



Members Manual New-Brunswick

In response to
the Designated Materials Regulation – Clean Environment Act.

Making every drop count

(Version of January 1st 2014)

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Letter from the General Manager

On behalf of Société de gestion des huiles usagées de l'Atlantique - Atlantic Used Oil Management Association, division New Brunswick (UOMA NB), we extend a warm maritime welcome to all for joining our efforts to « make every drop count » in the management of post-consumer oil and glycol products in New Brunswick.

UOMA NB has an approval from Recycle New Brunswick (RNB) to fulfill the obligations of the Regulation on behalf of its Members.

This Manual is designed to inform you about several aspects of your membership: it presents UOMA NB, describes the UOMA NB Product Management Program it administers for its members, and highlights the important points arising from the New Brunswick Regulation as cited as the Designated Materials Regulation – Clean Environment Act (O.C. 2012-33).

The Manual is not intended as an exhaustive document on the respective obligations of UOMA NB and its Members because, as you will discover, the information contained in the Membership Agreement is very complete and could constitute a guide itself. In addition, at the end of the Schedule to the Membership Agreement, you will find a PRODUCT ADDENDUM (to be signed subsequent to the signing of the Membership Agreement in relation to the Designated Materials Regulation - Clean Environment Act); should the Minister of the New Brunswick Department of the Environment and Local Government, or any other successor Minister or Department add new products, Members will not have to sign a whole new Membership Agreement because they will only have to sign the ADDENDUM.

To make it easier for you to read and understand this Manual, I suggest that you pay a special attention to the definitions and explanations on the following pages.

On behalf of the Board of Directors of UOMA Atlantic and on my own behalf, I assure you of our total commitment to our common objectives.

Sincerely,



Jean Duchesneau
General Manager
UOMA NB

Definitions

The following words and expressions mean or designate:

- (i) **Act:** means the New Brunswick Clean Environment Act (O.C. 2012 – 333), as amended or replaced and the regulations made thereunder;
- (ii) **Approval:** means the Approval entered between Recycle New Brunswick and UOMA NB, recognizing UOMA NB as a body authorized to implement and manage a Product Stewardship Plan on behalf of its Members for the purposes of the applicable legislation and regulations;
- (iii) **Brand Owner:**
 - manufactures oil, oil filters or glycol in the Province and sells, offers for sale or distributes the oil, oil filters or glycol in the Province,
 - is the owner or licensee in the Province of a registered or unregistered trademark under which oil, oil filters or glycol is sold, offered for sale or distributed in the Province,
 - brings oil, oil filters or glycol into the Province for sale or distribution, or
 - brings oil, oil filters or glycol into the Province for use in a commercial enterprise
- (iv) **Collection Facility** means an establishment or facility registered with UOMA NB to receive the used products described in the Regulation at no cost;
- (v) **Collector** means an enterprise registered with UOMA NB to pick up the products governed by the Regulation from Generators or Collection Facilities and deliver them to a Processor registered with UOMA NB;
- (vi) **Container** means a container with a capacity of 50 litres or less, after use, made of plastic or other material, including aerosol containers, as described in the Regulation;
- (vii) **Environmental Handling Charge** means the contribution paid to UOMA NB by its Members, as established by UOMA NB;
- (viii) **Environmental Handling Charges Schedule** means the amounts of Environmental Handling Charges that must be disbursed quarterly on the Products, and all conditions pertaining thereto, the whole as described in Schedule 1 hereof, which Schedule may be amended from time to time, as stipulated in the Membership Agreement;

- (ix) **Filter:** “oil filter” means
- (a) a spin-on style or element style fluid filter that is used in hydraulic, transmission or internal combustion engine applications, and
- (b) an oil filter, a diesel fuel filter, a storage tank fuel filter and a household furnace oil filter other than a gasoline filter.
- (x) **Generator** means the user of lubricating oils, antifreeze, oil, antifreeze and brake cleaner containers including aerosol container and filters in the normal course of business or as a private consumer;
- (xi) **Lubricating Oil** means an oil of mineral, synthetic or vegetable origin, and any other oil as designated in the Regulation or in a Product Addendum;
- (xii) **Mandatory Contributor** means an entity which, although not subject to the Regulation, is a Member of UOMA NB, both in its own name and on behalf of the enterprises that it represents - including municipalities - which must be registered with UOMA NB, reports the quantities of products described in the Agreement that are offered on the New Brunswick market, and pays the System-related fees on behalf of the enterprises and municipalities that are subject to the Regulation;
- (xiii) **Member:**
- manufactures oil, oil filters or glycol in the Province and sells, offers for sale or distributes the oil, oil filters or glycol in the Province,
 - is the owner or licensee in the Province of a registered or unregistered trademark under which oil, oil filters or glycol is sold, offered for sale or distributed in the Province,
 - brings oil, oil filters or glycol into the Province for sale or distribution, or
 - brings oil, oil filters or glycol into the Province for use in a commercial enterprise
- Note: Mandatory Contributors that join UOMA NB in accordance with their own internal bylaws are also Members.
- (xiv) **Membership Agreement:** means this Membership Agreement entered into between the Member and UOMA NB, including any Product Addendum or other addendum or schedule made in accordance with the terms and conditions of the Membership Agreement;
- (xv) **Minister and Department:** means, as the case may be, the Minister of the New Brunswick Department of the Environment and Local Government, or any other successor Minister or Department.

- (xvi) **Processor** means a business registered with UOMA NB to reclaim products governed by the Regulation;
- (xvii) **Products:** means all the products put on the market in New Brunswick, acquired and made by the Members and mentioned in the New Brunswick Clean Environment Act (O.C. 2012-33) as well as by the agreement;
- (xviii) **Product Addendum** means a supplemental agreement whereby UOMA NB and a Member identify any other Product that they agree to include in the Membership Agreement and any applicable conditions, as the case may be, (subsequent to the signing of this Agreement);
- (xix) **Reclaim Incentive** means the financial contribution disbursed by UOMA NB to registered Processors of plastic oil and antifreeze containers, who decontaminate them to render them fit for reuse or reduce them into pellets for transformation into finished goods, in recognition of the fact that this activity is not yet profitable.
- (xx) **Return Incentive** means the financial contribution disbursed by UOMA NB to registered Collectors for recovery of Products governed by the Regulation;
- (xxi) **Regulation:** means the *Regulation as cited as the Designated Materials Regulation* under the New Brunswick Regulation 2012-92 - Clean Environment Act (O.C. 2012-333) filed October 31, 2012;
- (xxii) **UOMA** means Société de gestion des huiles usagées de l'Atlantique – Atlantic Used Oil Management Association a body created to implement and manage the New Brunswick Oil and Glycol Stewardship Plan in accordance with applicable legislation and regulations called in the Members' Manual UOMA NB.

UOMA NB

La Société de gestion des huiles usagées de l'Atlantique – Atlantic Used Oil Management Association (UOMA) is a private non-profit organization bringing together Brand Owners of lubricating oil, antifreeze or filters of these products in New Brunswick. UOMA NB is incorporated and is governed by a Board of Directors made up of directors from different economic sectors, elected or designated at a general meeting, (Bylaws article 4.1). On behalf of its members, the organization is responsible for recovering and reclaiming products governed by the Regulation as per its objectives, and for informing all stakeholders and the general public and making them aware of the issues. Its General Manager is Jean Duchesneau.

UOMA NB provides its Members with the services required by the Regulation:

- Implementation of a recovery system for used oils, used antifreeze, used oil and antifreeze containers that hold 50 litres or less including all type of lubricant aerosol and brake cleaner containers, and used filters, in cooperation with the Collectors registered with UOMA NB;
- Implementation of a reclamation system for recovered products, in cooperation with the Processors who give them a second life pursuant to applicable regulations;
- Implementation of a user awareness program in the industrial, commercial and private fields.

UOMA NB's activities are governed by the Regulation and the Stewardship Plan and are described in detailed reports to its Members and to Recycle New Brunswick.

The system set up by UOMA NB is based on financial incentives paid to the Collectors to encourage them to recover UOMA NB Products throughout New Brunswick.

UOMA NB zones have been defined by working individually with the Collectors based on their experience: these are therefore natural commercial zones. The incentives are usually sufficient not only to cover the amounts that were charged to Generators by Collectors before the advent of UOMA NB, but even to allow Collectors to offer money to the Generators.

UOMA NB is funded by its Members for that purpose, as detailed in SCHEDULE 1 of the Membership Agreement.

Several verification processes have been created to ensure that the figures are accurate, starting with the Members, the Generators, the Collectors and the Processors.

The UOMA NB program

The program that UOMA NB created on behalf of its Members is based on extended producer responsibility. Its main aspects will be described in this section. All the section numbers and Schedule numbers refer to the Membership Agreement.

1. Objectives of the program

- Set up a New Brunswick - wide program aimed at recovery and reclamation rates exceeding government objectives;
- Maintain the lowest operating and management costs;
- Ensure compliance with existing regulations.

2. Key elements of the program

- Collection of an Environmental Handling Charge from the Members on the sales volumes of the Products in order to fund and manage the program fairly;
- Payment of a Return Incentive to Collectors registered with UOMA NB to encourage greater recovery of the Products;
- Payment of a Return Incentive for plastic containers;
- Payment of incentives at the Collection Facilities;
- Deployment of a user information and awareness program.

3. Principal obligations of UOMA NB Members

- Sign the UOMA NB Membership Agreement and attach a cheque made out to UOMA to cover the \$200 membership fee plus HST. Produce the reports and disburse the Environmental Handling Charges due on a quarterly basis based on marketed values, unless otherwise authorized (3.3);
- Make an agreement between Members when one Member sells to another Member, to make it clear which one will produce the reports and make the remittances to UOMA NB (3.7);
- Pay special attention to subsection 3.4 with regard to missed or late payments;

- Keep records on the sales volumes for at least seven years for the purposes of UOMA NB compliance review to meet the requirements of the Regulation and the By-Laws;
- Posting and internalization as described in subsection 7.

4. Administrative systems

UOMA NB has set up adequate systems related to:

- collection of Environmental Handling Charges from the Members;
- payment of Recovery Incentives;
- payment of Reclamation Incentives;
- payment of incentives to the Collection Facilities;
- payments related to the user information and awareness program;
- the verifications for Members, Collectors and Processors;
- the financial indemnity paid annually to Recycle New Brunswick.

5. Collection Facilities

One of UOMA NB's priorities is the development of Collection Facilities throughout the province. For this purpose, UOMA NB recognizes the contribution of every mechanical repair shop that registers by paying a registration bonus and remitting incentive payments on the filters generated and recovered.

6. Recovery Incentive zones

To encourage recovery of the products governed by the Regulation, UOMA NB has instituted a system of Recovery Incentives disbursed to Collectors who are registered with UOMA NB. Such Incentives are based on the volumes collected from Generators of used products in New Brunswick and delivered to Processors registered with UOMA NB.

New Brunswick is divided into many Incentive zones. These zones are based on geography, population density and the present and potential volumes of used products. The Incentive level also takes those factors into account.

UOMA NB also offers an Incentive to Processors of plastic containers, who decontaminate them for reuse or reduce them into pellets for transformation into finished goods. This Incentive recognizes that this activity is not currently profitable.

In Schedule II of the Collectors Agreement in the Collectors section of the UOMA NB website (www.uoma-atlantic.com), you will find the map of the Incentive zones in New Brunswick and a brief description of each zone. In this same section (Collectors section of the UOMA NB website), you will also find the list of New Brunswick municipalities, indicating the zone that each one falls into.

7. UOMA NB Annual Report

UOMA NB submits a detailed report of its activities to Recycle New Brunswick and an annual report to its Members, presenting the results achieved in relation to the business plan. In addition, the Chair of the Board of Directors and the General Manager present a full report on activities and an audited financial report at the Annual General Meeting of the Members, and answer any questions from Members who attend.