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THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 225

WASTE REDUCTION AND RECYCLING ACT

MR. DECORE

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 225
Mr. Decore

BILL 225

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WASTE REDUCTION AND RECYCLING ACT

(Assented to , 1992)

WHEREAS the volume of waste generated in Alberta is a threat to the environment;

AND WHEREAS action is required to reduce and prevent waste;

AND WHEREAS governments, government agencies and all members of society are responsible for reducing and preventing waste;

AND WHEREAS that responsibility includes contributing toward the cost of waste reduction and prevention;

AND WHEREAS waste should be reused, recycled or recovered, rather than being used for landfill or incinerated;

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

Definitions

1 In this Act,

(a) "Commissioner" means a person designated as a Commissioner under this Act;

(b) "environment officer" means a person designated as an environment officer under this Act;

(c) "justice" means a justice of the peace or a judge of the Provincial Court;

(c) "Minister" means the Minister of the Environment;

(d) "regulations" means regulations passed pursuant to section 9;

(e) "task force" means the task force established by the Minister pursuant to section 2;

(f) "toxic waste" means waste designated as toxic by the regulations.

Waste-reduction
and recycling task
force

2(1) The Minister shall establish a task force to make recommendations for reduction, reuse, recycling and recovery in waste management.

(2) The task force shall be appointed by the Minister, to comprise one representative from each of the Departments of Environment, Energy, Economic Development and Trade, Consumer and Corporate Affairs, Municipal Affairs and 5 members recommended by the Environment Council of Alberta.

(3) The Chairman shall be appointed by the Minister from one of the members recommended by the Environment Council of Alberta.

(4) The task force shall, among other things, make proposals for the implementation of this Act and consider recommendations put forward by the Departments represented on the task force and the Environment Council of Alberta.

(5) The task force shall submit a first report of its findings and recommendations to the Minister not later than January 1, 1993, and thereafter it shall monitor and advise on the further implementation of this Act, reporting at least once per year to the Minister.

(6) The Minister shall table every report received by him under subsection (5) in the Legislative Assembly as soon as possible after receipt.

Waste-reduction

3(1) By January 1993, the task force shall make recommendations for reducing the solid waste generated in the

province, by an amount not less than the amount required to reduce the annual amount of solid waste in the province by 20% of the estimated 1990 level by the year 1995 and 50% by the year 2000.

(2) Thereafter, the Government of Alberta shall adopt measures to further reduce the amount of solid waste in the Province, including measures to reduce waste from packaging materials and disposable materials.

(3) The Minister shall make regulations, not earlier than January 1993, but prior to January 1994, establishing standards and requirements, consistent with the recommendations outlined in subsection (1) for

- (a) reducing the volume or weight of disposable packaging material manufactured for domestic, commercial, industrial, government or other use;
- (b) enhancing the recyclability of disposable packaging material;
- (c) increasing the proportion of recycled material used in the manufacture of packaging materials.

(4) Regulations made under this section may

- (a) require labels indicating
 - (i) whether packaging material is recyclable and the quantity of recycled material in the packaging, if any, and
 - (ii) whether any toxic substance is present in the packaging;
- (b) set minimum standards for recycled content in classes of packaging;
- (c) establish guidelines or standards for refillable and reusable packages for certain types of goods;
- (d) establish guidelines or standards for packaging certain products in recyclable packages;

(e) prohibit or reduce the use of substances in packaging material to minimize adverse impacts on the environment, such as the release of toxic substances in manufacture, through normal use or from land disposal or incineration;

(f) establish standards for the volume or weight of classes of packaging; and

(g) establish standards to minimize the content of toxic substances in printed materials or products composed of plastics which are generally disposed of in a resources recovery facility.

(h) requiring the use of any uniform symbols adopted by the Government of Canada on packages sold or offered for sale in the Province indicating the packaging is recyclable or made of recycled material.

4 The Minister shall set up a centre of expertise, to provide advice and assistance to municipalities on ways of implementing government policy as set out in this Act.

Financial
incentives to
reduce waste and
increase recycling

5(1) The Minister shall make regulations requiring municipalities to adopt the policy of "user pay" for municipal waste management systems, such systems shall encourage the separation of inert and recyclable substances from mixed waste by charging a higher rate for the disposal of mixed wastes.

(2) The Minister shall, together with the Minister of Municipal Affairs, determine the conditions for operating municipal waste management systems on a cost-recovery basis and make recommendations for the adoption of this system by municipalities.

(3) The Minister shall phase out the Alberta Environment Capital Assistance Program for development of regional landfills and propose to the Legislative Assembly the application of the money saved for incentives for recycling and resource recovery.

(4) The Minister may provide a waste-reduction and recycling operating grant to a municipality operating a recycling policy, depending on the population of the municipality and the amount of recyclable material collected, in accordance with the regulations, providing that money has been appropriated by the Legislature for that purpose.

(5) The Minister may provide start-up loans or grants to enterprises involved in recycling and resource recovery, in accordance with the regulations, providing that money has been appropriated by the Legislature for that purpose.

Recycling

6(1) The Minister shall provide, or cause to be provided, to every community with a population of over 200 persons, a service to collect recyclable materials designated as such in the regulations, and centralized collection sites in the communities where residents of areas surrounding the communities can deliver recyclable materials.

(2) The Minister shall establish depots throughout the Province for the collection and sorting of recyclable materials collected by municipalities.

(3) Every municipality that operates a sewage treatment facility shall provide for household toxic waste to be delivered by residents and received by staff at the facility during normal business hours.

(4) The Minister shall establish, promote and operate a collection of household toxic waste materials from residents in at least 3 Alberta cities or towns on every weekend, by operators trained in the handling of toxic materials on the Friday, Saturday and Sunday of that weekend.

(5) The Minister shall establish training programs to train operators in the receiving, sorting and storage of toxic waste from households and residents.

(6) The materials collected at municipal sewage treatment facilities or during weekend toxic waste collection shall be transported to a toxic waste disposal facility designated by the Minister.

(7) The Minister may enter into contracts with any person to carry out any of the services provided for in sections 2, 3, 4, 5, 6 and 8.

(8) The Minister may by January 1, 1993:

(a) make regulations instituting a deposit return system for specified types of produce, including batteries and motor oil, where these do not already exist;

(b) make regulations governing the recycling of glass, plastics, metals, chlorofluorocarbons, compostable organic products and other substances that shall be specified, which are not covered by 6(8)(a) and (c);

(c) establish a recycling process and system for antifreeze.

(9) The Minister shall propose legislation to extend the system of deposits on beverage containers, to further encourage the reuse of containers.

(10) The Minister shall make regulations that discourage the use of incineration, except for waste materials that cannot be reused, recycled or recovered in any other way.

Designation of
Officials

7(1) The Minister may by order designate employees of the Government under the administration of the Minister as Commissioners of the Environment for the purposes of all or a part of this Act.

(2) The Minister may by order designate as an environment officer for the purposes of this Act any person who in the opinion of the Minister is qualified to be so designated and is employed by

(a) a department of the Government or a government agency,

(b) a local authority, or

(c) a department or agency of the Government of Canada

in the administration of a law respecting the protection of the environment.

(3) The Minister may not designate a person under subsection (2) without the approval of that person's employer.

Providing markets
for recycled
materials

8(1) The Minister shall issue regulations to encourage the development of markets for goods made from recycled material.

(2) The publisher of each newspaper published and distributed in the Province having a circulation of more than 10 000 shall use newsprint containing the following average minimum recycled fibre content:

(a) 20% by 1993;

(b) 35% by 1995;

(c) 50% by 1997.

(3) On or before January 15, 1995, and annually thereafter, each publisher of a newspaper required under this section to use recycled newsprint shall submit a report to the commissioner stating the amount of recycled newsprint used for the preceding year.

(4) The Minister may exempt a publisher from compliance with the provisions of this section if such publisher certifies to the commissioner that he is unable to obtain sufficient amounts of recycled newsprint at a price comparable to the price for virgin material or within a reasonable time and has provided the Minister with a certification of the specific reason for failing to use recycled newsprint.

(5) A certification shall be construed to have been made in good faith if the publisher submits proof of having contacted, to obtain recycled-content newsprint, each producer of recycled-content newsprint that offered to sell recycled-content newsprint to the publisher not more than eighteen months before the certification and such proof shall include the address, telephone number and name of each producer contacted and the corporate name of such producer, if any.

(6) The Minister shall provide, or cause to be provided by the newsprint recycling task force by 1994, recommendations concerning the introduction of requirements similar to those outlined in subsection (2) for

(a) newspapers published outside the province;

(b) published matter other than newspapers.

(7) The Minister shall establish a newsprint recycling task force to make recommendations for newspaper publishers.

(8) The newsprint recycling task force shall submit a report of its findings and recommendations to the Minister, who shall table it in the Legislative Assembly no later than January, 1993.

9(1) The Minister of Public Works, Supply and Services shall establish a policy and make regulations effective January 1, 1993 to allow the Government to give preference in purchasing goods and services to suppliers who maximize use of recycled materials or provide for the maximum recyclability of their products.

(2) Such policy and regulations shall include

(a) a requirement that Government purchases of recycled paper shall contain at least 25% of post-consumer waste, and account for 35% of all paper purchased in 1993, and that recycled paper shall contain at least 40% post-consumer waste and account for 75% of all paper purchased in 1995.

(b) a plan to eliminate by stages, the use of disposable and single-use products in the Government.

(3) In subsection (4) "disposable product" means any product with an essential part which cannot be replaced, refilled or renewed and for which a reusable product exists, and "single-use product" means any nonconsumable product designed to be discarded after one use or customarily used only once and for which a reusable substitute exists.

(4) The provisions of subsection (2) do not apply to disposable or single-use products directly related to health or veterinary care or medical or scientific research.

(5) The Minister of Public Works, Supply and Services shall establish a policy and issue regulations to ensure that the Government recycles as much of its waste materials as is possible, such policy to be made operative by January 1, 1993.

(6) The policies established by subsections (1) to (5) shall apply to all provincial establishments and to all municipalities and authorities in receipt of funding from the Government and such municipalities and authorities shall indicate in their annual statement of accounts those items which are recycled and the provisions that they have made for recycling their waste products.

10(1) The Minister of the Environment, in conjunction with the Minister of Consumer and Corporate Affairs, shall develop a public education program on waste reduction.

(2) The Minister of the Environment shall cooperate with the Minister of Education to:

(a) include the principles of waste reduction and the 4 R's, "reduce, reuse, recycle and recover" as a compulsory element in school curricula;

(b) require school boards to set up a waste reduction and recycling program in each school, which will involve the active participation of the children.

**Required Reports
and Records**

11 Every person required to pay, collect, remit, refund, receive, forfeit, dispose of, or otherwise deal with any deposit, handling fee, pre-disposal levy, licence fee or other assessment under this Act or the regulations

(a) shall make to the minister, a report in such form and containing such information as may be prescribed in the regulations; and

(b) shall keep and maintain such sales, purchase, production or other records containing such information as may be prescribed in the regulations.

**Powers of
Environment
Officers**

12 For the purpose of enforcing and administering this Act, an environment officer may at any reasonable time, and where requested upon presentation of an identification card issued by the minister,

(a) without a warrant, enter any building, vehicle or other place and make such inspections as may be reasonably required to determine compliance with this Act or the regulations;

(b) require the production of any record that the environment officer reasonably considers necessary for the purpose of enforcing and administering this Act or the regulations; and

(c) examine and make copies of any record referred to in clause (b).

**Private Dwelling
Place**

13 An environment officer may not enter a private dwelling place or any part of a place that is designated to be used and is being used as a permanent or temporary private dwelling place except

(a) with the consent of the occupant of the place, or

(b) under the authority of an order to enter and inspect or a search warrant.

Entry with Order

14(1) Where a justice is satisfied by information given under oath that there are reasonable grounds for believing that it is necessary for an environment officer to enter any building, vehicle or other place for the purpose of enforcing this Act or the regulations, and

(a) a reasonable, unsuccessful effort to effect entry without the use of force has been made; or

(b) there are reasonable grounds for believing that entry would be denied without a warrant;

the justice may at any time, and where necessary upon ex parte application, issue an order authorizing an environment officer, and such other persons as may be named therein with such peace officers as are required to assist, to enter the building, vehicle or other place and to take any action that an environment officer may take under section 11.

Warrant to Enter
and Seize

(2) A justice who is satisfied by information given under oath that there are reasonable and probable grounds for believing that

(a) a violation of this Act or the regulations has occurred or is occurring; and

(b) there is to be found in any building, vehicle or other place in the province a record or other thing that affords evidence of the violation;

may at any time and where necessary upon ex parte application, issue a warrant authorizing an environment officer, and such other persons as may be named therein, with such peace officers as are required to assist, to enter and search the building, vehicle or other place for the record or thing, and to seize it and bring it before a justice, or report on it to a justice, to be dealt with according to law.

Offences

15 Every person who

- (a) is required under this Act or the regulations to pay a deposit, handling fee, pre-disposal levy, licence fee or other assessment and refuses or fails to do so;
- (b) is required under this Act or the regulations to collect, remit, refund, receive, forfeit, dispose of or otherwise deal with any deposit, handling fee, pre-disposal levy, licence fee, or other assessment and refuses or fails to do so;
- (c) refuses or fails to produce for inspection to any person entitled to inspect them, any records that the person is required under the Act or the regulation to produce;
- (d) refuses or fails to make any report required under this Act or the regulations;
- (e) makes a report under this Act or the regulations that is false or misleading;
- (f) obstructs or attempts to obstruct an environment officer or any other person in the performance of his or her duties under this Act or the regulations; or
- (g) contravenes or violates any other provision of this Act or the regulations;

is guilty of an offence under this Act.

Penalties

16(1) Every person who is guilty of an offence under this Act is liable, on summary conviction, to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year, or to both and where the person is a corporation, to a fine of not more than \$250,000.

Additional Penalty

(2) A judge may, in addition to any penalty imposed under subsection (1), require the convicted person to pay an additional fine that takes into account

- (a) any monetary benefit, or estimated monetary benefit, that accrues to the convicted person as a result of the offence; and

(b) any environmental damage that results from the commission of the offence, and the cost or estimated cost of rectifying the environmental damage.

**Offence by Director
of Corporation**

17 Any officer, director or agent of a corporation who directs, authorizes, assents to, acquiesces in or participates in the commission of an offence is a party to and guilty of the offence and is liable on conviction to the penalties set out in section 16.

Regulations

18 The Lieutenant Governor in Council may make regulations

(a) defining toxic waste;

(b) defining any other term or expression in this Act not otherwise defined.