

Regulations and other acts

Gouvernement du Québec

O.C. 166-2004, 10 March 2004

Environment Quality Act
(R.S.Q., c. Q-2)

Recovery and reclamation of used oils, oil or fluid containers and used filters

Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters

WHEREAS, under section 53.30, paragraph 15 of the first paragraph of section 70.19 and section 109.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 7 June 2000, with a notice that it could be made by the Government upon the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments to take into account the comments received following publication in the *Gazette officielle du Québec*;

IT IS ORDERED, therefore, on the recommendation of the Minister of the Environment:

THAT the Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation respecting the recovery and reclamation of used oils, oil or fluid containers and used filters

Environment Quality Act
(R.S.Q., c. Q-2, s. 53.30, s. 70.19, 1st par., subpar. 15 and s. 109.1)

DIVISION I PURPOSE AND SCOPE

1. The purpose of this Regulation is to reduce the quantity of residual materials to be eliminated by encouraging the recovery and reclamation of discarded used oils, oil or fluid containers and used filters.

2. This Regulation applies to mineral, synthetic or vegetable oils that are marketed in containers of 50 litres or less and that are used for lubrication, heat insulation or transfer in motorized vehicles or equipment or in the operation of hydraulic or transmission systems. Those oils include in particular the oils listed in Schedule I.

3. This Regulation also applies to containers, including aerosol containers, that hold 50 litres or less and that are used for marketing

(1) mineral or synthetic oils that are consumed or wasted while being used; those oils include in particular the oils listed in Schedule II;

(2) the oils referred to in section 2; or

(3) fluids for natural gas compressors.

4. This Regulation also applies to oil filters for internal combustion engines, hydraulic systems and transmissions.

It also applies to antifreeze filters and to filters for heating systems using light heating oil or for oil storage tanks.

For the purposes of this section, diesel filters are considered to be oil filters.

“Light heating oil” means heating oil that is a distillate fuel intended for home heating appliances pursuant to section 8 of the Regulation respecting petroleum products and equipment made by Order in Council 753-91 dated 29 May 1991.

DIVISION II RECOVERY AND RECLAMATION REQUIREMENTS

5. Every business that markets oils referred to in section 2 under a trademark it owns or uses is required, through a recovery system that meets the minimum specifications described in Schedule III, to recover or to see to the recovery of the used oils deposited at the collection points provided for in the system and that are of the same type as the oils it markets. The business is also required to recover or to see to the recovery of any container or packaging used in the transport of the oils back to the collection points.

As of 1 January 2005, the recovery system prescribed in the first paragraph must ensure a minimum rate of recovery of used oils that equals, in weight or volume, the following percentages, calculated on the basis of the oils that the business markets annually:

- 70%, as of 2005;
- 75%, as of 2008.

6. Every business that markets the oils or fluids referred to in section 3 under a trademark it owns or uses is required, through a recovery system that meets the minimum specifications described in Schedule III, to recover or to see to the recovery of the oil or fluid containers deposited at the collection points provided for in the system and that are of the same type as the containers used for the marketing of the oils or fluids concerned. The business is also required to recover or to see to the recovery of the oils or fluids in those containers as long as the products are of the same type as the products it markets, and of any container or packaging used in the transport of the containers back to the collection points.

As of 1 January 2005, the recovery system prescribed in the first paragraph must ensure a minimum rate of recovery of oil or fluid containers that equals, in weight or in number of units, the following percentages, calculated on the basis of the oil or fluid containers that the business markets annually:

- 50%, as of 2005;
- 75%, as of 2008.

7. Every business that markets filters referred to in section 4 under a trademark it owns or uses is required, through a recovery system that meets the minimum specifications described in Schedule III, to recover or to see to the recovery of used filters deposited at the collection points provided for in the system and that are of the same type as the filters it markets. That business is also required to recover or to see to the recovery of any container or packaging used in the transport of the filters back to the collection points.

As of 1 January 2005, the recovery system prescribed in the first paragraph must ensure a minimum rate of recovery of used filters that equals, in weight or in number of units, the following percentages, calculated on the basis of the filters that the business markets annually:

- 50%, as of 2005;
- 75%, as of 2008.

For the above calculations, the recovered filters must be drained of all freely dripping oil or other liquid.

8. If a business referred to in any of sections 5 to 7 has no domicile or establishment in Québec, the recovery requirements under those sections are the responsibility of the leading supplier in Québec of the products referred to in those sections, whether or not that supplier is the importer. The minimum rates of recovery set out in those sections are calculated on the basis of the products that the leading supplier markets annually.

9. A business, including a municipality, that acquires oils referred to in section 2 for its own use from outside Québec is required to recover or to see to the recovery of all used oils after using them. If a business or municipality acquires, under the same conditions, oils, fluids or filters referred to in section 3 or 4, it is, in the same manner, required to recover or to see to the recovery of all discarded oil or fluid containers and used filters.

10. A business or supplier subject to the recovery requirements under any of sections 5 to 7 or section 9 is also required to reclaim or to see to the reclamation of the oils or filters it has recovered or has had recovered.

The business or supplier is subject to the same requirements in respect of recovered oil or fluid containers insofar as their reclamation is technically possible and the costs associated with the reclamation do not threaten its competitiveness.

11. A business or supplier subject to the recovery requirements under any of sections 5 to 7 shall take the appropriate measures to inform consumers of the existence and operation of the recovery system referred to in those sections, particularly the accessibility to collection points, as well as the environmental advantages resulting from the recovery and reclamation of discarded used oils, oil or fluid containers and used filters. Those measures may include, in addition to information campaigns, providing consumers with information booklets.

DIVISION III **COMMUNICATION REQUIREMENTS**

12. Within 90 days of the date on which a business or supplier becomes subject to the recovery requirements under any of sections 5 to 7, the business or supplier must transmit the following information to the Minister of the Environment :

(1) its name and address, its registration number if it is registered in the register of sole proprietorships, partnerships and legal persons, as well as the names and addresses of its officers ;

(2) the designation of the territory where it markets the oils, fluids and filters referred to in sections 2 to 4 ;

(3) the identification of the products marketed according to the types of oil, oil containers or filters ;

(4) a description of the recovery system through which it recovers or sees to the recovery of the products concerned, particularly the number and location of the collection points, the name and address of the person responsible for the system if that person is a third party, and the terms and conditions of transport, storage and processing of the recovered products according to the different types of oil, containers, packaging or filters ;

(5) a description of the information campaigns and other measures planned to promote the recovery and reclamation of the products concerned to consumers and to obtain their cooperation ;

(6) a presentation of the means implemented for the reclamation of the recovered products, among others the reclamation methods used, the name and address of the person responsible for the reclamation if that person is a third party, the efforts planned to develop the markets or techniques of reclamation or the markets for reclaimed products ; and

(7) a presentation of the elimination methods planned for the recovered products that are not reclaimed, if any, indicating the name and address of the person responsible for the elimination if that person is a third party.

Except for subparagraphs 2 and 5 of the first paragraph, this section also applies, with the necessary modifications, to a business subject to the recovery requirement under section 9.

13. No later than 31 March of each year, a business or supplier subject to the recovery requirements under any of sections 5 to 7 must transmit to the Minister, for the preceding calendar year,

(1) the quantities for each of the types of oils, containers, packaging or filters concerned that were recovered and then reclaimed or, if any, the quantities that were eliminated because of a lack of reclamation alternatives, with an indication of the reclamation or elimination methods used ; for oils, the quantities must be indicated in weight and volume and, for containers and filters, in weight and number of units ;

(2) the means taken to promote the development of techniques for the reclamation of recovered oils, oil or fluid containers and filters, particularly for the purpose of reuse and recycling, and the results of research carried out ;

(3) a description of the information campaigns and other measures taken to promote the recovery and reclamation of discarded used oils, oil or fluid containers and used filters ;

(4) the costs generated by the implementation of the recovery system and reclamation methods as well as the costs resulting from the information campaigns and other measures taken to promote the recovery and reclamation of the products concerned ; and

(5) an update, if applicable, of the information transmitted to the Minister pursuant to section 12.

The annualized data of the business or supplier on the quantities of oil, containers or filters marketed, according to the different types of oil, containers or filters, must remain available to the Minister.

The information referred to in subparagraphs 1, 2 and 4 of the first paragraph and the data referred to in the second paragraph must be verified by a third party expert who shall certify the information and data, where applicable. The certificate must be sent to the Minister together with the information and, where applicable, the data.

Except for subparagraph 3 of the first paragraph, this section applies, with the necessary modifications, to a business subject to the recovery requirement under section 9.

DIVISION IV EXEMPTIONS

14. A business or supplier is exempt from the requirements under sections 5 to 7 and 10 to 13 if the business or supplier is a member of an organization

(1) the function or one of its functions of which is to implement or to contribute financially towards the implementation of a system to recover or reclaim discarded used oils, oil or fluid containers and used filters in accordance with the conditions fixed by an agreement entered into under subparagraph 7 of the first paragraph of section 53.30 of the Environment Quality Act (R.S.Q., c. Q-2); or

(2) the name of which appears on the list published in the *Gazette officielle du Québec* pursuant to subparagraph 7 of the first paragraph of section 53.30 of that Act.

DIVISION V PENAL

15. Every person who commits an offence under sections 5 to 7 or 9 to 11 is liable,

(1) in the case of a natural person, to a fine of not less than \$2,000 nor more than \$25,000; and

(2) in the case of a legal person, to a fine of not less than \$5,000 nor more than \$250,000.

16. Every person who fails to transmit the information prescribed in section 12 or 13 to the Minister or who transmits false or inaccurate information is liable,

(1) in the case of a natural person, to a fine of not less than \$1,000 nor more than \$10,000; or

(2) in the case of a legal person, to a fine of not less than \$2,000 nor more than \$ 50,000.

17. In the case of a second or subsequent offence, the fines prescribed in sections 15 and 16 are doubled.

18. This Regulation comes into force upon the expiry of the sixth month following the month in which it is published in the *Gazette officielle du Québec*.

SCHEDULE I (s. 2)

OILS

- gasoline or diesel engine oil;
- domestic marine engine oil;
- industrial gear oil or car differential oil;
- circulating oil or turbine oil;
- paper machine oil;
- refrigeration system oil;
- mineral oil, polyalphaolefin (PAO), or diester based compressor oil;
- heat transfer oil;
- transformer dielectric oil;
- hydraulic or trans-hydraulic system oil;
- power steering oil;
- manual or automatic transmission oil.

SCHEDULE II (s. 3, par. 1)

OILS

- machine tool or slideway lubricant;
- commercial marine engine oil;
- non-soluble cutting oil;
- drawing, stamping, or shaping oil;
- two-stroke engine oil;
- drilling oil;
- form oil;
- textile oil;
- pneumatic system oil;
- quenching oil;
- chain oil (industrial or power chain saw);
- process oil;
- saw guide oil;
- dust control oil;
- conveyor lubricating oil;
- penetrating oil;
- rustproof oil.

SCHEDULE III

(ss. 5, 6 and 7)

RECOVERY SYSTEM

1. The recovery system referred to in any of sections 5 to 7 must include collection points for each regional municipality in the territory in which a business or supplier subject to a recovery requirement under this Regulation markets oils, fluids, or filters. The same applies for any town (hereafter called “large town”) that has a population of 25,000 or more and whose territory is not part of the territory of a regional county municipality.

For the purposes of this section, “regional municipality” has the meaning assigned by section 53.5 of the Environment Quality Act.

2. The recovery system must include collection points for the deposit of used oils, oil or fluid containers and used filters required to be recovered and that are of the same type as the oils, fluids, or filters marketed by the business or supplier concerned, and for the deposit of any container or packaging used to transport the products.

3. A collection point shall have a permanent and fixed depot or a temporary, fixed or mobile depot.

A permanent depot is a depot that is accessible year round during regular business hours for a period of at least 24 hours per week in which at least 6 of those hours are during the weekend. The opening hours of the depot must be posted in an appropriate location.

A temporary depot is a depot that is accessible or available periodically and at least once per season.

A fixed depot must be located so as to minimize travel distances for the majority of persons served by the system in the territory concerned.

4. The use of the recovery system shall be free of charge for every citizen.

5. The minimum number of collection points that must be included in the recovery system and their type and location shall be determined according to the option chosen by the business or supplier concerned.

BUSINESS’ OR SUPPLIER’S OPTIONS

(number, type, and location of collection points)

OPTION A

For each business in a regional municipality or a “large town” engaged in the selling of oils, fluids or oil filters under the trademark owned or used by a business or supplier subject to the recovery requirements, there must be a collection point located in the territory of the regional municipality or, as the case may be, the “large town”.

The collection points must be permanent and fixed depots that may be located at each such business or at any other location within a 5 km radius of such business by roads usable by motor vehicles year round.

OPTION B

The minimum number of collection points that must be included in the recovery system for each territory in which the system must be established and the type of collection points shall be determined according to the number of inhabitants of the regional municipality or, as the case may be, the “large town” concerned.

For a regional municipality that has a population of less than 25,000, the recovery system in the territory of the municipality must provide for one collection point. It may be a permanent and fixed depot or a temporary, fixed or mobile depot.

For a regional municipality or, as the case may be, a “large town” that has a population of 25,000 or more, the recovery system in the territory of the municipality or “large town” must provide for one collection point that is a permanent and fixed depot for each portion not exceeding 50,000 inhabitants.

Where the number of collection points required for a regional municipality or, as the case may be, a “large town” is equal to or greater than three, one third of the collection points must be in operation as soon as the system is implemented. Two-thirds of the collection points must be in operation on the first anniversary of the implementation of the system, and all collection points must be in operation on the second anniversary.