

1991 BILL 32

Third Session, 22nd Legislature, 40 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 32

**SPECIAL WASTE MANAGEMENT
CORPORATION AMENDMENT ACT, 1991**

THE MINISTER OF THE ENVIRONMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 32

1991

SPECIAL WASTE MANAGEMENT CORPORATION AMENDMENT ACT, 1991

(Assented to _____, 1991)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 The Special Waste Management Corporation Act is amended by this Act.

2 Section 1 is amended by adding the following after clause (h):

- (i) "special waste" means
 - (i) hazardous waste, and
 - (ii) any other waste that the Minister on the recommendation of the Corporation determines requires special treatment or handling in order to protect the environment or the health and safety of the public;
- (j) "special waste management facility" means a facility for the reception, collection, movement, examination, storage, treatment or disposal of special waste;
- (k) "special waste management system" means an integrated network of facilities for the proper reception, collection, movement, examination, storage, treatment and disposal of special waste;
- (l) "treatment", with reference to hazardous waste, means any operation for the treatment, recycling or salvaging of the hazardous waste so that it no longer constitutes a danger to the environment, plant or animal life or human life.

3 Section 3 is repealed and the following is substituted:

Explanatory Notes

1 This Bill will amend chapter S-21.5 of the Statutes of Alberta, 1982.

2 Adds definitions.

3 Section 3 presently reads:

3 The objects of the Corporation are

- (a) to provide for the economical, orderly and efficient development and operation of a special waste management system to assist the Government in ensuring the protection of the environment and the health and safety of the public;
- (b) to determine the need for additional special waste management facilities;
- (c) to ensure that, wherever practicable, special waste management facilities are established, operated and maintained by operators from the private sector;
- (d) to establish and operate sufficient Corporation facilities to deal with hazardous waste that is not adequately dealt with by other hazardous waste management facilities;
- (e) to promote and participate in the development and exportation of special waste management technology and expertise;
- (f) to conduct programs that promote the understanding and the safe management of special waste.

4 The following is added after section 3:

3.1 The Corporation shall endeavour to co-ordinate its policies and programs with the policies and programs of the Government relating to special waste management.

5 Section 7 is repealed and the following is substituted:

7 The Corporation may employ any employees and agents it considers necessary for the conduct of its business and may prescribe their terms and conditions of employment, including remuneration, expenses and benefits.

3 *The objects of the Corporation are:*

(a) to ensure the establishment and operation of sufficient Corporation facilities to deal adequately with hazardous waste that is not being adequately dealt with by other hazardous waste management facilities,

(b) to ensure that Corporation facilities are established, operated and maintained in a manner that will protect the health and safety of the public and the environment, and

(c) to ensure the protection of the health and safety of the public and the environment following the closure of Corporation facilities.

4 *Co-ordination with Government.*

5 *Section 7 presently reads:*

7(1) The Corporation may

(a) employ technical or professional persons and other officers and employees;

(b) subject to subsection (2), prescribe the terms and conditions of employment, including remuneration and expenses, of its employees;

(c) prescribe the duties of its employees;

6 Section 9(1) and (2) are repealed and the following is substituted:

9(1) A by-law of the corporation referred to in section 11(1) is not valid unless it is approved by the Lieutenant Governor in Council.

(2) A by-law of the Corporation referred to in section 18 is not valid unless it is approved by the Minister.

7 Section 11 is repealed and the following is substituted:

11(1) The Corporation in the furtherance of its objects may by by-law

- (a) borrow money,
- (b) issue notes, bonds, debentures or other securities or mortgage or pledge any of the Corporation's property to secure money borrowed by or an obligation or liability of the Corporation, and
- (c) guarantee the indebtedness of any person acting as agent of the Corporation for the purposes of carrying out the Corporation's objects.

(2) The repayment of

(d) engage any person to provide to the Corporation any services of a professional nature or requiring special technical knowledge or training, on the terms and for the remuneration that may be agreed on.

(2) The Corporation shall make by-laws

(a) establishing job classifications for its employees and salary ranges in respect of each job classification so established;

(b) governing the application of the salary ranges;

(c) if applicable, authorizing the payment of benefits to, or for the credit of, employees in addition to their salaries or wages.

(3) The Corporation may by by-law establish 1 or more contributory or non-contributory pension, including death benefit, plans for its employees and former employees and their dependants.

6 Section 9(1) and (2) presently read:

9(1) A by-law of the Corporation referred to in section 7(2), (3), 11(1) or 18 is not valid unless and until it is approved by the Lieutenant Governor in Council.

(2) A by-law of the Corporation not referred to in subsection (1) is not valid unless and until it is approved by the Minister.

7 Section 11 presently reads:

11(1) The Corporation, in the furtherance of its objects, may by by-law

(a) borrow money, and

(b) issue notes, bonds, debentures or other securities or mortgage or pledge any of the Corporation's property to secure money borrowed by or an obligation or liability of the Corporation.

(2) The Lieutenant Governor in Council may by order

(a) authorize the Provincial Treasurer to guarantee on behalf of the Crown the repayment of all or part of any money borrowed by the Corporation under this section or any interest thereon,

- (a) the principal and interest of any borrowings by the Corporation,
- (b) the principal and interest of any premiums payable under any notes, bonds, mortgages, debentures or other securities issued by the Corporation, and
- (c) the obligations incurred pursuant to any guarantee

are hereby guaranteed by the Government.

8 *Section 15(1) is repealed and the following is substituted:*

15(1) Without limiting the generality of section 16, the Corporation may establish and operate, or, subject to any terms and conditions it considers appropriate, enter into agreements with other persons to establish and operate, any hazardous waste management facilities it considers necessary to carry out its objects.

9 *The following is added after section 15:*

15.1(1) No person other than the Corporation or a person with whom the Corporation has entered into an agreement under section 15 shall

- (a) store hazardous waste,
- (b) operate a facility for the collection of hazardous waste,
- (c) treat hazardous waste, or
- (d) dispose of hazardous waste.

(2) Subsection (1)(a), (c) and (d) do not apply to a person who, on or in premises owned or occupied by that person, stores, treats or disposes of hazardous waste that was generated on those premises by or under that person's authority.

15.2(1) Where in the Minister's opinion a person has contravened section 15.1(1), the Minister may issue an enforcement order to that person ordering that person to do either or both of the following:

- (a) to stop or shut down any undertaking or thing either permanently or for a specified period;

(b) prescribe the form of the guarantee instrument, and

(c) specify who may execute the instrument on behalf of the Provincial Treasurer.

8 Section 15(1) presently reads:

15(1) Without limiting the generality of section 16, the Corporation may establish and operate, or enter into agreements with other persons to establish and operate, such hazardous waste management facilities as it considers necessary to carry out its objects.

9 Prohibition, enforcement order and offence.

(b) to cease the construction or operation of any undertaking or thing until the Minister is satisfied the undertaking or thing will be constructed or operated in accordance with section 15.1.

(2) An enforcement order issued under subsection (1) must contain the reasons for making it and must be served on the person to whom it is issued.

(3) The Minister may by order amend or cancel an enforcement order.

(4) A copy of an order issued under subsection (3) must be served on the same person to whom the original enforcement order was issued.

(5) If the person to whom an enforcement order is issued fails to comply with the enforcement order, the Minister may apply to the Court of Queen's Bench for an order of the Court directing that person to comply with the enforcement order.

(6) If the person to whom the enforcement order is issued fails to comply with the enforcement order immediately on service of a copy of an order made under subsection (5), the failure to comply with the enforcement order may be dealt with by the Court as a case of a civil contempt of court.

15.3 A person to whom an enforcement order is issued who, after having been served with a copy of it, fails to comply with the order, is guilty of an offence and is liable to

- (a) in the case of a corporation, a fine of not more than \$1 000 000, or
- (b) in the case of an individual, a fine of not more than \$100 000 or imprisonment for not more than 2 years, or to both a fine and imprisonment.

10 Section 17 is repealed.

11 The Hazardous Chemicals Act is amended by repealing sections 1(c.1) and (g.01), 7.4 and 16(1)(l).

10 Consequential to amendment in section 3 of this Bill. Section 17 presently reads:

17 The Corporation shall endeavour to ensure that wherever practicable Corporation facilities are established, operated and maintained by operators from the private sector.

11 Consequential to the amendment in section 4 of this Bill.

12 This Act comes into force on Proclamation.

12 Coming into force.