

DEFINITIONS

- 1.(1) In this Bylaw, “**Association**” means the Beverage Container Management Board. The Beverage Container Management Board is the regulatory authority established under the *Environmental Protection and Enhancement Act (Alberta)* and the Regulation to establish, maintain and administer a waste minimization and recycling program for beverage containers.
- (2) In this Bylaw, “**Regulation**” means the *Beverage Container Recycling Regulation*, Alta. Reg. 101/97 as amended.
- (3) In this Bylaw, “**Class “D” Beer Depots**” mean those depots to be issued Class “D” Beer Depot permits as recommended by motion at the Beverage Container Management Board members’ Meeting of November 5, 2001.
- (4) In this Bylaw, “**Handling Commission Review**” means a review of all of the handling commissions referred to in section 3(2) of this Bylaw.
- (5) Terms that are defined in the Regulation have the same meaning when they are used in this Bylaw.
- (6) This Bylaw is made pursuant to Section 18 of the Regulation.

REGISTRATION OF CONTAINERS

2. (1) For the purpose of registering a container, a manufacturer shall provide written notice to the Association setting out the following:
 - (a) the type and brand name of beverage in the container;
 - (b) the type and size of the container;
 - (c) the deposit on the container;
 - (d) the address of the manufacturer's attorney for service if the manufacturer is an extra-provincial manufacturer;
 - (e) in the case of a non-refillable container, confirmation that the container can be recycled by a method approved by the Association;

- (f) confirmation that the container meets the requirements of the Consumer Packaging and Labelling Regulation, as may be amended or replaced from time to time; and
 - (g) any additional information requested by the Association.
- (2) A manufacturer shall submit the information required in subsection (1) in a form and manner acceptable to the Association.
- (3) A container is registered when the Association confirms in writing to a manufacturer that the manufacturer's container is registered.

HANDLING COMMISSIONS

- 3.(1) Where the Association sets a handling commission for a category of container in subsections (2) or (3) below, the Association shall set a single handling commission payable to all universal depots or Class “D” Beer Depots, as the case may be, regardless of the location of the depot in the Province.
- (2) The handling commission payable by a manufacturer or collection system agent for containers returned to universal depots for the purposes of section 13(b) of the Regulation, effective April 1, 2017 shall be:

	Material Type	Handling Commission Effective April 1, 2017
(a)	Aluminum 0-1 litre – per container	3.1780 ¢
(b)	Bag in Box Over 1 Litre – per container	23.381 ¢
(c)	Bi Metal 0 - 1 Litre – per container	7.410 ¢
(d)	Bi Metal Over 1 Litre – per container	13.083 ¢
(e)	Crystal Decanter 700 ml – per container	\$1.00
(f)	Drink Pouch 0 - 1 Litre – per container	4.835 ¢
(g)	Gable Top 0 -1 Litre – per container	6.254 ¢
(h)	Gable Top Over 1 Litre – per container	10.817 ¢
(i)	Glass 0 - 1 Litre – per container	7.805 ¢

(j)	Glass Over 1 Litre – per container	12.626 ¢
(k)	HDPE Plastics Natural Over 1 Litre – per container	12.521 ¢
(l)	Industry Standard Bottles – per container	4.733 ¢
(m)	Liquor and Wine Ceramics – per container	50.505 ¢
(n)	Other Plastics 0-1 Litre – per container	5.642 ¢
(o)	Other Plastics over 1 Litre – per container	11.582 ¢
(p)	Patron en Lalique 1750 ml – per container	\$1.00
(q)	PET 0 - 1 Litre (Clear & Light Blue Tint) – per container	4.725 ¢
(r)	PET Over 1 Litre (Clear & Light Blue Tint) – per container	10.350 ¢
(s)	Plastic one-way Keg Over 1 Litre – per container	65.000 ¢
(t)	Sleemans Refillable – per container	6.959 ¢
(u)	Steam Whistle Refillable - per container	9.136 ¢
(v)	Tetra Brik 0 - 1 Litre – per container	5.220 ¢
(w)	Tetra Brik Over 1 Litre – per container	15.058 ¢

(3) The handling commission payable by a manufacturer or collection system agent for the following containers collected for return by Class “D” Beer Depots for the purposes of section 13(b) of the Regulation shall be:

- (a) 3.178 ¢ per container for empty aluminium beer containers;
- (b) 4.733 ¢ per container for Industry Standard Bottles 341 ml;
- (c) 9.136 ¢ per container for refillable beer containers manufactured Steam Whistle (341 ml);
- (d) 6.959 ¢ per container for beer containers manufactured by Sleeman (341 ml); and

- (e) 7.805 ¢ per container for all other glass beer containers 0-1 Litre (refillable and non-refillable).

CHANGES TO HANDLING COMMISSIONS

- 4.(1) The Board of Directors of the Association may direct a Handling Commission Review if any of the following circumstances occur:
 - (a) a change is made to the exemptions under section 3 of the Regulation resulting in a substantial change in the volume of containers handled by the system;
 - (b) a new category of container is added to section 3 of this Bylaw;
 - (c) significant new sorting, handling or processing technologies are introduced or handling or processing tasks are redistributed between manufacturers and depot operators;
 - (d) significant changes occur in other major handling or processing costs;
 - (e) A Member of the Association requests a Handling Commission Review.
- (2) The Board of Directors of the Association shall direct a Handling Commission Review when three (3) years have passed since the last Handling Commission Review was completed.
- (3) Notwithstanding sections 4(1) and 4(2), the Board of Directors of the Association shall not direct a Handling Commission Review more than once within a 12 month period.
- (4) BCMB Management may set an interim handling commission for a new container stream in the absence of a Handling Commission Review in accordance with the Handling Commissions Rules of Practice and Procedures.
- (5) The Board of Directors of the Association may adjust handling commissions between Handling Commission Reviews using mid-term adjustment formulas established for that purpose in accordance with the Handling Commissions Rules of Practice and Procedure.
- (6) In conducting a Handling Commission Review the Board of Directors of the Association must seek input from manufacturers and depot operators regarding handling commission amounts through fair process, negotiation and use of sound information having regard to the principles of natural justice. The gathering of sound information and the process for negotiations and submissions respecting handling commissions shall be governed by the Handling Commissions Rules of Practice and Procedure.

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- (7) The Handling Commissions Criteria Bylaw shall apply to a Handling Commission Review.
 - (8) Handling Commissions may only be changed by motion of the Board of Directors carried by a majority of 2/3 of the Board of Directors.
 - (9) The Board of Directors may refer the setting of the Handling Commissions or the mid-term adjustment formulas or both to arbitration in accordance with the Handling Commission Rules of Practice and Procedure.
 - (10) In the event that both the Handling Commissions and mid-term adjustment formulas have not been approved by the Board within 6 months after the Board of Directors of the Association has received a report from the Data Collection Agent making recommendations about the amount of Handling Commissions and the mid-term adjustment formulas, the Board shall refer the setting of the Handling Commissions or the mid-term adjustment formulas or both of them to arbitration in accordance with the Handling Commission Rules of Practice and Procedure unless the Board is satisfied that there is a reasonable explanation for the delay beyond the 6 month period.
 - (11) The Board shall not refer the setting of Handling Commissions to arbitration without also referring the setting of the mid-term adjustment formulas with respect to those Handling Commissions to arbitration, unless the Board has decided by a 2/3 majority vote that no mid-term adjustment formulas are to be adopted with respect to those Handling Commissions.
 - (12) The arbitration referred to in sections 4(9) and 4(10) shall be carried out in accordance with the Handling Commissions Rules of Practice and Procedure and the resulting award shall be final and binding upon all Directors of the Association. The Board of Directors of the Association shall pass the Handling Commissions determined by the arbitration and shall adopt the mid-term adjustment formulas for those Handling Commissions determined by the arbitration.

NUMBER OF DEPOTS

- 5.(1) In determining the number and location of depots to be permitted in Alberta, the Association shall have regard to the following criteria:
 - (a) patterns of population growth;
 - (b) closure of existing depots;

- (c) the number and nature of complaints received from the public regarding the collection of containers generally;
- (d) any other criteria the Association considers relevant in order to maintain a viable container recovery system.

REQUESTS FOR APPLICATIONS FOR PERMIT

- 6.(1) The Association shall provide all persons who wish to submit an application to operate a depot with an information package that contains
- (a) the application and particulars of any other supporting information that is required with the application;
 - (b) information concerning the rights and obligations of a depot operator; and
 - (c) the Permit criteria that the Association will use in determining which applicant, if any, will be issued the permit.

PERMIT FOR DEPOT

- 7.(1) An application for a permit to operate a depot or for a renewal of a permit must be in a form acceptable to the Association and must be accompanied by any other information required by the Association.
- (2) The Association may issue a permit subject to any terms and conditions that the Association considers appropriate.
 - (3) The Association may, on its own initiative or on the request of the depot operator, amend a term or condition of, add a term or condition to or delete a term or condition from a permit.
 - (4) A permit is valid only for the location specified in it.
 - (5) A permit may not be issued for more than 5 years from the date on which it is issued.
 - (6) The Association may suspend or cancel a permit, provided that the cancellation or suspension follows the procedure set out in the Beverage Container Depot Operation and Administration By-law.

COLLECTION SYSTEM AGENT

- 8.(1) The Collection System Agent appointed by manufacturers in accordance with section 8 of the Regulation shall be approved and evaluated in accordance with the Collection System Agent (CSA) By-law and shall operate in accordance with that By-law and any CSA Agreement entered into pursuant to that By-law.

COLLECTION FROM RETAILERS

- 9.(1) On the request of a retailer, a manufacturer shall, within the time prescribed by the Association and through the collection system agent or through a collection service provided by the manufacturer, collect from the retailer refillable containers that contained a beverage manufactured by the manufacturer.
- (2) Subsection (1) does not apply unless the retailer has in his possession at least the number of containers prescribed by the Association for the purposes of this section.
- (3) A retailer shall sort refillable containers into groups of containers that contained beverages that have been manufactured or distributed by the same manufacturer.
- (4) A retailer shall place the sorted containers into cases provided by the manufacturers.
- (5) A manufacturer or the collection system agent who collects refillable containers from a retailer shall at the time and in the manner prescribed by the Association pay to the retailer any amounts he is required to pay under this Bylaw or the Regulation.

RECORDS

- 10.(1) A manufacturer, a depot operator and the collection system agent shall, in a manner satisfactory to the Association, keep or cause to be kept books, documents, records and accounts for the purpose of this Bylaw and the Regulation.

INFORMATION TO BOARD

- 11.(1) A manufacturer, a depot operator and the collection system agent shall compile and submit, or cause to be submitted, to the Association in a form acceptable to the Association and at the times required by the Association, information concerning

- (a) in the case of a manufacturer, the number of containers sold by the manufacturer in each category identified by the Association;
- (b) the number of containers collected from depots and retailers in each category identified by the Association;
- (c) in the case of a manufacturer and the collection system agent, the volume of containers recycled under section 16 of the Regulation;
- (d) in the case of a depot operator, the Uniform Code of Accounts established by the Directors of the Association and such other financial information that the Directors of the Association determine is necessary for the administration of section 4 of this Bylaw; and
- (e) any other information the Association considers necessary for the administration of this Bylaw.

TRANSITIONAL – REGISTRATION

12.(1) A container is deemed to be registered under this Bylaw if it is a container for a beverage that was registered under section 3(2) for the Beverage Container Act, chapter B-4 of the Revised Statutes of Alberta 1980, or the Beverage Container Recycling Regulation (Alta. Reg. 128/93), or registered under any previous bylaw of the Association.

TRANSITIONAL – PERMITS

- 13.(1) Where on the approval of this Bylaw a person holds a subsisting approval under Part 2 of the Act in respect of a depot or under any previous bylaw of the Association;
- (a) that approval is deemed to be a permit for the purposes of this Bylaw; and
 - (b) that approval expires on the date on which it would have expired had this Bylaw not come into force unless it is renewed under this Bylaw.