

**EC2009-688****AN ACT TO AMEND THE CIVIL SERVICE SUPERANNUATION ACT  
DECLARATION RE**

Under authority of section 8 of *An Act to Amend the Civil Service Superannuation Act* Stats. P.E.I. 2009, 3<sup>rd</sup> Session, c. 3, Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Civil Service Superannuation Act" to come into force effective 1 January 2010.

**EC2009-689****AN ACT TO AMEND TH ENVIRONMENTAL PROTECTION ACT (NO. 2)  
DECLARATION RE**

Under authority of section 6 of *An Act to Amend the Environmental Protection Act* Stats. P.E.I. 2009, 2<sup>nd</sup> Session, c. 69 Council ordered that a Proclamation do issue proclaiming the said "An Act to Amend the Environmental Protection Act (No. 2)" to come into force effective 26 December 2009.

**EC2009-690****ENVIRONMENTAL PROTECTION ACT  
MATERIALS RECYCLING REGULATIONS**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**PART I****INTERPRETATION**

- |   |                                |
|---|--------------------------------|
| <b>1.</b> (1) In these regulations  | Definitions                    |
| (a) "Act" means the <i>Environmental Protection Act</i> R.S.P.E.I. 1988, Cap. E-9;  | Act                            |
| (b) "electronic product endorsement" means a valid and subsisting electronic product endorsement issued under subsection 16(4); | electronic product endorsement |
| (c) "endorsement" means an electronic product endorsement, used oil endorsement or lead acid battery endorsement;               | endorsement                    |
| (d) "lead acid battery endorsement" means a valid and subsisting lead acid battery endorsement issued under subsection 46(4);   | lead acid battery endorsement  |
| (e) "operator" means, in respect of a facility, a person who has control or management of the facility;                         | operator                       |
| (f) "permit" means a valid and subsisting recycling facility permit issued under subsection 3(4).                               | permit                         |
| (g) "permit holder" means a person who holds a permit;  | permit holder                  |
| (h) "used oil endorsement" means a valid and subsisting used oil endorsement issued under subsection 33(4).                     | used oil endorsement           |

(2) For the purposes of the definition of “recyclable material” in clause 1(n.11) of the Act, a material or product is a recyclable material if it meets the following criteria: Criteria – recyclable material

- (a) it has been diverted from disposal;
- (b) it is managed as a marketable commodity with an established market, or is used or processed in the manufacture of a product that has an established market;
- (c) it is not
  - (i) a designated material, or
  - (ii) a beverage container as defined in the *Beverage Containers Act*, R.S.P.E.I. Cap. B-2.1.

## PART II

### RECYCLING FACILITY PERMIT

#### Operation of Recycling Facility

2. No person shall Operation of recycling facility
- (a) carry on the business of the collection or sale of recyclable material;
  - (b) operate a recycling facility; or
  - (c) hold himself or herself out as the operator of a recycling facility, except under the authority of a permit.

#### Application

3. (1) A person who wishes to apply for a permit shall Application for permit
- (a) file with the Minister a completed application on a form approved by the Minister; and
  - (b) pay the fee prescribed by subsection (6).

(2) An applicant shall submit the following with an application made under subsection (1): Material to be submitted

- (a) a detailed written proposal outlining
  - (i) the location of the proposed recycling facility,
  - (ii) the distance from the active recycling area to
    - (A) the nearest property boundary, and
    - (B) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes,
  - (iii) the plans, if any, for
    - (A) noise reduction measures, or
    - (B) screening of the facility from view from nearby properties,
  - (iv) the types of recyclable material to be acquired,
  - (v) the plans for the acceptance, collection, storage, sorting, handling, preparing for transport and transporting of recyclable material,
  - (vi) the quantity of recyclable material to be acquired,
  - (vii) a contingency plan for the prevention, detection, handling and containment of leaks or spills of recyclable material or contamination resulting from the handling of recyclable material; and
- (b) a certificate of insurance which
  - (i) evidences insurance coverage for the applicant’s liability for bodily injury and property damage arising out of a contaminant being introduced into the environment in a sudden, unintended or unexpected occurrence, during the period of insurance, with not less than \$1,000,000 coverage per occurrence, and
  - (ii) states that the insurance coverage may not be cancelled except upon thirty days prior written notice to the Department.

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application. Additional information

(4) The Minister shall issue a permit to an applicant if the Minister is satisfied that Requirements for issuance of permit

- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the proposal submitted under clause (2)(a)

- (i) includes the information referred to in subclauses (2)(a)(i) to (vii) and is otherwise acceptable to the Minister, and
- (ii) adequately provides for the operation of the recycling facility in compliance with the Act and these regulations; and
- (c) the issuance of the permit is in the public interest having regard to the matters referred to in subclauses (2)(a)(i) to (vii).

(5) Where the Minister refuses to issue a permit to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Refusal of permit

(6) The application fee for a permit is \$100 and shall be made payable to the Provincial Treasurer. Application fee

#### Expiry of Permit

4. A permit expires on March 1 following the day on which the permit was issued. Expiry of permit

#### Reports

5. An operator of a recycling facility shall Report to Minister

- (a) record the received weight, the recycled weight and the shipped weight of the recyclable material recycled at the recycling facility; and
- (b) submit a written report to the Minister on or before March 1 of each year for the preceding calendar year.

6. (1) An operator of a recycling facility shall include in a report required by clause 5(b) Weight of recyclable material

- (a) the weight in kilograms of each type of recyclable material recycled at the facility for the year covered by the report; and
- (b) the weight in kilograms of each type of recyclable material received by the facility and not recycled for the year covered by the report.

(2) Where a recyclable material is reported under clause (1)(b) as having been received and not recycled, the report shall indicate Material not recycled

- (a) why the recyclable material was not recycled;
- (b) how the recyclable material was disposed of, if it was; and
- (c) what action is being taken by the person to ensure proper recycling of all recyclable material into reusable products.

#### Terms and Conditions

7. A permit holder and an operator of a recycling facility shall ensure that the recycling facility is operated in compliance with the terms and conditions of the permit issued for the recycling facility. Compliance with terms and conditions on permit

#### Notice of Revocation or Terms and Conditions

8. Where the Minister, under section 28 of the Act, Notice of revocation or terms and conditions

- (a) revokes;
- (b) imposes terms or conditions on; or
- (c) alters the terms or conditions of,

a permit, the Minister shall serve on the permit holder and the operator, in writing, notice of and reasons for the revocation, imposition or alteration.

### PART III

#### ENDORSEMENTS

##### Endorsement for Designated Material

9. (1) A permit may be endorsed with one or more of the following endorsements: Endorsement for designated material

- (a) electronic product endorsement;
- (b) used oil endorsement;
- (c) lead acid battery endorsement.

(2) Subject to any terms or conditions imposed on the endorsement under section 28 of the Act, an endorsement on a permit authorizes the Authorization

permit holder to recycle the designated material identified on the endorsement at the recycling facility for which the permit is issued.

#### Terms and Conditions

**10.** A permit holder and an operator of a recycling facility for which an endorsement is issued shall ensure that the recycling facility is operated in compliance with the terms and conditions of the endorsement.

Terms and conditions of endorsement

#### Notice of Revocation or Terms and Conditions

**11.** Where the Minister, under section 28 of the Act,  
 (a) revokes;  
 (b) imposes terms or conditions on; or  
 (c) alters the terms or conditions of,  
 an endorsement, the Minister shall serve on the permit holder and the operator, in writing, notice of and reasons for the revocation, imposition or alteration.

Notice of revocation or terms and conditions

### PART IV ELECTRONIC PRODUCTS

#### Interpretation

**12.** In this Part

Definitions

- (a) “administrator” means an administrator appointed under section 22; administrator
- (b) “agent” means an agent of a brand owner designated under section 19; agent
- (c) “brand owner” means, in respect of an electronic product sold, offered for sale or otherwise distributed in or into the province,  
 (i) a manufacturer of the electronic product,  
 (ii) a distributor of the electronic product in or into the province,  
 (iii) an owner or licensee of the intellectual property rights to the electronic product, or  
 (iv) where the electronic product is imported into the province, the first person to sell the electronic product in or into the province; brand owner
- (d) “electronic material stewardship program” means a program approved by the Minister under subsection 20(5) that  
 (i) establishes a process for the recycling of electronic products and, if no further options exist, the disposal of any residual electronic product components, and  
 (ii) incorporates the principles of a pollution prevention hierarchy by replacing disposal with reuse and recycling of electronic products; electronic material stewardship program
- (e) “electronic product” means an electronic product whether intended for consumer, industrial or commercial use, and includes  
 (i) televisions,  
 (ii) desktop, laptop and notebook computers, including central processing units, keyboards, mice and cables,  
 (iii) computer monitors,  
 (iv) computer desktop printers, including desktop printers that have scanning or fax capabilities, or both,  
 (v) desktop scanners,  
 (vi) audio and video playback and recording systems,  
 (vii) telephones and fax machines, and  
 (viii) cell phones and other wireless communication devices,  
 but does not include factory-installed devices developed for embedded use in motor vehicles; electronic product
- (f) “electronic product return facility” means a recycling facility where electronic products are  
 (i) accepted and stored, and  
 (ii) handled, collected, sorted or prepared for transport,  
 for the purpose of the reuse of the products or material recovery; electronic product return facility
- (g) “retailer” means a person who sells or offers for sale electronic products directly to consumers. retailer

- 13.** For the purposes of the Act and these regulations, an electronic product is a designated material.
- Designated material  
– electronic product

#### Collection and Disposal of Electronic Products

- 14.** No person shall
- Operation of  
electronic product  
return facility
- (a) operate an electronic product return facility; or
- (b) hold himself or herself out as the operator of an electronic product return facility,
- except under the authority of a permit and an electronic product endorsement.
- 15.** No person shall discard an electronic product except
- Discarding  
electronic product
- (a) by disposal at an electronic product return facility; or
- (b) in accordance with an electronic material stewardship program.

#### Electronic Product Endorsement

- 16.** (1) A person who holds or has applied for a recycling facility permit and who wishes to apply for an electronic product endorsement on the permit shall
- Application for  
electronic product  
endorsement
- (a) file with the Minister a completed application on a form approved by the Minister; and
- (b) pay the fee prescribed by subsection (6).
- (2) An applicant shall submit with an application made under subsection (1) a copy of an agreement with the administrator of an electronic material stewardship program respecting the management, collection and receipt of electronic products under the electronic material stewardship program.
- Material to be  
submitted
- (3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.
- Additional  
information
- (4) The Minister shall issue an electronic product endorsement on an applicant's permit if the Minister is satisfied that
- Requirements for  
issuance of  
electronic product  
endorsement
- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the agreement referred to in subsection (2) adequately provides for the operation of the electronic product return facility in compliance with the Act and these regulations; and
- (c) the issuance of the endorsement is in the public interest having regard to the terms of the agreement referred to in subsection (2).
- (5) Where the Minister refuses to issue an electronic product endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant.
- Refusal of  
electronic product  
endorsement
- (6) The application fee for an electronic product endorsement is \$100 and shall be made payable to the Provincial Treasurer.
- Application fee

- 17.** No operator of an electronic product return facility shall charge a fee for accepting electronic products.
- Fee for accepting  
electronic products  
prohibited

#### Electronic Material Stewardship Program

- 18.** (1) No brand owner of an electronic product shall sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner, or an agent of the brand owner of the electronic product, operates an electronic material stewardship program in respect of the electronic product.
- Sale of electronic  
product prohibited
- (2) No retailer shall sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner of the electronic product, or an agent of the brand owner of the electronic product, operates an electronic material stewardship program in respect of the electronic product.
- Idem*
- 19.** A brand owner may, by written agreement with any person, designate that person as the agent of the brand owner to operate an electronic material stewardship program on the brand owner's behalf.
- Designation of  
agent

## Application

- 20.** (1) A brand owner who wishes to apply for approval of an electronic material stewardship program shall file with the Minister a completed application on a form approved by the Minister. Application for approval of electronic material stewardship program
- (2) An agent of a brand owner who wishes to operate an electronic material stewardship program on the brand owner's behalf and who wishes to apply for approval of the program shall file with the Minister a completed application on a form approved by the Minister. *Idem*
- (3) An applicant shall submit with an application made under subsection (1) or (2) a detailed written proposal outlining Material to be submitted
- (a) the management structure of the program;
- (b) how waste electronic products will be collected;
- (c) the plans for the receipt of electronic products at the electronic product return facilities that participate in the program and the policies and procedures to be followed by the electronic product return facilities;
- (d) the recycling options for waste electronic products;
- (e) the quality control and assurance aspects of the program, including tracking and auditing mechanisms; and
- (f) an education and awareness program for consumers of electronic products that includes information about
- (i) the electronic material stewardship program, specifying products accepted by the program,
- (ii) how and when consumers can access electronic product return facilities,
- (iii) the environmental benefits of participating in the electronic material stewardship program, and
- (iv) a description of the proposed methods for reusing and recycling electronic products.
- (4) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application. Additional information
- (5) The Minister shall approve an electronic material stewardship program if the Minister is satisfied that Requirements for approval of electronic material stewardship program
- (a) the application has been made in accordance with the requirements of these regulations;
- (b) the proposal submitted under subsection (3)
- (i) includes the information referred to in clauses (3)(a) to (f) and is otherwise acceptable to the Minister, and
- (ii) adequately provides for the operation of the electronic material stewardship program in compliance with the Act and these regulations; and
- (c) approval of the program is in the public interest having regard to the matters referred to in clauses (3)(a) to (f).
- (6) Where the Minister refuses to approve an electronic material stewardship program, the Minister shall provide written reasons for the refusal to the applicant. Refusal to approve electronic material stewardship program
- (7) Where the Minister approves an electronic material stewardship program, the applicant shall, not later than the commencement date of the program, pay the fee prescribed by subsection (8). Approval of electronic material stewardship program
- (8) The fee for an approval of an electronic material stewardship program is \$25,000 and shall be made payable to the Provincial Treasurer. Fee
- 21.** (1) A brand owner or an agent who operates an electronic material stewardship program shall, on or before July 31 of each year, pay the annual fee prescribed by subsection (2). Annual fee
- (2) The annual fee for an electronic material stewardship program is \$20,000 and shall be made payable to the Provincial Treasurer. *Idem*
- 22.** The Minister may Administrator
- (a) appoint any person as the administrator of an electronic material stewardship program; and
- (b) specify the duties and responsibilities of an administrator appointed under clause (a).

## Information

- 23.** A brand owner or an agent who operates an electronic material stewardship program shall, upon request in writing from the Minister, provide the Minister with any information about the electronic material stewardship program, including any of the following:
- Request for information from Minister
- (a) the types of processes used to reuse and recycle the electronic products and their components;
  - (b) the location of the electronic product return facilities for the electronic products;
  - (c) the location of any long term containment or final treatment and processing facilities for electronic products;
  - (d) records showing that the program adheres to established industry vendor qualification standards, or information demonstrating that the electronic products collected are managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and local regulations.
- 24.** A brand owner shall ensure that a brand name, image or logo is clearly affixed in plain view on an electronic product sold, offered for sale or otherwise distributed in or into the province by the brand owner.
- Brand name, image or logo on electronic product
- 25.** A retailer shall prominently display, at the point of display or the point of sale of an electronic product, the education and awareness program information referred to in clause 20(3)(f) that is supplied to it by the brand owner or the brand owner's agent.
- Display of education and awareness program information
- 26.** A brand owner or an agent who operates an electronic material stewardship program shall review the electronic material stewardship program and
- Review of electronic material stewardship program
- (a) submit to the Minister all proposed amendments to the electronic material stewardship program; or
  - (b) advise the Minister in writing that in its opinion no amendments to the electronic material stewardship program are necessary,
- not later than the date that is five years after the date the electronic material stewardship program was first approved under subsection 20(5) and every five years thereafter.
- 27.** A brand owner or an agent who operates an electronic material stewardship program shall, on or before June 30 of each year, or on or before the date set by the Minister, inform the Minister in writing of the total quantity of electronic products collected during the previous calendar year.
- Information to Minister of quantity of electronic materials collected
- 28.** (1) No brand owner who operates an electronic material stewardship program shall fail to operate the electronic material stewardship program in accordance with the program as approved under subsection 20(5).
- Operation of electronic material stewardship program
- (2) No agent who has been designated to operate an electronic material stewardship program on a brand owner's behalf shall fail to operate the electronic material stewardship program in accordance with the program as approved under subsection 20(5).
- Idem*

## PART V

## USED OIL

## Interpretation

- 29.** In this Part
- Definitions
- (a) "contaminated used oil" means used lubricating oil that
    - (i) has a flash-point less than 38 degrees Centigrade, or
    - (ii) contains any of the substances listed in Column I of Schedule A in concentrations in excess of those listed opposite the substance in Column II of Schedule A;

contaminated used oil
  - (b) "lubricating oil" means engine oil, transmission fluid and gear oil, but does not include oils derived from animal or vegetable fats;
 

lubricating oil
  - (c) "retailer" means a person who
    - (i) stores lubricating oil, hydraulic fluids, metal working fluids or insulating fluids at a fixed location, and

retailer

(ii) sells or offers for sale lubricating oil, hydraulic fluids, metal working fluids or insulating fluids directly to consumers;

(d) “used oil” means petroleum or synthetic lubricating oils, hydraulic fluids, metal working fluids and insulating fluids which have been used and are no longer suitable for their original purpose, but are suitable for other uses, including re-refining or other uses that are authorized under the Act or the regulations made under the Act;

(e) “used oil return facility” means a recycling facility where used oil is

- (i) accepted and stored, and
- (ii) handled, collected or prepared for transport, for the purpose of re-refining.

**30.** For the purposes of the Act and these regulations, used oil is a designated material.

#### Used Oil Endorsement

**31.** (1) No person shall

- (a) carry on the business of the collection or sale of used oil;
- (b) operate a used oil return facility; or
- (c) hold himself or herself out as the operator of a used oil return facility,

except under the authority of a permit and a used oil endorsement.

(2) Subsection (1) does not apply to a retailer for the purpose of the short term storage of used oil at the retailer’s premises in accordance with clause 35(1)(a).

**32.** (1) No person shall sell, offer for sale, transfer, discard or otherwise dispose of used oil except by

- (a) disposal at a used oil return facility; or
- (b) delivery to a retailer that provides short term storage of used oil in accordance with clause 35(1)(a).

(2) Subsection (1) does not apply to a person who

- (a) has a representative sample of the used oil analyzed at a laboratory for the contaminants listed in Column I of Schedule A; and
- (b) obtains a certificate respecting the analysis from the laboratory that confirms that the used oil is not contaminated used oil.

(3) A person referred to in subsection (2) shall keep a certificate referred to in clause 2(b), and make it available to an environment officer upon request, for a period of not less than two years from the date of the laboratory analysis.

#### Application

**33.** (1) A person who holds or has applied for a permit and who wishes to apply for a used oil endorsement on the permit shall

- (a) file with the Minister a completed application on a form approved by the Minister; and
- (b) pay the fee prescribed by subsection (6).

(2) An applicant shall submit with an application made under subsection (1) a detailed written proposal outlining

- (a) the plans and specifications of the used oil storage and transfer facilities and equipment;
- (b) the plans for the acceptance, collection, storage, handling and preparing for transport of used oil, including a description of the methods used to fill and empty each storage tank;
- (c) the quantity of used oil to be acquired; and
- (d) a contingency plan for the prevention, detection, handling and containment of leaks or spills of used oil or contamination resulting from the handling of used oil.

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application.



- (4) The Minister shall issue a used oil endorsement on an applicant's permit if the Minister is satisfied that
- (a) the application has been made in accordance with the requirements of these regulations;
  - (b) the proposal submitted under subsection (2)
    - (i) includes the information referred to in clauses (2)(a) to (d) and is otherwise acceptable to the Minister, and
    - (ii) adequately provides for operation of the used oil return facility in compliance with the Act and these regulations; and
  - (c) the issuance of the endorsement is in the public interest having regard to the matters referred to in clauses (2)(a) to (d).
- (5) Where the Minister refuses to issue a used oil endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant.
- (6) The application fee for a used oil endorsement is \$100 and shall be made payable to the Provincial Treasurer.

Requirements for issuance of used oil endorsement

Refusal of used oil endorsement

Application fee

#### Records

- 34.** (1) An operator of a used oil return facility shall keep a record
- (a) in respect of each person from whom used oil was received, the name of the person, the date of the receipt and the volume of used oil received; and
  - (b) in respect of each person to whom used oil is transferred, the name of the person, the date of the transfer and the volume of used oil transferred.
- (2) An operator of a used oil return facility shall keep a record referred to in subsection (1), and make it available to an environment officer upon request, for a period of three years from the date of the receipt or transfer, as the case may be.

Operator record

Record retention

#### Retailers

- 35.** (1) A retailer shall
- (a) provide short term storage for used oil at the retailer's premises; or
  - (b) contract with an operator of a used oil return facility to accept used oil from the retailer's customers.
- 36.** A retailer shall, at the entrance to the retailer's premises or at the point of display or the point of sale of lubricating oil, hydraulic fluids, metal working fluids or insulating fluids, post a sign which prominently displays the used oil return facility logo as shown in Schedule B.
- 37.** A retailer that provides short term storage of used oil in accordance with clause 35(1)(a) shall
- (a) accept used oil without charge to any person who wishes to return it
    - (i) in a quantity of up to ten litres per day, or
    - (ii) in a quantity of more than ten litres per day that is equivalent to the maximum size of container of lubricating oil, hydraulic fluids, metal working fluids or insulating fluids sold on the retailer's premises;
  - (b) accept used oil during the normal business hours of the retailer's premises; and
  - (c) store used oil in compliance with the National Fire Code of Canada.
- 38.** No person shall contaminate used oil with
- (a) a substance that has a flash-point less than 38 degrees Centigrade; or
  - (b) a substance listed in Column I of Schedule A.

Obligations of retailer

Used oil return facility logo

Acceptance and storage of used oil

Prohibition

PART VI  
LEAD ACID BATTERIES

Interpretation

- |   |  |
|---|--|
| <b>39.</b> In this Part   | Definitions                                |
| (a) “lead acid battery” means a device consisting of one or more cells each containing the essentials for producing voltage electricity and designed and used for the storage of electrical energy through chemical reactions involving lead and acids; | lead acid battery                          |
| (b) “lead acid battery return facility” means a recycling facility where used lead acid batteries are   | used oil return facility                   |
| (i) accepted and stored, and  |  |
| (ii) handled, collected, sorted or prepared for transport, for the purpose of material recovery;  |  |
| (c) “new lead acid battery” means an unused or reconditioned lead acid battery;   | new lead acid battery                      |
| (d) “retailer” means a person who   | retailer                                   |
| (i) stores new lead acid batteries at a fixed location, and   |  |
| (ii) sells or offers for sale new lead acid batteries directly to consumers;  |  |
| (e) “secure area” means a contained, restricted, designated area where lead acid batteries are stored;  | secure area                                |
| (f) “used lead acid battery” means a lead acid battery which has been used and is no longer suitable for its original purpose.  | used lead acid battery                     |
| <b>40.</b> For the purposes of the Act and these regulations, a used lead acid battery is a designated material.  | Designated material<br>– lead acid battery |

Lead Acid Battery Endorsement

- |   |  |
|---|--|
| <b>41.</b> (1) No person shall  | Operation of lead acid battery return facility |
| (a) carry on the business of the collection or sale of used lead acid batteries;  |  |
| (b) operate a lead acid battery return facility; or   |  |
| (c) hold himself or herself out as the operator of a lead acid battery return facility,   |  |
| except under the authority of a permit and a lead acid battery endorsement.   |  |
| (2) Subsection (1) does not apply to  | Exception                                      |
| (a) a retailer, for the purpose of the short term storage of used lead acid batteries at the retailer’s premises; or  |  |
| (b) a person who operates an automobile junk yard under the authority of a permit issued under the <i>Automobile Junk Yards Act</i> R.S.P.E.I. 1988, Cap. A-25, for the purpose of the collection or sale of used lead acid batteries in the ordinary course of business of the automobile junk yard. |  |
| <b>42.</b> No person shall sell, offer for sale, transfer, discard or otherwise dispose of a used lead acid battery except by   | Disposal of lead acid battery                  |
| (a) disposal at a lead acid battery return facility; or   |  |
| (b) delivery to a retailer who accepts the battery in accordance with clause 43(1)(a).  |  |

Retailers

- |   |                         |
|---|-------------------------|
| <b>43.</b> (1) A retailer shall   | Obligations of retailer |
| (a) during normal business hours, accept used lead acid batteries at the retailer’s premises from customers in a quantity that is at least equal to the number of new lead acid batteries sold to consumers;  |                         |
| (b) if a used lead acid battery is not exchanged at the time of sale, collect a \$5 deposit on the new lead acid battery.   |                         |
| (2) A retailer shall return a deposit referred to in clause (1)(b) to a customer who delivers a used lead acid battery, with proof of purchase of a new lead acid battery from the retailer, within 30 days of the date of the purchase of the new lead acid battery. | Return of deposit       |

(3) A deposit that is not returned to a customer under subsection (2) shall accrue to the benefit of the retailer. Deposit not returned

**44.** A retailer shall, at the entrance to the retailer's premises or at the point of display or the point of sale of new lead acid batteries, post a written notice measuring at least 21.5 cm by 28 cm and in the form set out in Schedule C. Written notice

**45.** A retailer shall provide a secure area for the storage of used lead acid batteries that is designed and constructed so that a contaminant cannot enter sewers, watercourses or groundwater or otherwise be discharged into the environment. Secure storage of used lead acid batteries

#### Application

**46.** (1) A person who holds a permit and who wishes to apply for a lead acid battery endorsement on the permit shall  
 (a) file with the Minister a completed application on a form approved by the Minister; and  
 (b) pay the fee prescribed by subsection (6). Application for lead acid battery endorsement

(2) An applicant shall submit with an application made under subsection (1) a detailed written proposal outlining  
 (a) the distance from the active lead acid battery recycling area to  
 (i) the nearest property boundary, and  
 (ii) the foundation of the nearest off-site structure used for commercial, industrial, residential or institutional purposes;  
 (b) the plans for the acceptance, collection, storage, sorting, handling and preparing for transport of used lead acid batteries;  
 (c) the quantity of used lead acid batteries to be acquired; and  
 (d) a contingency plan for the prevention, detection, handling and containment of leaks or spills from used lead acid batteries or contamination resulting from the handling of used lead acid batteries. Material to be submitted

(3) The Minister may require an applicant to provide any additional information that the Minister requires to consider the application. Additional information

(4) The Minister shall issue a lead acid battery endorsement on the applicant's permit if the Minister is satisfied that  
 (a) the application has been made in accordance with the requirements of these regulations; and  
 (b) the proposal submitted under clause (2)(a)  
 (i) includes the information referred to in subclauses (2)(a) to (d) and is otherwise acceptable to the Minister, and  
 (ii) adequately provides for the operation of the lead acid battery return facility in compliance with the Act and these regulations; and  
 (c) the issuance of the endorsement is in the public interest having regard to the matters referred to in clauses (2)(a) to (d). Requirements for issuance of lead acid battery endorsement

(5) Where the Minister refuses to issue a lead acid battery endorsement to an applicant, the Minister shall provide written reasons for the refusal to the applicant. Refusal of lead acid battery endorsement

(6) The application fee for a lead acid battery endorsement is \$100 and shall be made payable to the Provincial Treasurer. Application fee

**47.** A person who imports new lead acid batteries into the province shall submit, in writing to the Minister by January 31 of each year, the total number of new lead acid batteries that the person imported into the province in the previous calendar year. Imported lead acid batteries - report

#### PART VII

#### GENERAL AND TRANSITIONAL

#### Service

**48.** (1) Any notice required to be served on a person under these regulations is deemed to be sufficiently served  
 (a) upon a copy of the notice being personally served on the person to whom it is directed; Manner of service

(b) upon a copy of the notice being sent by facsimile or by other electronic means to the person to whom it is directed and an acknowledgement of receipt being received; or

(c) five days after a copy of the notice is sent by mail addressed to the person to whom it is directed at the last known address for that person.

(2) Where the person to be served with a notice is a corporation, service of the notice on a director, officer or recognized agent of the corporation in accordance with subsection (1) is deemed to be service of the notice on the corporation for the purposes of this Act. Service on corporation

(3) Where it is impractical for any reason to serve a notice in a manner referred to in subsection (1), an *ex parte* application may be made to a judge of the Supreme Court who may make an order for substituted service providing for such steps to be taken to bring the matter to the attention of the person to be served. Substituted service

#### Transitional

**49.** (1) A person who, immediately before the day these regulations come into force, holds an approval from the Minister to operate a recycling plant under section 65 of the Waste Resource Management Regulations (EC691/00) that is in effect is deemed to hold a permit under these regulations. Deemed permit

(2) A person who, immediately before the day these regulations come into force, holds a license under section 4 of the Used Oil Handling Regulations (EC425/92) that is in effect is deemed to hold a permit and a used oil endorsement under these regulations. Deemed permit and used oil endorsement

(3) A person who, immediately before the day these regulations come into force, holds a license under section 6 of the Lead-Acid Battery Regulations (EC26/93) that is in effect is deemed to hold a permit and a lead acid battery endorsement under these regulations. Deemed permit and lead acid battery endorsement

(4) Where a person is deemed, subsection (1), to hold a permit under these regulations, the permit of the person is subject to any terms and conditions to which the approval held by the person was subject under the regulations under which it was issued. Terms and conditions continue

(5) Where a person is deemed, subsection (2) or (3), to hold a permit and an endorsement under these regulations, the permit and endorsement of the person are subject to any terms and conditions to which the license of the person was subject under the regulations under which it was issued. *Idem*

(6) Where a person is deemed, under this section, to hold a permit or an endorsement under these regulations, the permit and endorsement of the person expire, unless sooner revoked under the Act or these regulations, on the earlier of Expiry

(a) March 31 next following the day these regulations come into force; and

(b) the expiry date to which the license or approval held by the person was subject under the regulations under which it was issued.

#### Commencement

**50.** (1) Subject to subsection (2), these regulations come into force on December 26, 2009. Commencement

(2) Sections 15 and 18 of these regulations come into force on July 1, 2010.

**SCHEDULE A****CONTAMINATED USED OIL**

Column I <i>Substance</i>	Column II <i>Concentration</i>
polychlorinated biphenyls	5 mg/l
total organic halogens as chlorine	1000 mg/l
arsenic	5 mg/l
cadmium	2 mg/l
chromium	10 mg/l
lead	100 mg/l

**SCHEDULE B****USED OIL RETURN FACILITY LOGO****SCHEDULE C****NOTICE  
USED LEAD ACID BATTERIES ACCEPTED**

1. Provincial law requires us to accept motor vehicle or other lead acid batteries for recycling in exchange for new lead acid batteries purchased.
2. A deposit of \$5 must be charged for each new lead acid battery that is not exchanged with a used lead acid battery.
3. It is illegal to dispose of a lead acid battery except at a place where lead acid batteries are sold or at an authorized return facility.
4. Recycle your used lead acid batteries.

**EXPLANATORY NOTES**

**SECTION 1** sets out the definitions that apply to these regulations.

**SECTION 2** prohibits the unauthorized operation of a recycling facility.

**SECTION 3** sets out the procedure and requirements for an application for a recycling facility permit.

**SECTION 4** provides that a permit expires on March 1 following the day on which it was issued.

**SECTION 5** requires the operator of a recycling facility to keep records of recycled material and to submit a written report to the Minister each year.

**SECTION 6** sets out the information that must be included in a written report to the Minister.

**SECTION 7** requires a permit holder and an operator of a recycling facility to ensure that the facility is operated in compliance with the terms and conditions of the permit.

**SECTION 8** provides that the Minister shall serve written notice of the revocation of a permit, or the imposition or alteration of terms and conditions on a permit, on the permit holder and the operator.

**SECTION 9** sets out the endorsements that may be issued on a permit.

**SECTION 10** requires a permit holder and an operator of a recycling facility to ensure that the facility is operated in compliance with the terms and conditions of an endorsement on a permit.

**SECTION 11** provides that the Minister shall serve written notice of the revocation of an endorsement, or the imposition or alteration of terms and conditions on an endorsement, on the permit holder and the operator.

**SECTION 12** sets out the definitions that apply to Part IV.

**SECTION 13** provides that an electronic product is a designated material.

**SECTION 14** prohibits the unauthorized operation of an electronic product return facility.

**SECTION 15** prohibits the discarding of an electronic product except by disposal at an electronic product return facility or in accordance with an electronic material stewardship program.

**SECTION 16** sets out the procedure and requirements for an application for an electronic product endorsement on a permit.

**SECTION 17** prohibits an operator of an electronic product return facility from charging a fee for accepting electronic products.

**SECTION 18** prohibits the sale or distribution of an electronic product unless the brand owner or an agent of the brand owner of the electronic product operates an electronic material stewardship program in respect of the electronic product.

**SECTION 19** provides that a brand owner may, by written agreement, designate an agent to operate an electronic material stewardship program on the brand owner's behalf.

**SECTION 20** sets out the procedure and requirements for an application for approval for an electronic material stewardship program.

**SECTION 21** requires a brand owner or an agent who operates an electronic material stewardship program to pay an annual fee by July 31 of each year.

**SECTION 22** provides that the Minister may appoint a person as the administrator of an electronic material stewardship program.

**SECTION 23** requires a brand owner or an agent who operates an electronic material stewardship program to provide any information about the program requested by the Minister.

**SECTION 24** requires a brand owner to ensure that a brand name, image or logo is affixed in plain view on an electronic product sold or distributed by the brand owner.

**SECTION 25** requires a retailer to prominently display the education and awareness program information supplied to it by the brand owner or the brand owner's agent.

**SECTION 26** requires a brand owner or an agent who operates an electronic material stewardship program, to review the program every five years and submit any proposed amendments to the Minister, or advise the Minister that no amendments are necessary.

**SECTION 27** requires a brand owner or an agent who operates an electronic material stewardship program to inform the Minister in writing by June 30 of each year of the total quantity of electronic products collected during the previous calendar year.

**SECTION 28** requires a brand owner or an agent who operates an electronic material stewardship program to operate the program in accordance with the program as approved under subsection 20(5).

**SECTION 29** sets out the definitions that apply to Part V.

**SECTION 30** provides that used oil is a designated material.

**SECTION 31** prohibits the unauthorized operation of a used oil return facility.

**SECTION 32** prohibits the sale, transfer, discarding or disposal of used oil except by disposal at a used oil return facility or delivery to a retailer that provides short term storage of used oil.

**SECTION 33** sets out the procedure and requirements for an application for a used oil endorsement on a permit.

**SECTION 34** requires the operator of a used oil return facility to keep records in respect of the receipt and transfer of used oil, and to make the records available to an environment officer upon request, for a period of three years.

**SECTION 35** requires a retailer to provide short term storage for used oil or contract with an operator of a used oil return facility to accept used oil from the retailer's customers.

**SECTION 36** requires a retailer to post a sign which prominently displays the used oil return facility logo as shown in Schedule B.

**SECTION 37** requires a retailer to accept used oil in certain quantities without charge during the retailer's normal business hours and to store used oil in compliance with the National Fire Code of Canada.

**SECTION 38** prohibits the contamination of used oil with specified substances.

**SECTION 39** sets out the definitions that apply to Part VI.

**SECTION 40** provides that a used lead acid battery is a designated material.

**SECTION 41** prohibits the unauthorized operation of a lead acid battery return facility.

**SECTION 42** prohibits the sale, transfer, discarding or disposal of a used lead acid battery except by disposal at a lead acid battery return facility or by delivery to a retailer.

**SECTION 43** requires a retailer to accept used lead acid batteries in a quantity that is at least equal to the number of new batteries sold and to collect a \$5 deposit on the sale of a new lead acid battery if a used lead acid battery is not exchanged at the time of sale.

**SECTION 44** requires a retailer to post a written notice of a minimum size in the form set out in Schedule C.

**SECTION 45** requires a retailer to provide a secure area for the storage of used lead acid batteries.

**SECTION 46** sets out the procedure and requirements for an application for a lead acid battery endorsement on a permit.

**SECTION 47** requires a person who imports new lead acid batteries into the province to submit in writing to the Minister by January 31 of each year the total number of batteries imported in the previous year.

**SECTION 48** sets out the requirements for service of any notice under these regulations.

**SECTION 49** provides for the transition of a person who holds an approval to operate a recycling plant under the Waste Resource Management Regulations immediately before the day these regulations come into force, to hold a permit under these regulations. A person who holds a license under the Used Oil Handling Regulations immediately before the day these regulations come into force is deemed to hold a permit and a used oil endorsement under these regulations. A person who holds a license under the Lead-Acid Battery Regulations immediately before the day these regulations come into force is deemed to hold a permit and a lead acid battery endorsement under these regulations.

**SECTION 50** provides for the commencement of these regulations.

#### EC2009-691

### ENVIRONMENTAL PROTECTION ACT WASTE RESOURCE MANAGEMENT REGULATIONS AMENDMENT

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

**1. Section 1 of the *Environmental Protection Act* Waste Resource Management Regulations (EC691/00) is amended**

- (a) by the revocation of clause (ff); and
- (b) in clause (gg), by the deletion of the word “recyclable” and the substitution of the words “recyclable material”.

**2. Subsection 2(1) of the regulations is amended**

- (a) in clause (b), by the addition of the word “or” after the semi-colon;
- (b) by the revocation of clause (c); and
- (c) by the deletion of the words “, recycling plant”;

**3. Sections 65, 66 and 67 of the regulations are revoked.**

**4. Section 68 of the regulations is amended by the deletion of the words “recycling plant.”**

**5. These regulations come into force on December 26, 2009.**



### EXPLANATORY NOTES

**SECTION 1** revokes the definition of “recyclables” and deletes the reference to “recyclable” in the definition of “remaining waste”, to be consistent with the definition of “recyclable material” in the *Environmental Protection Act* and the Materials Recycling Regulations.

**SECTION 2** deletes the references to “recyclables” and a “recycling plant”. Provisions with respect to recycling are incorporated in the *Environmental Protection Act* Materials Recycling Regulations.

**SECTION 3** revokes sections 65, 66, and 67, which prohibit the construction or operation of a recycling plant without approval from the Minister, and impose recording and reporting requirements on a person operating a recycling plant. Provisions with respect to recycling plants are incorporated in the *Environmental Protection Act* Materials Recycling Regulations.

**SECTION 4** deletes a reference to “recycling plant”. Provisions with respect to recycling plants are incorporated in the *Environmental Protection Act* Materials Recycling Regulations.

**SECTION 5** provides for the commencement of these regulations.

### EC2009-692

#### ENVIRONMENTAL PROTECTION ACT USED OIL HANDLING REGULATIONS REVOCATION

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. The *Environmental Protection Act* Used Oil Handling Regulations (EC425/92) are revoked.
2. These regulations come into force on December 26, 2009.

### EXPLANATORY NOTES

**SECTION 1** revokes the *Environmental Protection Act* Used Oil Handling Regulations. Provisions for the recycling of used oil have been incorporated into the *Environmental Protection Act* Materials Recycling Regulations.

**SECTION 2** provides for the commencement of these regulations.

### EC2009-693

#### ENVIRONMENTAL PROTECTION ACT LEAD-ACID BATTERY REGULATIONS REVOCATION

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. The *Environmental Protection Act* Lead-Acid Battery Regulations (EC26/93) are revoked.
2. These regulations come into force on December 26, 2009.

**EXPLANATORY NOTES**

**SECTION 1** revokes the *Environmental Protection Act* Lead-Acid Battery Regulations. Provisions for the recycling of used lead acid batteries have been incorporated into the *Environmental Protection Act* Materials Recycling Regulations.

**SECTION 2** provides for the commencement of these regulations.

**EC2009-694**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LEONARD BLANCHARD  
(TO RESCIND)

Council, having under consideration Order-in-Council EC59/90 of 25 January 1990, rescinded the said Order forthwith, thus rescinding permission for Leonard Blanchard of Stirling, Ontario to acquire approximately one hundred and ninety-five (195) acres of land in Lot 7, Prince County, from Peter Stadnyk and Rose Stadnyk, both of Cape Wolfe, Prince Edward Island.

**EC2009-695**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MARVIN EDWARD GOW  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Marvin Edward Gow of Enterprise, Alabama to acquire a land holding of approximately two decimal eight six (2.86) acres of land in Lot 36, Queens County, Province of Prince Edward Island, being acquired from David S. Morgan of Charlottetown, Prince Edward Island.

**EC2009-696**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
THOMAS PATRICK HICKEY AND DIANE D. HICKEY  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Thomas Patrick Hickey and Diane D. Hickey, both of Dacula, Georgia to acquire a land holding of approximately twenty-one decimal nine six (21.96) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Eileen Carroll of Stratford, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-697**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
REMT KENNEMA, JAN KENNEMA AND MARCO KENNEMA  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Remt Kennema, Jan Kennema and Marco Kennema, all of Breslau, Ontario to acquire a land holding of approximately twenty-nine (29) acres of land in Lot 6, Prince County, Province of Prince Edward Island, being acquired from Tignish Credit Union Ltd. of Tignish, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-698**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
WAYNE ANTHONY LEGERE  
(APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Wayne Anthony Legere of Barrie, Ontario to acquire a land holding of approximately fifty-five decimal three eight (55.38) acres of land in Lot 52, Kings County, Province of Prince Edward Island, being acquired from Ardeth MacDonald of Montague, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-699**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
JOHN MCMANAMAN  
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to John McManaman of Moncton, New Brunswick to acquire an interest in a land holding of approximately three decimal five (3.5) acres of land at Summerside, Lot 17, Prince County, Province of Prince Edward Island, being acquired from Atlantis Health Spa Inc. of St. John's, Newfoundland and Labrador.

**EC2009-700**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
101349 P.E.I. INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to 101349 P.E.I. Inc. of Stratford, Prince Edward Island to acquire a land holding of approximately fourteen decimal five (14.5) acres of land in Lot 48, Queens County, Province of Prince Edward Island, being acquired from Alan Mason and Margaret Jean Mason, both of Stratford, Prince Edward Island.

**EC2009-701**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
CORDOVA REALTY LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Cordova Realty Ltd. of Moncton, New Brunswick to acquire a land holding of approximately three decimal five (3.5) acres of land at Summerside, in Lot 17, Prince County, Province of Prince Edward Island, being acquired from Atlantis Health Spa Inc. of St. John's, Newfoundland and Labrador.

**EC2009-702**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
GESTION RED CLAY INC./RED CLAY MANAGEMENT INC.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Gestion Red Clay Inc./Red Clay Management Inc. of Westmount, Quebec to acquire a land holding of approximately twenty-five (25) acres of land in Lot 42, Kings County, Province of Prince Edward Island, being acquired from Rodney Clark and Victoria Papp, both of Westmount, Quebec.

Further, Council noted that the said land holding, being Provincial Property No. 938654, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2009-703**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LARKIN BROS. INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Larkin Bros. Inc. of New Glasgow, Prince Edward Island to acquire an interest in a land holding of approximately eight decimal five (8.5) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Robert Jorgensen and Hilda Jorgensen, both of Hazel Grove, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Larkin Bros Inc. and on all successors in title.

**EC2009-704**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LARKIN BROS. INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Larkin Bros. Inc. of New Glasgow, Prince Edward Island to acquire an interest in a land holding of approximately eight decimal five (8.5) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Paul Larkin and Harvey Larkin, both of New Glasgow, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 1009349, was previously subject to a condition preventing subdivision in accordance with section 9 of the said Act. This subdivision restriction continues to apply.

**EC2009-705**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LARKIN BROS. INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Larkin Bros. Inc. of New Glasgow, Prince Edward Island to acquire a land holding of approximately eighty-seven decimal zero five (87.05) acres of land in Lot 23, Queens County, Province of Prince Edward Island, being acquired from Paul Larkin and Harvey Larkin, both of New Glasgow, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-706**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
LEONARD CARVER POULTRY INC.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Leonard Carver Poultry Inc. of Alliston, Prince Edward Island to acquire a land holding of approximately twenty-three decimal one three (23.13) acres of land in Lot 63, Kings County, Province of Prince Edward Island, being acquired from Leonard Carver and Doris Carver, both of Alliston, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-707**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MACLEAN FARMS LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to MacLean Farms Ltd. of Coleman, Prince Edward Island to acquire a land holding of approximately one hundred and twenty-three decimal one nine (123.19) acres of land in Lot 10, Prince County, Province of Prince Edward Island, being acquired from Devondale Enterprises Ltd. of Coleman, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 894014, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

**EC2009-708**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
MONAGHAN FARMS LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Monaghan Farms Ltd. of Grahams Road, Prince Edward Island to acquire a land holding of approximately zero decimal four two (0.42) acres of land in Lot 25, Prince County, Province of Prince Edward Island, being acquired from Andrews Tractor Parts 2001 Ltd. of Kensington, Prince Edward Island.

**EC2009-709**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
ORCHARD VIEW COTTAGES LTD.  
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Orchard View Cottages Ltd. of Hunter River, Prince Edward Island to acquire a land holding of approximately six decimal five seven (6.57) acres of land in Lot 24, Queens County, Province of Prince Edward Island, being acquired from Ronald Toombs of North Rustico, Prince Edward Island.

**EC2009-710**

PRINCE EDWARD ISLAND  
LANDS PROTECTION ACT  
PETITION TO ACQUIRE A LAND HOLDING  
REARDON CONSTRUCTION LTD.  
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Reardon Construction Ltd. of York, Prince Edward Island to acquire a land holding of approximately seventy-six decimal three three (76.33) acres of land in Lot 34, Queens County, Province of Prince Edward Island, being acquired from Edward J. Reardon of Pleasant Grove, Prince Edward Island PROVIDED THAT the part of the said real property that has not received subdivision approval, approximately sixty-four decimal three three (64.33) acres, is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

**EC2009-711**

LENDING AGENCY ACT  
MURPHY INVESTMENTS LTD.  
AUTHORIZATION

Pursuant to subsection 2(2) of the Lending Agency Act Regulations (EC1999-406) Council authorized the Agency to advance a capital loan in the amount of \$250,000.00 to Murphy Investments Ltd. on terms and conditions acceptable to the Board of Directors of the P.E.I. Lending Agency.

**EC2009-712****PUBLIC DEPARTMENTS ACT  
ACTING MINISTERS  
APPOINTMENTS**

Under authority of subsection 4(2) of the *Public Departments Act*, R.S.P.E.I. 1988, Cap. P-29 the following appointments were made:

1. Honourable Carolyn Bertram to be Acting Minister of Education and Early Childhood Development and Acting Attorney General commencing on the 27<sup>th</sup> day of December 2009, and continuing for the duration of the absence from the Province of Honourable Gerard Greenan.
2. Honourable Neil LeClair to be Acting Minister of Innovation and Advanced Learning commencing on the 19<sup>th</sup> day of December 2009, and continuing for the duration of the absence from the Province of Honourable Allan Campbell.
3. Honourable Richard Brown to be Acting Provincial Treasurer from the 16<sup>th</sup> through to the 23<sup>rd</sup> day of December 2009, and from the 27<sup>th</sup> day of December 2009, and continuing for the duration of the absence from the Province of Honourable Wes Sheridan.