" means a person who sells or offers for sale oil, oil filters or glycol in the province to a consumer;
- (m) "return facility" means a facility that accepts used oil, used oil filters, oil containers, used glycol and glycol containers from persons who wish to return them and that is identified as a return facility through an approved oil and glycol stewardship plan;
- (n) "reuse", with respect to used oil or used glycol, means to process the used oil and used glycol so that it is capable of being used by a consumer in a manner that would be compliant with the Act;
- (o) "used glycol" means glycol that, through use, storage or handling, can no longer be used for its original purpose;
- (p) "used oil" means oil that, through use, storage or handling, can no longer be used for its original purpose;
- (q) "used oil filter" means an oil filter that, through use, storage or handling, can no longer be used for its original purpose; and
- (r) "wholesaler" means a person who sells oil or glycol to retailers, merchants or industrial, institutional and commercial users for resale or business use.

Registration
required

31.35 (1) A brand owner shall apply to the board for registration as a brand owner.

(2) A brand owner shall submit an oil and glycol stewardship plan with its application for registration for the approval of the board.

(3) Where the board has received

(a) an application for registration by the brand owner; and

(b) an oil and glycol stewardship plan in accordance with section 31.39 which is satisfactory to the board,

the board shall register a brand owner and may prescribe terms and conditions in the registration.

Restriction on
supply of oil and
glycol

31.36 (1) A brand owner shall not sell, offer for sale or distribute oil, oil filters or glycol to a person in the province unless the brand owner holds a valid registration under these regulations.

(2) A retailer or wholesaler shall not sell, offer for sale or otherwise distribute oil, oil filters or glycol in or into the province unless the brand owner from whom the product was acquired holds a valid registration under these regulations.

Appointment of
agent

31.37 (1) A brand owner may appoint an agent to carry out its duties under these regulations.

(2) Before the agent begins to carry out the duties of a brand owner, the brand owner shall notify the board in writing that it has appointed an agent and specify the duties that the agent will perform on behalf of the brand owner.

(3) An agent shall

(a) before that agent begins to carry out duties on behalf of a brand owner, confirm in writing to the board the duties under these regulations that the agent will perform on behalf of the brand owner; and

(b) carry out the duties the agent has undertaken to perform.

Transitional
registration
requirements

31.38 (1) A brand owner who is selling, offering for sale or distributing oil or glycol within the province immediately before the coming into force of this Part shall submit an application to the board for registration within 120 days of the coming into force of this Part.

(2) Notwithstanding section 31.35, a brand owner referred to in subsection (1) is not required to submit an oil and glycol stewardship plan with its application for registration, but shall submit a oil and glycol stewardship plan to the board no later than 120 days after the coming into force of this Part.

(3) The board may refuse to register or may suspend the registration of a brand owner if the brand owner does not submit an oil and glycol stewardship plan within the period of time specified under subsection (2).

(4) Notwithstanding section 31.36, a brand owner referred to in subsection (1) may continue selling, offering for sale or distributing oil and glycol within the province until the board renders a decision with respect to the brand owner's application for registration.

(5) Where the board denies the application of a brand owner under this section, that brand owner shall, when it receives written notice that the board has denied its application, immediately cease selling, offering for sale or distributing oil and glycol.

Contents of oil and
glycol stewardship
plan

31.39 (1) An oil and glycol stewardship plan shall provide for the following:

- (a) a plan for the collection, storage and transportation of used oil, used oil filters, oil containers, used glycol and glycol containers in the province, including the collection of used oil, used oil filters, oil containers, used glycol or glycol containers of other brand owners;
- (b) information on the number of units of oil, oil filters and glycol sold on the market;
- (c) a description of the methods of collection, storage, transportation, consolidation and recycling of used oil, used oil filters, oil containers, used glycol and glycol containers;

- (d) a description of the facilities to be used in the collection, storage, transportation, consolidation and recycling of used oil, used oil filters, oil containers, used glycol and glycol containers;
- (e) the estimated number of units to be collected, reused, recycled and recovered and the associated costs;
- (f) the management of used oil, used oil filters, oil containers, used glycol and glycol containers in adherence with the following, in order of preference:
 - (i) reuse,
 - (ii) recycle,
 - (iii) recovery of energy, and
 - (iv) disposal;
- (g) a description of the methodology to be used by the brand owner to determine the amounts used to calculate the consumed in use rate;
- (h) a description of the efforts being made by the brand owner to redesign oil or glycol products to improve reusability and recyclability;
- (i) a description of the efforts made by the brand owner to maximize the local economic benefits created through the implementation of the oil and glycol stewardship plan;
- (j) an education awareness plan for consumers and users of the oil and glycol stewardship program, including information on the reasonable and free access to return facilities;
- (k) the establishment of return facilities that will ensure reasonable and free consumer access for the return of used oil, used oil filters, oil containers, used glycol and glycol containers;
- (l) the assessment of the performance of the brand owner's plan by an independent auditor; and

- (m) the elimination or reduction of the environmental impacts of used oil, used oil filters, oil containers, used glycol and glycol containers.

Approval or
imposition of plan

31.40 (1) Where an oil and glycol stewardship plan has been submitted to the board, the board shall, as soon as practicable

- (a) approve the plan for a period of not more than 5 years;
- (b) request any additional information that the board considers necessary to assess the plan; or
- (c) reject the plan with written reasons.

(2) Where the board rejects an oil and glycol stewardship plan, it may

- (a) require the brand owner to comply with an oil and glycol stewardship plan prepared and approved by the board;
- (b) require the brand owner to comply with an oil and glycol stewardship plan prepared by an agent and approved by the board; or
- (c) require the brand owner to submit a revised oil and glycol stewardship plan within the period of time specified by the board.

(3) A plan approved by the board expires on the date set by the board, but the period of time for which the plan may be effective shall not exceed 5 years.

(4) Where the board rejects an oil and glycol stewardship plan submitted by a brand owner and the brand owner does not submit a revised oil and glycol stewardship plan as required under paragraph (2)(c), the board shall refuse to register the brand owner or shall suspend or cancel the registration of the brand owner.

(5) Where a brand owner does not submit an oil and glycol stewardship plan within the 120 day period referred to in section 31.38 as required, the board may impose an oil and glycol stewardship plan on the brand owner and the brand owner shall comply with that plan.

Amendment by the board

31.41 (1) The board may amend an approved or imposed oil and glycol stewardship plan

- (a) to correct a clerical error;
- (b) to reflect a change in the name or address of a brand owner;
- (c) on the request of the brand owner; or
- (d) as the board considers appropriate, whether the plan has previously been approved or imposed by the board.

(2) A brand owner may apply to have its oil and glycol stewardship plan amended and sections 31.40 and 31.42 apply with the necessary modifications to the application.

Compliance required

31.42 (1) A brand owner shall implement the oil and glycol stewardship plan as approved or imposed by the board under section 31.40 and shall comply with that plan within 180 days of the approval or imposition of the plan.

(2) A brand owner shall comply with the oil and glycol stewardship plan as amended by the board under section 31.41.

(3) Where a brand owner fails to comply with an oil and glycol stewardship plan referred to in subsection (1) or (2) the board may

- (a) direct the brand owner to comply with the oil and glycol stewardship plan; or
- (b) suspend, cancel or revoke the registration of that brand owner.

(4) A brand owner who fails to comply with the oil and glycol stewardship plan as approved, imposed or amended commits an offence.

Renewal of oil and glycol stewardship plan

31.43 (1) At least 90 days before the expiry date of an oil and glycol stewardship plan approved or imposed by the board, a brand owner shall submit an oil and glycol stewardship plan to the board for review and approval.

(2) Sections 31.40 and 31.42 apply with the necessary modifications to a plan submitted under this section.

Recovery rates for oil, oil filters and oil containers

31.44 (1) Within 2 years after the implementation of an oil and glycol stewardship plan and in the subsequent calendar year, a brand owner shall achieve the following recovery rates:

- (a) for oil, at least 50%;
- (b) for oil filters, at least 25%; and
- (c) for oil containers, at least 25%.

(2) Within 4 years after the implementation of an oil and glycol stewardship plan, a brand owner shall achieve the following recovery rates:

- (a) for oil, at least 65%;
- (b) for oil filters, at least 50%; and
- (c) for oil containers, at least 50%.

(3) Within 5 years after the implementation of the oil and glycol stewardship plan, and in each subsequent calendar year, a brand owner shall achieve the following recovery rates:

- (a) for oil, at least 75%;
- (b) for oil filters, at least 75%; and
- (c) for oil containers, at least 75%.

Recovery rates for glycol and glycol containers

31.45 (1) Within 4 years after the implementation of an oil and glycol stewardship plan and in the subsequent calendar year, a brand owner shall achieve a recovery rate of at least 50% for glycol and glycol containers.

(2) Within 6 years after the implementation of an oil and glycol stewardship plan, a brand owner shall achieve a recovery rate of at least 65% for glycol and glycol containers.

(3) Within 7 years after the implementation of the oil and glycol stewardship plan, and in each subsequent calendar year, a brand owner shall achieve a recovery rate of at least 75% for glycol and glycol containers.

Annual report and
other requirements

31.46 (1) A brand owner shall, on or before March 31 each year, provide the board with an annual report detailing the effectiveness of the brand owner's oil and glycol stewardship plan during the previous calendar year which includes the following:

- (a) the total amount of used oil and used glycol and the total number of used oil filters, oil containers and glycol containers collected in the province by the brand owner;
- (b) the total amount of used oil and used glycol and the total number of used oil filters, oil containers, and glycol containers processed and in storage;
- (c) the percentage of used oil, used oil filters, oil containers, used glycol and glycol containers collected that was reused, recycled, recovered for energy, contained or otherwise disposed;
- (d) the overall achievement of recovery rates;
- (e) a description of the types of processes utilized to reuse, recycle, recover for energy, contain or otherwise dispose of used oil, used oil filters, oil containers, used glycol and glycol containers;
- (f) a description of efforts to redesign oil, oil filters or glycol to improve reusability and recycleability;
- (g) the location of return facilities;
- (h) the location of processing or containment facilities for used oil, used oil filters, oil containers, used glycol and glycol containers;
- (i) the types of consumer information, educational materials and strategies adopted by the brand owner;

- (j) the annual financial statements prepared by an independent auditor in a form and manner acceptable to the board indicating the revenues received and the expenditures incurred by the oil and glycol stewardship plan;
- (k) an assessment of the performance of the brand owner's oil and glycol stewardship plan prepared by an independent auditor; and
- (l) other information requested by the board that relates to the oil and glycol stewardship plan.

(2) When a brand owner submits its annual report, it shall at the same time provide to the board a statement in writing as to the total amount of oil and glycol sold by it during the previous calendar year.

(3) The information provided to the board by the brand owner under subsection (2) shall be treated as confidential.

Consumer
information

31.47 (1) A brand owner shall provide educational and consumer material, including printed handouts, to each retailer of its oil and glycol respecting

- (a) the brand owner's oil and glycol stewardship plan;
- (b) access to return facilities including their location and hours of operation; and
- (c) the environmental and economic benefits of participating in the oil and glycol stewardship plan.

(2) A brand owner shall not release educational and consumer material referred to in subsection (1) unless the material has been submitted to the board at least one month before its intended release.

(3) A retailer shall post or distribute the educational and consumer material it receives from brand owners at the area inside the retailer's premises where oil and glycol are displayed, and

- (a) at the main entrance of the retailer's premises; or
- (b) at the area inside a retailer's premises where the transaction to purchase oil and glycol takes place.

(4) Subsection (2) applies with the necessary modifications to changes proposed to be made to the information supplied in the material referred to in subsection (1).

Passing on of costs

31.48 A brand owner shall not charge a retailer and a retailer shall not charge a consumer a separate fee with respect to the costs associated with implementing or operating an oil and glycol stewardship plan or carrying out the brand owner's duties under this Part.

Fees

31.49 (1) The board may charge a brand owner those fees that are established by the board to cover the board's annual administrative costs in carrying out its duties under the Act and this Part in relation to the oil and glycol stewardship plan.

(2) The annual administrative costs include office, operational, marketing and inspection expenses and the cost of salaries, benefits and expenses of members and employees of the board that are attributable to the board's duties referred to in subsection (1).

(3) The annual administrative costs of the board incurred or to be incurred by it in relation to the administration of this Part, together with a sum needed to make up a deficiency in the assessment for the preceding year, if required, shall be borne equally by each brand owner.

(4) The board shall assess up to one half of the amount determined under subsection (1) before April 2 of the fiscal year in which the costs are incurred, and assess the remaining amount after December 1 of that fiscal year.

Remittance of fees, imposition of interest and penalties

31.50 (1) A brand owner shall remit fees referred to in section 31.49 at the times and in the manner directed by the board.

(2) If the board is satisfied that a brand owner has not remitted fees fully in accordance with subsection (1), the board may serve written notice on the brand owner requiring payment of the following amounts:

- (a) the full amount of the fees that are outstanding;
- (b) interest on the amount of the outstanding fees calculated monthly at a rate not exceeding 2% a month; and

(c) an administrative fee in an amount established by the board, which shall not exceed the amount of the outstanding fees.

(3) A written notice under subsection (2) shall include the time and manner in which the payments required under that subsection are to be made.

(4) A brand owner served with a written notice under subsection (2) shall pay the amounts set out in the notice in accordance with the notice.

(5) All fees and interest that are not paid to the board in accordance with a written notice constitute a debt due to the board.

(6) The board may, under the signature of the proper officer, issue a certificate setting out the name of a brand owner who has not paid fees or interest in accordance with a written notice and certifying the total amounts of the fees or interest remaining unpaid and the certificate, without proof of the appointment, authority or signature of the person purporting to have signed it, is admissible in evidence and is, in the absence of evidence to the contrary, proof of the amount of the fees or interest remaining unpaid.

Use of fees, interest and penalties

31.51 The board shall use the fees and interest remitted to it or paid to it under this Part solely to carry out its duties under the Act and this Part in relation to used oil and used glycol and for no other purpose.

Management and disposal

31.52 (1) A person shall manage oil, used oil, oil filters, used oil filters, oil containers, glycol, used glycol and glycol containers in adherence with the following, in order of preference:

- (a) reuse;
- (b) recycle;
- (c) recover; and
- (d) dispose.

(2) A person shall not dispose of oil, used oil, used oil filters, oil containers, glycol, used glycol or glycol containers unless that disposal is made

- (a) to a return facility;
- (b) a waste material disposal site established under the Act and approved for that purpose by the minister; or
- (c) an area that the minister may designate as appropriate for the purpose of the disposal of oil, used oil, used oil filters, oil containers, glycol, used glycol and glycol containers.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 102/18**

Pension Benefits Act Regulations (Amendment)
under the
Pension Benefits Act, 1997
(O.C. 2018-219)

(Filed November 1, 2018)

Under the authority of section 78 of the *Pension Benefits Act, 1997*, the Lieutenant-Governor makes the following regulations.

Dated at St. John's, November 1, 2018.

Ann Marie Hann
Clerk of the Executive Council

REGULATIONS

Analysis

1. S.42.6 Amdt.
Town of Grand Falls-
Windsor exemption
2. Commencement

NLR 114/96
as amended

1. (1) Subsection 42.6(1) of the *Pension Benefits Act Regulations* is repealed and the following substituted:

Town of Grand
Falls-Windsor
exemption

42.6 (1) The Defined Benefit Retirement Plan for Employees of the Town of Grand Falls-Windsor is exempt from the requirement of paragraph 12(3)(d) for the period of December 31, 2016 to December 31, 2020 in respect of the solvency deficiency of the plan.

(2) Section 42.6 of the regulations is amended by adding immediately after subsection (1) the following:

(1.1) Notwithstanding subsection (1), the Town of Grand Falls-Windsor shall fund any solvency deficit of the plan in accordance with these regulations where the deficit is incurred due to benefit improvements or granting of past service to plan members during the period of December 31, 2016 to December 31, 2020.

Commencement

2. These regulations are considered to have come into force on December 31, 2016.

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Milk Regulations, 1998 (Amdt)	NLR 99/18	Amends NLR 69/98 S.22 R&S Extraordinary Gazette October 30/18	Nov. 2/18 p. 1137
Environmental Protection Act			
Used Oil and Used Glycol Control Regulations	NLR 100/18	R&S NLR 82/02	Nov. 2/18 p. 1139
Waste Management Regulations, 2003 (Amdt)	NLR 101/18	Amends NLR 59/03 Part VI Added	Nov. 2/18 p. 1151
Pension Benefits Act, 1997			
Pension Benefits Act Regulations (Amdt)	NLR 102/18	Amends NLR 114/96 S.42.6 Amdt.	Nov. 2/18 p. 1167

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Trustee Act - Estate Notice - 2 weeks	\$62.37	\$9.36	\$71.73
Trustee Act - Estate Notice - 3 weeks	\$91.25	\$13.69	\$104.94
Trustee Act - Estate Notice - 4 weeks	\$118.97	\$17.85	\$136.82

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