

The Scrap Tire Management Regulations

being

Chapter E-10.2 Reg 9 (effective September 17, 1998).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

1	Title	8	Changes to product management program
2	Interpretation	9	Suspension or cancellation of approvals
3	Tires as prescribed products	10	Opportunity to be heard
4	Product management program required	11	Approval not transferable
5	Application for approval of program	12	Annual reporting
6	Requirements for product management programs	13	Review
7	Consideration of application		

CHAPTER E-10.2 REG 9

The Environmental Management and Protection Act

Title

- 1 These regulations may be cited as *The Scrap Tire Management Regulations*.

Interpretation

- 2 In these regulations:

- (a) “**Act**” means *The Environmental Management and Protection Act*;
- (b) “**approval**” means an approval of a product management program issued by the minister pursuant to section 7;
- (c) “**product management program**” means a program that provides for collecting, transporting and recycling of scrap tires;
- (d) “**retailer**” means a person who sells or supplies new tires whether the tires are sold or supplied separately or on a vehicle;
- (e) “**scrap tire**” means a tire that is no longer suitable for its original purpose because of wear, damage or defect;
- (f) “**tire**” means a tire that is manufactured for the purpose of being used on the wheel of a vehicle;
- (g) “**vehicle**” means a vehicle within the meaning of *The Highway Traffic Act* and includes an all terrain vehicle as defined in *The All Terrain Vehicles Act* but does not include a bicycle.

2 Oct 98 cE-10.2 Reg 9 s2.

Tires as prescribed products

- 3 For the purposes of the Act and these regulations, tires are prescribed as prescribed products.

2 Oct 98 cE-10.2 Reg 9 s3.

Product management program required

- 4(1) After 45 days from the coming into force of these regulations, no retailer shall sell, distribute, offer for sale or supply by lease or rental, either directly or indirectly, tires in Saskatchewan unless the retailer:

- (a) operates a product management program approved by the minister; or
- (b) enters into an agreement with a person who operates on the retailer’s behalf a product management program approved by the minister.

- (2) No retailer who operates a product management program shall fail to operate the product management program in accordance with the Act and these regulations.

- (3) No person who has entered into an agreement to operate a product management program on a retailer’s behalf shall fail to operate the product management program in accordance with the Act and these regulations.

2 Oct 98 cE-10.2 Reg 9 s4.

E-10.2 REG 9**SCRAP TIRE MANAGEMENT****Application for approval of program**

5 A retailer who proposes to operate a product management program or a person who proposes to operate a product management program on a retailer's behalf shall:

- (a) apply to the minister for approval of the product management program in a form acceptable to the minister;
- (b) provide details respecting the proposed operation and management of the product management program to satisfy the minister that the product management program complies with section 6;
- (c) advise the minister with respect to the fees to be charged by the product management program for collecting, transporting and recycling scrap tires; and
- (d) provide the minister with any other information that the minister may reasonably require.

2 Oct 98 cE-10.2 Reg 9 s5.

Requirements for product management programs

6(1) Subject to subsection (2), no product management program may be approved unless the product management program contains all of the following requirements:

- (a) the product management program provides for a record to be maintained in which the number of scrap tires that are collected, transported and recycled by the retailer or person operating the product management program is recorded;
- (b) the product management program provides a Saskatchewan-wide service for collecting and recycling of scrap tires, including scrap tires that are stockpiled in Saskatchewan;
- (c) the product management program accepts all types of scrap tires for collection, recycling and management.

(2) Where a person applying pursuant to section 5 satisfies the minister that it is not possible or appropriate to comply with one or more of the requirements set out in subsection (1) and that the non-compliance is not contrary to the public interest, the minister may exempt the product management program from complying with the requirement or requirements.

2 Oct 98 cE-10.2 Reg 9 s6.

Consideration of application

7 Within 45 days after receiving an application pursuant to section 5, the minister shall consider the application and:

- (a) issue an approval for the product management program if, in the opinion of the minister:
 - (i) the proposed product management program will comply with the Act and these regulations; and
 - (ii) it is not contrary to the public interest to issue the approval; or

(b) refuse to issue an approval for the product management program if, in the opinion of the minister:

- (i) the proposed product management program will not comply with the Act and these regulations; or
- (ii) it is contrary to the public interest to issue the approval.

2 Oct 98 cE-10.2 Reg 9 s7.

Changes to product management program

8 No retailer or other person to whom an approval has been issued shall make any changes to the product management program, including changes respecting fees to be charged by the product management program for collecting, transporting and recycling scrap tires, without informing the minister of the changes and receiving the written approval of the minister for the change.

2 Oct 98 cE-10.2 Reg 9 s8.

Suspension or cancellation of approvals

9 Subject to section 10, the minister may suspend or cancel an approval where, in the opinion of the minister, the retailer or other person to whom an approval has been issued has failed to comply with the Act and these regulations.

2 Oct 98 cE-10.2 Reg 9 s9.

Opportunity to be heard

10(1) The minister shall not refuse to issue an approval or to suspend or cancel an approval without giving the applicant or the retailer or other person to whom the approval was issued, as the case may be, an opportunity to be heard.

(2) Notwithstanding subsection (1), if the minister considers that it is necessary to protect the public interest, the minister may immediately suspend or cancel an approval without giving the retailer or other person to whom the approval was issued an opportunity to be heard, but shall give the retailer or person an opportunity to be heard within 15 days after the date on which the minister takes any of those actions.

2 Oct 98 cE-10.2 Reg 9 s10.

Approval not transferable

11 No approval is transferable without the prior written consent of the minister.

2 Oct 98 cE-10.2 Reg 9 s11.

Annual reporting

12(1) In this section, “**reporting period**” means:

- (a) the period commencing on April 1 in one year and ending on March 31 of the following year; or
- (b) if an approval of the product management program was issued after April 1 and the product management program has not been operated for a complete reporting period, the period commencing on the date the approval was issued and ending on the following March 31.

- (2) On or before June 30 in each year, every retailer operating a product management program, or the person operating a product management program on a retailer's behalf, shall prepare and send to the minister a written annual report that describes the activities of the product management program during the previous reporting period and that contains the information set out in subsection (3).
- (3) A written annual report mentioned in subsection (2) must include:
- (a) the number of tires sold in the reporting period by:
 - (i) in the case of a product management program operated by a retailer, the retailer;
 - (ii) in the case of a product management program operated by a person on behalf of one or more retailers, the retailers on whose behalf the product management program is operated;
 - (b) the number of scrap tires recycled in the reporting period and the manner in which the tires were recycled by:
 - (i) in the case of a product management program operated by a retailer, the retailer;
 - (ii) in the case of a product management program operated by a person on behalf of one or more retailers, the person who is operating the product management program;
 - (c) the number of scrap tires in stockpiles that were recycled in the reporting period and the manner in which the tires were recycled by:
 - (i) in the case of a product management program operated by a retailer, the retailer;
 - (ii) in the case of a product management program operated by a person on behalf of one or more retailers, the person who is operating the product management program;
 - (d) in the case of a product management program operated by a person on behalf of one or more retailers, the names of the retailers on behalf of whom the product management program is operated; and
 - (e) any other information that the minister may reasonably require.

2 Oct 98 cE-10.2 Reg 9 s12.

Review

13(1) In this section, “**review period**” means:

- (a) in the case of the first review period, the period commencing on the day that these regulations come into force and ending on October 31, 2003;
 - (b) in the case of a review period following the first review period, the period commencing on the November 1 following the expiry of the previous review period and ending on the October 31 that is five years after the commencement of the review period.
- (2) The minister shall:
- (a) conduct a review of these regulations for the purpose of determining whether these regulations remain relevant and necessary;

- (b) prepare a report of the review setting out the manner in which the review was conducted and the results of the review; and
 - (c) on or before the last day of the review period, file a copy of the report with the Registrar of Regulations.
- (3) If the review is not completed and the report not filed by the last day of a review period as required by subsection (2), these regulations expire and are deemed to be repealed on the first day after the termination of the review period.
- (4) The minister may determine the manner in which the review required by subsection (2) is to be conducted and may determine the content of the report required by subsection (2), and the validity of these regulations may not be challenged on the basis that the review or the report is not adequate.

