



BEVERAGE CONTAINER MANAGEMENT BOARD

# **PRODUCT REGISTRATION PACKAGE**

**BEVERAGE MANUFACTURERS  
February, 2012**

## Registration Package Checklist Beverage Manufacturers

The following information must be provided prior to distribution of any beverage product in Alberta. Your product(s) will not be registered until the forms listed below are completed and sent to the appropriate agency.

To finalize your product registration, please make sure to send the forms below to the *Beverage Container Management Board (BCMB)* to:

BCMB  
#100, 8616 – 51 Avenue  
Edmonton, Alberta T6E 6E6

- Manufacturer Information Sheet
- New Product Registration Form
- One-Time Registration Fee – \$20.00 CDN
- Attorney for Service (Extra-provincial)

To finalize your product registration, please make sure to send the form listed below to the *Alberta Beverage Container Recycling Corporation (ABCRC)* to:

TD Commercial Banking Wholesale Lockbox Dept.  
ABCRC Lockbox #C3077  
P.O. Box 2980, Stn M  
Calgary, AB T2P 4S1

Or Courier to:

TD Commercial Banking Wholesale Lockbox Dept.  
ABCRC Lockbox #C3077  
1216 – 10<sup>th</sup> Avenue, SW  
Calgary, Alberta T2P 4S1

- ABCRC Participation Agreement
- Refundable Initial Deposit of \$5,000 or an amount based on your 3-months sales forecast, whichever is greater\*

\* Note – Please contact ABCRC directly if you require further information on the submission of the Participant's Sales Report and Initial Deposit @ (403) 264-0170 ext. 235.



BEVERAGE CONTAINER MANAGEMENT BOARD

Dear Manufacturer,

## **WELCOME TO ALBERTA!**

The Beverage Container Management Board was incorporated under the *Societies Act* on October 9, 1997. The Beverage Container Management Board was established as a management board under the *Beverage Container Recycling Regulation* pursuant to Section 175 (jj) of the *Environmental Protection and Enhancement Act* on December 1, 1997. We are an industry led Board that regulates the recycling system of beverage containers in Alberta. The Board oversees the activities of Alberta bottle depots, beverage manufacturers and the two collection system agents for beverage manufacturers, the Alberta Beverage Container Recycling Corporation (ABCRC) and the Alberta Beer Container Corporation (ABCC).

The BCMB operates in accordance with the following by-laws set by the Board:

*Beverage Container Management Board Administrative By-law.*

*Beverage Container Management Board Fee By-law.*

*Beverage Container Management Board Administrative Compliance By-law.*

**This Document is for the purpose of registering all “ready to serve” beverage containers in the Province of Alberta for Non-Refillable and Refillable Manufacturers. Please note the following:**

The Act’s *Beverage Container Recycling Regulation* (Regulation) mandates that:

6(1) No manufacturer shall sell or distribute or offer to sell or distribute or permit to be sold or distributed in Alberta any beverage in a container unless the manufacturer has received written notice from the Board that the container is registered.

### **Non-Refillable Containers**

8(3) No manufacturer shall sell or distribute, offer to sell or distribute, or permit to be sold or distributed in Alberta any beverage in a non-refillable container unless the manufacturer uses the common collection system (ABCRC).

### **Refillable Containers**

9 A manufacturer of a beverage in a refillable container for sale or distribution in Alberta shall:

- i) provide a collection service capable of recovering the manufacturer's empty refillable registered containers from all depots and retailers accepting such containers, or
- ii) use the common collection system referred to in section 8(3) for the recovery of these containers.

(Accordingly under point 9i) and ii), please refer to the attached Fee By-law for handling commission fees)

The manufacturer of a refillable container must refund the deposit on the container regardless of its re-usability. The container must simply be identifiable as having been sold in Alberta to be returnable by the consumer.

16(1) A manufacturer of a beverage in a refillable container shall

- (a) re-use the container as a refillable container if the manufacturer considers the container to be suitable for re-use as a container, or
- (b) cause the container to be recycled by a method approved by the Board, if the manufacturer considers the container is not suitable for re-use as a container.

**Advertising (refillable):** A refillable manufacturer shall inform their customers of the collection location if the Collection System Agent & Alberta Bottle Depots are not used for collection.

**Fees (refillable):** If the Collection System Agent is not used, a manufacturer shall pay a one-time registration fee of \$20.00 and an additional fee of \$10.00 to the Beverage Container Management Board for each new container that is registered.

### **Beverage Container Registration System**

All beverage manufacturers must register all ready to serve beverage containers with the BCMB in accordance with its bylaws. These state that the manufacturer shall provide written notice of:

- the type and brand name of the container
- the type and size of the container
- the deposit values of the container
- the address of the manufacturer's attorney for service if the manufacturer is an extra-provincial manufacturer
- confirmation that the non-refillable or refillable containers can be, and are recycled by a method approved by the Board (beverages must be packaged in containers that are recyclable)
- any additional information requested by the Board

**\*NOTE: If material/contents of a registered product change you must register the new container/product immediately.**

## **Registration & Operation Fees**

A manufacturer of a non-refillable or refillable container shall pay a non-refundable one-time fee of \$20.00 for the first container registration to the Beverage Container Management Board. The Collection System Agent (ABCRC) will pay on behalf of the manufacturer, a payment of \$5.00 to the BCMB for each new product that is electronically registered.

After approval & initial registration with the BCMB, manufacturers of non-alcoholic and non-warehoused alcoholic containers will deal directly with ABCRC for all subsequent product registrations.

### ABCRC

The Participation Agreement, refundable deposit and Container Recycling Fees remain separate and payable to the Alberta Beverage Container Recycling Corporation.

## **Beverage Manufacturer**

Pursuant to Section 1(1)(k) of the Regulation, a manufacturer shall mean a person who manufactures a beverage and includes:

- i) a person who carries on the business of filling containers with a beverage, and
- ii) a person who imports a beverage in a container into Alberta for the purpose of distribution or sale in Alberta

## **Non-Compliance**

Pursuant to Section 6(2) of the Regulation, no manufacturer may sell, distribute, offer to sell or distribute, or permit to be sold or distributed in Alberta any beverage in a container, unless the manufacturer has received **written notice from the Board** that the container is registered. Failure to comply with legislation may result in the imposition of a levy of \$200 per container to cover the cost of BCMB time spent resolving non-compliance. As well, section 19 of the Regulation states that you could be guilty of an offence and liable,

- a) in the case of an individual, to a fine of not more than \$50,000, or
- b) in the case of a corporation, to a fine of not more than \$500,000

## **Forms**

BCMB and ABCRC forms for registration are enclosed in the attached Registration Package.

If you have questions, please contact:

Cheryle Busat, Registrations Officer, Beverage Container Management Board  
Toll free: 1-888-424-7671, or fax 1-780-428-4620. E-mail: [cbusat@bcmb.ab.ca](mailto:cbusat@bcmb.ab.ca)

\*Note: The BCMB will only process registrations upon receipt of:

- A complete *New Product Registration Form*
- Attorney for Service information for out-of-province manufacturers
- Non-refundable one-time Registration fee, paid to the Beverage Container Management Board
- Confirmation from the ABCRC that your business has submitted to them an acceptable Participation Agreement and refundable deposit

**MAKE SURE TO SEND RELEVANT INFORMATION AND PAYMENTS TO THE APPROPRIATE AGENCY.**

Please send the following forms and payment to:

Beverage Container Management Board  
100, 8616 – 51 Avenue  
Edmonton, Alberta T6E 6E6

1. New Product Registration Form
2. Attorney for Service Information Form
3. Non-refundable one-time Registration Fee (\$20.00)

**AND**

Please send the following form and payment to:

TD Commercial Banking Wholesale Lockbox Dept.  
ABCRC Lockbox #C3077  
P.O. Box 2980, Stn M, Calgary, Alberta T2G 4N6

1. ABCRC Participation Agreement (Signed)
2. Refundable Deposit Amount (\$5,000.00 or 3-months sales forecast, whichever is greater)

Regards,

**BEVERAGE CONTAINER MANAGEMENT BOARD**



Malcolm D. Kirkland  
President

## ALBERTA'S BEVERAGE CONTAINER RECYCLING SYSTEM

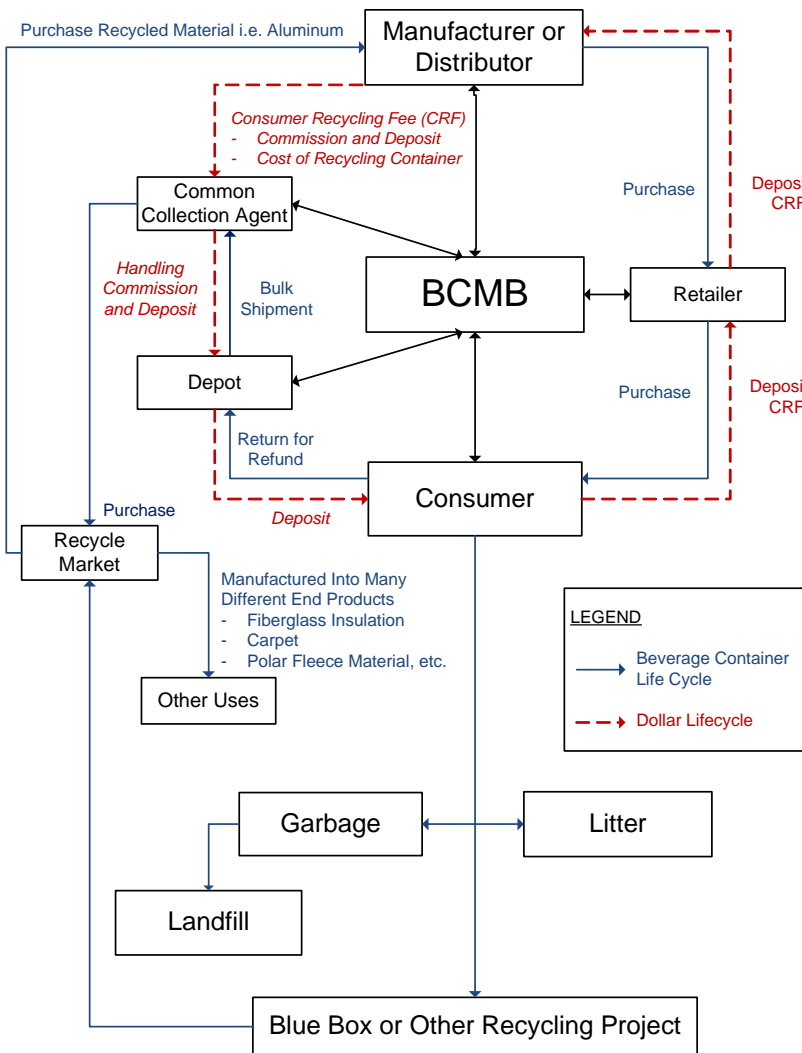
In Alberta, beverage manufacturers are responsible for post-consumption collection of their beverage containers, and they have designated two common collection agents, the Alberta Beverage Container Recycling Corporation (ABCRC), and the Alberta Beer Container Corporation (ABCC), that gather their containers from bottle depots around Alberta.

Manufacturers pay a handling commission to the depots for each of their containers received. In return, the depot operator sorts the containers into different groups. Liquor and wine bottles are sorted by colour, and refillable beverage containers by size and manufacturer. Nonrefillable containers are sorted into groups consisting of the same material, size and colour.

This handling commission is the only source of income for bottle depots. The Alberta government does not subsidize them in any way.

As an incentive for recycling, Alberta requires that manufacturers impose a refundable deposit on each of their beverage containers. A consumer is entitled to a cash refund of the full deposit paid on each container that must be reimbursed at point of return. Therefore, manufacturers must also reimburse the bottle depots for the deposits they pay out on each of the manufacturers' containers.

Alberta's innovative beverage container recycling system has achieved one of the best recycling records in Canada. Approximately seventy seven percent of the containers sold in the province are recycled. This saves over three hundred and eighty thousand cubic metres from landfill every year. The system has grown to include over two hundred and twelve bottle depots and fifty five beer container depots. When liquor is included, the BCMB has registered over forty thousand beverage products from over one hundred manufacturers in Alberta.



Beverage container recycling has become a way of life for Albertans, and there is every indication that our system will remain an effective, convenient and cost efficient means for Albertans to continue to improve their environment.

# Information Sheet

## Extra-Provincial Corporations & Attorney for Service (For Manufacturers Located outside the Province of Alberta)

The Beverage Container Management Board's Administrative By-Law states that all extra-provincial corporations who register a product with the Beverage Container Management Board must provide the BCMB with address of their Attorney for Service in Alberta before distributing into the province {2.1(d)}.

### What is an attorney for Service

Part of the registration process for extra-provincial corporations requires appointing an Attorney for Service, (Alberta Business Corporations Act) or resident agent, to handle such things as government communications on behalf of your corporation. The Attorney for service does not have to be a legal attorney. He, or she, can be any Alberta resident with a valid mailing address in the province who is legally appointed by your company to act as its agent for service of any documents under the *Environmental Protection and Enhancement Act*. Keep in mind your Attorney for Service may be called upon to handle legal matters involving your business.

### **The Beverage Container Management Board will not process registrations for extra-provincial beverage manufacturers without Attorney for Service information**

According to the Alberta Business Corporations Act, Section 279(1) (Registration) within thirty days after commencement of business in Alberta, every business, including federal corporations, must register with Alberta Corporate Registry in the Government of Alberta.

### What is an extra-provincial corporation?

An extra-provincial corporation includes any business that has been incorporated, amalgamated, or continued outside the jurisdiction of Alberta.

### What does carrying on business mean in Alberta?

An extra-provincial corporation carries on business if any of the following conditions apply:

*Alberta Business Corporations Act, Section 277(1) for the purposes of this Part, an extra-provincial corporation carries on business in Alberta if*

- (a) Its name, or any name under which it carries on business is listed in telephone directory anywhere in Alberta,
- (b) Its name or any name under which it carries on business appears or is announced in any advertisement in which an address in Alberta is given for the extra-provincial corporation,
- (c) It has a resident agent or representative or a warehouse, office or place of business in Alberta,
- (d) It solicits business in Alberta,
- (e) It is the owner of any estate or interest in land in Alberta,

- (f) It is licensed or registered or required to be licensed or registered under any Act of Alberta entitling it to do business,
- (g) It is, in respect of a commercial vehicle as defined in *Traffic Safety Act*, the holder of a certificate of registration under the *Traffic Safety Act*, unless it neither picks up nor delivers goods or passengers in Alberta,
- (h) It is the holder of a certificate as defined in section 130 of the *Traffic Safety Act*, unless it neither picks up nor delivers goods or passengers in Alberta, or
- (i) It otherwise carries on business in Alberta.

If you're extra-provincial corporation does any of these activities, it must be registered in Alberta. If you are not sure that your corporation's activities fall into one of these areas, consult a legal professional authorized to practice law in Alberta.

### **Assistance with Corporate Registration**

If you do not know a representative you can appoint as your Attorney for Service, we recommend you consult your corporate counsel for the name of a law firm in Alberta. Or, you may contact the Law Society of Alberta website at [www.lawsocietyalberta.com](http://www.lawsocietyalberta.com) and search under "Services for the Public", "Lawyer Referral Services".

For assistance with corporate registration, consult the Government of Alberta website. It includes explanations, registration information, forms and a listing of registries in Alberta. [www.servicealberta.ca](http://www.servicealberta.ca) or contact:

Corporate Registries Information: (780) 427-7013 (press 4 for Incorporation)

**Note: If you have already registered your company in Alberta, you will have completed Form 27 Attorney for Service. Please submit a copy of this form to the Beverage Container Management Board.**

*This information sheet was created solely for the purpose of helping you with the registration process. These instructions are in no way a replacement for the instructions given by Service Alberta.*



ALBERTA BEVERAGE CONTAINER  
RECYCLING CORPORATION

Dear Manufacturer

We would like to take this opportunity to welcome you to Alberta Beverage Container Recycling Corporation (ABCRC). ABCRC is the approved collection system agent for non-refillable beverage containers in Alberta.

The Beverage Container Recycling Regulation requires that manufacturers appoint, use and maintain a collection system agent to operate a common collection system. ABCRC will act, on the part of the registered manufacturer, to collect and process empty post-consumer beverage containers and to reimburse bottle depots as required under the Regulation.

To ensure that ABCRC has the operating capital to manage your containers, and to assume the liability for any unredeemed containers, we require you to sign the attached Participation Agreement and remit a refundable deposit to be paid prior to the sale of any containers into Alberta. The refundable deposit is to be the greater of either \$5,000.00 or the equivalent refund values and container recycling fees that will be payable for the first three months forecast sales. The refundable deposit will be returned to you in twelve months provided that you have maintained your account properly.

We would encourage you to contact Daniel Gaetano, our Vice President Finance and IT at (403-264-0170, ext 230) if you have any questions or concerns.

Regards,

A handwritten signature in black ink, appearing to read "Guy West", with a stylized flourish at the end.

Guy West  
President

# **Alberta Beverage Container Recycling Corporation Collection System Agent**

## Fee Policy

ABCRC's Collection System Agent Fees for each material type and size shall be calculated using the regulated rates for BCMB fees and handling commissions, along with twelve-month totals of operating revenues and expenditures.

ABCRC's Net Expenses in Excess of Revenues is calculated for each container type and size. This is calculated as the total expense per container net of any operating revenues per container.

ABCRC's Net Expenses in Excess of Revenues is multiplied by a twelve-month rolling return rate to determine the Calculated Cost per Unit Sold. This allows for the necessary funding levels to be expressed on a per container rate that may be applied to the Participant's sales volumes.

The Container Recycling Fee (CRF) is calculated by rounding the Calculated Cost per Unit Sold up to the next whole cent and then deducting the value of the deposit refund paid by consumers.

The Collection System Agent Fees are set with consideration for the following two criteria:

1. The Fees must yield sufficient funds to support the ongoing Operation of the Common Collection System.
2. All material streams are treated fairly, equitably, and independently. There is no cross subsidization of material streams. Each stream is responsible for the costs of recovering its containers.

\*\*Please note that any payments made to ABCRC should be mailed to our lockbox as follows:

Lockbox #C3077  
ABCRC  
P.O. BOX 2980  
Calgary, AB T2P 4S1

We thank you for your cooperation in not sending cheques directly to our offices. Please continue to send all other correspondence to the address below.

**Alberta Beverage Container Recycling Corporation**

3617 Ogden Road S.E. Calgary, AB T2G 4N6 Ph. (403) 264 – 0170 Fax. (403) 264-0179

## **INSTRUCTIONS – ON-LINE REPORTING & REMITTANCE TO ABCRC**

Please submit your reports through the ABCRC website [www.abcrc.com](http://www.abcrc.com)

Online reporting includes the following advantages.

1. It is a more **Faster and secure** way of filing report, the information will be transmitted via an encrypted code to ABCRC'S authorized people.
2. Online filing system is more standard and accurate. It can help avoid misunderstanding or typing error, which will save time.
3. Filing report electronically can reduce the possibility of mail lost and miss delivery to zero.
4. Online reporting system automatically picks the effective rates and calculates the outstanding amount.

For reporting electronically you only need the **User Name and Password**. To obtain your User Name and Password, we encourage you to contact with ABCRC system administrator.

**Jennifer Bro ph: (403) 264-0170 Ext 250**

### **PLEASE REMIT THE PAYMENTS TO:**

**By Mail**

ABCRC  
Lockbox #C3077  
PO Box 2980  
Calgary, Alberta T2P 4S1

or

**By Courier**

ABCRC  
LOCK BOX # C3077  
1216 – 10<sup>th</sup> Avenue, SW  
Calgary, Alberta T3C 0J2

Should you have any questions please feel free to contact ABCRC.

Annie Luc

Accounts Receivable

[aluc@abcrc.com](mailto:aluc@abcrc.com)

Ph:(403) 264-0170 (ext 235) Fax:(403) 264-0179

**Alberta Beverage Container Recycling Corporation**  
**Fee for Service Payable by Participants**  
**Effective February 1, 2012**

<u>January-2012</u>			<u>Effective February 1, 2012</u>		
Deposit Refund	CRF	Total Payable	Deposit Refund	CRF	Total Payable
<b>ALUMINUM</b>					
\$ 0.1000	\$ 0.0100	\$ 0.1100	\$ 0.1000	\$ -	\$ 0.1000
0.1000	0.0125	0.1125	0.1000	<b>0.0060</b>	0.1060
<b>AEROSOL</b>					
0.1000	0.0800	0.1800	0.1000	0.0800	0.1800
<b>PLASTICS</b>					
0.1000	0.0100	0.1100	0.1000	-	0.1000
0.2500	0.0600	0.3100	0.2500	<b>0.0500</b>	0.3000
0.1000	0.0300	0.1300	0.1000	0.0300	0.1300
0.2500	0.0600	0.3100	0.2500	<b>0.0500</b>	0.3000
0.1000	0.0300	0.1300	0.1000	0.0300	0.1300
0.2500	0.0600	0.3100	0.2500	<b>0.0500</b>	0.3000
0.1000	0.0300	0.1300	0.1000	0.0300	0.1300
0.1000	0.0300	0.1300	0.1000	0.0300	0.1300
0.2500	0.0600	0.3100	0.2500	<b>0.0500</b>	0.3000
0.1000	0.0300	0.1300	0.1000	0.0300	0.1300
0.2500	0.0600	0.3100	0.2500	<b>0.0500</b>	0.3000
<b>GLASS</b>					
0.1000	0.0700	0.1700	0.1000	<b>0.0600</b>	0.1600
0.1000	0.0700	0.1700	0.1000	<b>0.0600</b>	0.1600
0.2500	0.1200	0.3700	0.2500	<b>0.1000</b>	0.3500
0.1000	0.0700	0.1700	0.1000	<b>0.0600</b>	0.1600
<b>POLYCOAT</b>					
0.1000	0.0300	0.1300	0.1000	<b>0.0100</b>	0.1100
0.2500	0.0600	0.3100	0.2500	0.0600	0.3100
0.1000	0.0100	0.1100	0.1000	-	0.1000
0.2500	0.0300	0.2800	0.2500	0.0300	0.2800
0.1000	0.0100	0.1100	0.1000	0.0100	0.1100
0.2500	-	0.2500	0.2500	-	0.2500
<b>BI-METAL</b>					
0.1000	0.1100	0.2100	0.1000	<b>0.0800</b>	0.1800
0.2500	-	0.2500	0.2500	-	0.2500



BEVERAGE CONTAINER MANAGEMENT BOARD

# **REGISTRATION FORMS**

**BEVERAGE MANUFACTURERS**

# MANUFACTURER OR DISTRIBUTOR INFORMATION FORM

Company Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Head Office (if different than above) \_\_\_\_\_

\_\_\_\_\_

City, Province/State: \_\_\_\_\_

Postal Code/Zip Code: \_\_\_\_\_

Contact: \_\_\_\_\_ Title \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_  
(Area Code)

Fax: (\_\_\_\_\_) \_\_\_\_\_  
(Area Code)

E-mail: \_\_\_\_\_

Signature: \_\_\_\_\_

**Please complete this form if you are registering non-refillable containers and mail,  
fax or e-mail completed form to:**

Beverage Container Management Board  
750, 10707 – 100 Ave  
Edmonton AB T5J 3M1

Phone: (780) 424-3193 Toll Free: 1-888-424-7671  
Fax: (780) 428-4620

**EXTRA-PROVINCIAL CORPORATION**  
**ATTORNEY FOR SERVICE INFORMATION**

Name of Attorney for Service \_\_\_\_\_  
\_\_\_\_\_

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

City, Province/State \_\_\_\_\_

Postal Code/Zip Code \_\_\_\_\_

Contact \_\_\_\_\_ Title \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_  
(Area Code)

**Please mail, fax or e-mail completed forms to:**

Beverage Container Management Board  
750, 10707 – 100 Ave  
Edmonton AB T5J 3M1

Phone: (780) 424-3193 Toll Free: 1-888-424-7671  
Fax: (780) 428-4620

**REFILLABLE MANUFACTURER ONLY  
SELF COLLECTION RECYCLER INFORMATION FORM**

**(If you are using self-collection methods, please complete this form)**

Recycler Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, Province/State/Postal: \_\_\_\_\_

Contact: \_\_\_\_\_ Title \_\_\_\_\_

Telephone: (       ) \_\_\_\_\_  
(Area Code)

Fax: \_\_\_\_\_

**For Refillable Manufacturers, please complete ONLY if you are using self collection  
and mail or fax completed forms to:**

Beverage Container Management Board  
750, 10707 – 100 Ave  
Edmonton AB T5J 3M1

Phone: (780) 424-3193 Toll Free: 1-888-424-7671  
Fax: (780) 428-4620

## ABCRC - PRODUCT REGISTRATION FORM

**PHOTOCOPY OF UPC & LABEL MUST BE ATTACHED IN ORDER TO REGISTER PRODUCT**

Please Note: A SAMPLE OF THE CONTAINER MAY BE REQUESTED FOR ANALYSIS OF MATERIAL STREAM (Note: Mixed materials may not be approved)

**Manufacturer/Distributor Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Contact Name:** \_\_\_\_\_  
**Phone Number:** \_\_\_\_\_

Date: \_\_\_\_\_

The following is a list of products manufactured/distributed by our company:

Brand Name** (AS PER LABEL)	Size (ml)**	Container Type** (Please check type)											Product Type**	Flavour**	UPC Code***	Start Sales Date**	Reg.# For Office Use		
		Aluminum	Glass	PET	HDPE	Bimetal	PVC	Polystyrene	Polypropylene	Drink Pouch	Tetra Brik	Gable Top	Bag in Box						

\*REQUIRED FIELDS

\*\*\*PLEASE INCLUDE ALL NUMBERS FROM THE UPC BAR CODE

This confirms that the manufacturer will comply with the Beverage Container Recycling Regulation 101/97 as well as the By-laws of the Beverage Container Management Board

\_\_\_\_\_  
Signature

**\*\*\*ALL CONTAINERS MUST BE REGISTERED PRIOR TO DISTRIBUTION IN ALBERTA\*\*\***

**New Manufacturer/First Time Registration**  
 Please submit form with one-time non refundable registration fee of \$20.00 (GST Exempt) to:  
 Beverage Container Management Board  
 100, 8616 - 51 Avenue  
 Edmonton, AB T6E 6E6  
 Fax: (780) 428-4620  
 Email: cbusat@bcmb.ab.ca

**Existing Manufacturer/Additional Registrations**  
 Please submit form to:  
 ABCRC  
 3617 Odgen Road S.E.  
 Calgary, Alberta T2G 4N6  
 Fax: (403) 264-0179  
 e-mail: prodreg@abcrc.com

**\*Please note: Only first time Manufacturers must pay a one-time non-refundable registration fee of \$20.00 (GST exempt)**

# ABCRC - DISCONTINUED PRODUCT REGISTRATION FORM

(please complete form if you are discontinuing sales on registered products -no charge)

Manufacturer/Distributor Name: \_\_\_\_\_

Date: \_\_\_\_\_

PLEASE PRINT

The following is a list of products manufactured/distributed by our company are to be discontinued:

Brand Name* (AS PER LABEL)	Size (ml)*	Container Type* (Please check type)											Product Type*	Flavour*	UPC Code*	Stop Sales* Date	
		Aluminum	Glass	PET	HDPE	Bimetal	PVC	Polystyrene	Polypropylene	Drink Pouch	Tetra Brik	Gable Top					Bag in Box

**\*REQUIRED FIELDS**

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This confirms that the manufacturer will comply with the Beverage Container Recycling Regulation 101/97 as well as the By-laws of the Beverage Container Management Board.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Signature

Please Mail, e-mail or Fax  
completed form to:

BCMB  
100, 8616 - 51 Ave.  
Edmonton, Alberta T6E 6E6

e-mail: [cbusat@bcmb.ab.ca](mailto:cbusat@bcmb.ab.ca)

Fax:  
780-428-4620

## CONFIRMATION OF COLLECTION SYSTEM AGENT

This Confirmation is dated \_\_\_\_\_.

### **Recitals**

- A. Manufacturers of Beverages in non-refillable Containers for sale or distribution in Alberta shall use and maintain a Common Collection System for the recovery and recycling of empty non-refillable registered Containers from Depots as defined in the Regulation.
- B. The Manufacturers shall appoint a Collection System Agent satisfactory to the Board to act on behalf of the Manufacturers with respect to the operation of the Common Collection System.
- C. ABCRC has been appointed as a Collection System Agent for non-refillable Containers since February 1, 1995 and ABCRC is designated by the Board as a satisfactory Collection System Agent.

For good and valuable consideration the parties agree as follows:

### **1. Definitions**

In this Confirmation:

- 1.1 "ABCRC" means Alberta Beverage Container Recycling Corporation.
- 1.2 "BCMB" means the society incorporated as the Beverage Container Management Board.
- 1.3 "Beverage" means any liquid that is a ready-to-serve drink and is not exempt from the Regulation.
- 1.4 "Board" means the board of directors from time to time of BCMB.
- 1.5 "By-laws" means by-laws made by BCMB under section 18 of the Regulation.
- 1.6 "Collection System Agent" means the agent appointed under section 8 of the Regulation.
- 1.7 "Common Collection System" means a container collection system that does not distinguish Containers of similar size and material from each other based on the Manufacturer of the Container.
- 1.8 "Container" means a bottle, can, plastic cup or paperboard carton or a package made of metal, plastic, paper, glass or other material, or a combination of them, that contains or has contained a Beverage.
- 1.9 "Depot" means a place operated as a business for the collection of empty Containers.

- 1.10 “Manufacturer” means a person who manufactures a Beverage and includes
- a person who carries on the business of filling Containers with a Beverage, and
  - a person who imports a Beverage in a Container into Alberta for the purpose of distribution or sale into Alberta.
- 1.11 “Regulation” means the Beverage Container Recycling Regulation, Alberta Regulation 101/97.

**2. Confirmation of Appointment**

- 2.1 The undersigned Manufacturer hereby confirms the appointment of ABCRC as Collection System Agent to act on its behalf with respect to the operation of the Common Collection System.
- 2.2 The undersigned Manufacturer agrees that ABCRC will be its exclusive agent for dealing with BCMB and the Board on all matters arising under the Regulation and the By-laws made from time to time with respect to collection and recovery of registered Containers

**3. Commitment From ABCRC**

- 3.1 ABCRC shall comply with the Regulations and the Bylaws;
- 3.2 ABCRC shall, in accordance with the Regulation and By-laws:
- 3.2.1 collect non-refillable registered Containers from Depots;
  - 3.2.2 on collecting such Containers from a Depot, reimburse the Depot operator the deposit for each Container collected from the Depot operator as specified in the Regulation and pay the Depot operator a handling commission in an amount specified in the By-laws;
  - 3.2.3 provide or cause to provide to BCMB information pertaining to the recovery of Containers.
  - 3.2.4 cause non-refillable Containers to be recycled by a method approved by BCMB.
  - 3.2.5 compile and submit, or cause to be submitted, to BCMB in a form acceptable to BCMB and at the times required by BCMB, information concerning the volume of Containers recycled under section 16 of the Regulation and will aggregate all information received by ABCRC from the undersigned Manufacturer and all other Manufacturers as required by the By-laws and submit such aggregated information to BCMB.
- 3.3 ABCRC shall conduct the operations of the Common Collection System in a manner that protects the confidentiality of proprietary information of the undersigned Manufacturer and all other Manufacturers

**4. Commitment From Manufacturer**

4.1 The undersigned Manufacturer shall:

4.1.1 comply with the Regulation and the By-laws;

4.1.2 not sell or distribute or offer to sell or distribute or permit to be sold or distributed in Alberta any Beverage in a Container unless the Manufacturer has received written notice from BCMB that the Container is registered in accordance with the By-laws;

4.1.3 compile and submit to ABCRC in a form acceptable to ABCRC and at the times required by ABCRC, information concerning the number of Containers sold by the Manufacturer in each category required by ABCRC.;

4.1.4 maintain the Common Collection System by remitting to ABCRC the container recycling fee determined by ABCRC and the deposit determined in accordance with the Regulation for each of its Containers sold at the time required by ABCRC; and

4.1.5 provide to ABCRC the necessary level of assurance of sales to enable ABCRC's external auditors to provide an unqualified auditor's report.

4.2 If the undersigned Manufacturer fails to remit to ABCRC the amounts required under section 4.1.4 on a timely basis so as to enable ABCRC to comply with the Regulations and the By-laws, interest will accrue on the unpaid portion from the date due until paid in full at the annual prime rate of interest from time to time charged by the Toronto Dominion Bank on commercial loans in Canada plus 5%. The Manufacturer will pay such accrued interest to ABCRC upon demand by ABCRC.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Manufacturer's Name

Alberta Beverage Container Recycling Corporation

Per:

Per:



\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Guy West, President

Address:

Address: 3617 Ogden Road S.E.  
Calgary, Alberta T2G 4N6

**ALBERTA BEVERAGE CONTAINER RECYCLING CORPORATION**  
**PARTICIPANT'S SALES REPORT** [\(effective Feb 1st 2012\)](#)  
 Phone: 403-264-0170 Fax: 403-264-0179

**PARTICIPANT:** \_\_\_\_\_

**SALES PERIOD:** \_\_\_\_\_

	Containers Sold	Deposit Refund	Container Recycling Fee	Deposit Refunds Payable	CRF Payable	Total Payable
<b>ALUMINUM</b>						
0 - 1 Litre	-	0.1000	-	-	-	-
<b>AEROSOL</b>						
0 - 1 Litre		0.1000	0.0800	-	-	-
<b>PLASTICS</b>						
PET 0 - 1 Litre	-	0.1000	-	-	-	-
PET Over 1 Litre	-	0.2500	0.0500	-	-	-
HDPE 0 - 1 Litre	-	0.1000	0.0300	-	-	-
HDPE Over 1 Litre	-	0.2500	0.0500	-	-	-
PVC 0 - 1 Litre	-	0.1000	0.0300	-	-	-
PVC Over 1 Litre	-	0.2500	0.0500	-	-	-
Polystrene Cups	-	0.1000	0.0300	-	-	-
Polypropylene 0 - 1 Litre	-	0.1000	0.0300	-	-	-
Polypropylene Over 1 Litre	-	0.2500	0.0500	-	-	-
Other Plastic-MCP 0-1 Litre	-	0.1000	0.0300	-	-	-
Other Plastic-MCP Over 1 Litre	-	0.2500	0.0500	-	-	-
<b>GLASS</b>						
0 - 500 ml	-	0.1000	0.0600	-	-	-
501 - 1 Litre		0.1000	0.0600	-	-	-
Over 1 Litre	-	0.2500	0.1000	-	-	-
<b>POLYCOAT</b>						
Tetra Brik 0 - 1 Litre	-	0.1000	0.0100	-	-	-
Tetra Brik Over 1 Litre	-	0.2500	0.0600	-	-	-
Gable Top 0 - 1 Litre	-	0.1000	-	-	-	-
Gable Top Over 1 Litre	-	0.2500	0.0300	-	-	-
Drink Pouches 0 - 1 Litre	-	0.1000	0.0100	-	-	-
Bag-In-A-Box	-	0.2500	-	-	-	-
<b>BI-METAL</b>						
0 - 1 Litre	-	0.1000	0.0800	-	-	-
Over 1 Litre	-	0.2500	-	-	-	-
<b>TOTALS</b>	<b>-</b>			<b>-</b>	<b>-</b>	<b>-</b>

**TOTAL REMITTANCE**

\$ -

Prepared By (please print) \_\_\_\_\_

Signature \_\_\_\_\_

Contact: phone, Fax, E-mail \_\_\_\_\_



BEVERAGE CONTAINER MANAGEMENT BOARD

# APPENDIX

**BYLAWS**

# BEVERAGE CONTAINER MANAGEMENT BOARD ADMINISTRATIVE BYLAW

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## 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;
  - (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 March 1, 2011 shall be:
  - (a) 3.02¢ per container for aluminum cans, 0-1 litre volume;
  - (b) 4.14¢ per container for PET Clear/Light Blue, 0-1 litre volume;
  - (c) 6.48¢ per container for glass, 0-1in volume;
  - (d) 3.974¢ per container for Industry Standard Bottles;
  - (e) 4.54¢ per container for Tetra Brik 0-1 litre in volume;
  - (f) 8.92¢ per container for PET Plastics Clear/Light Blue over 1 litre in volume;
  - (g) 10.60¢ per container for HDPE Plastics Natural over 1 litre in volume;
  - (h) 5.64¢ per container for Gable top containers 0-1 litre in volume;
  - (i) 9.42¢ per container for Gable Top over 1 litre in volume;
  - (j) 5.37¢ per container for HDPE Natural 0-1 litre in volume;

- (k) 4.08¢ per container for Drink Pouch containers 0-1 litre in volume;
  - (l) 7.03¢ per container for Other Plastics 0-1 litre in volume;
  - (m) 4.48¢ per container for PET Colour 0-1 litre in volume;
  - (n) 10.40¢ per container for glass over 1 litre in volume;
  - (o) 6.76¢ per container for Bi-Metal Cans 0-1 litre in volume;
  - (p) 5.00¢ per container for Sleemans bottles;
  - (q) 5.72¢ per container for HDPE White/Colour 0-1 litre in volume;
  - (r) 9.28¢ per container for PET Colour over 1 litre in volume
  - (s) 7.92¢ per container for Polypropylene containers 0-1 litre in volume;
  - (t) 10.95¢ per container for HDPE White over 1 litre in volume;
  - (u) 12.35¢ per container for Bi-Metal Cans over 1 litre in volume;
  - (v) 9.50¢ per container for refillable Steam Whistle beer containers;
  - (w) 20.00¢ per container for Other Plastics over 1 litre in volume;
  - (x) 19.75¢ per container for Tetra Brick over 1 litre in volume;
  - (y) 20.00¢ per container for polypropylene containers over 1 litre in volume;
  - (z) 20.00¢ per container for Bag in Box over 1 litre in volume;
  - (aa) 15.00¢ per container for Liquor and wine ceramic containers;
  - (bb) 15.00¢ per container for Aerosol 0-1 litre in volume;
- (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) 1.67¢ per container for empty aluminium beer containers and 2.08¢ per container for all other empty beer containers (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.
- (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) The Association may cancel or suspend a permit if the permit holder contravenes the Regulation or this Bylaw.
- (5) A permit is valid only for the location specified in it.
- (6) A permit is not transferable unless the Association consents to the transfer.
- (7) A permit may not be issued for more than 5 years from the date on which it is issued.
- (8) A permit does not come into effect until the later of:
  - (a) the expiry of any appeal period that may apply to the decision to grant a permit; or,
  - (b) the issuance of the decision on appeal to uphold a decision to grant a permit.

### **OPERATING AGREEMENT**

- 8.(1) Manufacturers on their own behalf or through the collection system agent and bottle depots through the Alberta Bottle Depot Association shall provide to the Association a plan acceptable to the Association providing for the following:
  - (a) the times at which and the manner in which containers will be collected from depot operators;
  - (b) storage and sorting of containers pending their collection;
  - (c) the times at which and the manner in which the collection system agent or manufacturer will pay to the depot operators any amounts they are required to pay under this Bylaw or the Regulation;
  - (d) any other matters considered necessary.
- (2) A Plan under subsection (1) is not valid until it has been approved by the Association.

### **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.

# ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

## FEE BYLAW

Made by the BEVERAGE CONTAINER MANAGEMENT BOARD.

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### **Definitions**

- 1(1) In this Bylaw,
- (a) "manufacturer" has the meaning as set out in the Regulation;
  - (b) "Regulation" means the *Beverage Container Recycling Regulation*, Alta. Reg. 101/97, as amended; and
  - (c) "Reporting Period" means the period established pursuant to section 4(3) of this Bylaw.
- (2) Terms that are defined in the Regulation have the same meaning when they are used in this Bylaw.
- (3) The fees set out in this Bylaw takes effect from and after September 1, 2006.

### **Registration Fee**

- 2(1) A manufacturer shall pay a fee of Twenty (\$20.00) Dollars to the Board for the registration of the first beverage container it registers with the Board as required by the Regulation.
- (2) A manufacturer shall pay a fee of Five (\$5.00) Dollars to the Board for each container that is electronically registered with the Board after the first container is registered.
- (3) A manufacturer shall pay a fee of Ten (\$10.00) Dollars to the Board for each container that is registered after the first container is registered with the Board, but is not registered electronically.

## **Depot Fees**

### **3(1) New Depot Application and Permit Fees**

- (a) An applicant for a permit to operate a depot shall, in addition to any other requirements of the Board, pay to the Board a Depot Application Fee in the amount of Six Hundred (\$600.00) Dollars for each application received by the Board.
- (b) An applicant who receives a permit from the Board shall, in addition to any other requirements of the Board, pay to the Board a Depot Permit Fee in the amount of Five Hundred (\$500.00) Dollars as a condition of the release of the permit.

### **3(2) Depot Permit Renewal Fee**

- (a) A holder of a permit to operate a bottle depot shall renew the permit with the Board every five (5) years.
- (b) Upon application for renewal, a holder of a permit to operate a bottle depot shall, in addition to any other requirements of the Board, pay to the Board a Depot Permit Renewal Fee in the amount of Five Hundred (\$500.00) Dollars as a condition of Board approval of renewal.

### **3(3) Depot Permit Transfer or Amendment Fees**

- (a) A holder of a permit to operate a bottle depot applying to transfer the permit to a new operator shall, in addition to any other requirements of the Board, pay a Depot Permit Transfer Fee to the Board in the amount of Five Hundred (\$500.00) Dollars as a condition of Board approval of the transfer.
- (b) A holder of a permit to operate a bottle depot applying to amend the permit for a change in location shall, in addition to any other requirements of the Board, pay a Depot Permit Amendment Fee to the Board in the amount of Five Hundred (\$500.00) Dollars as a condition of Board approval of amendment.

## **Operation Fees**

- 4(1) A manufacturer shall pay to the Board the sum of \$0.00065 for each of its containers collected or recovered, effective January 1, 2010
- 4(2) A depot operator, and a retailer of refillable containers, shall pay to the Board the sum of \$0.00065 for each container which it collects, effective January 1, 2010
- 4(3) The operation fees in s.4(1) and s.4(2) of the within Bylaw shall be the same.

### **Amendment of Fees**

- 5(1) The fees payable pursuant to this Bylaw may be changed by Resolution of the Directors of the Board and the amended fee will be effective as of the date specified in the Resolution.

### **Payment and Collection of Fees**

- 6(1) The fees payable under this Bylaw in respect to non-refillable containers shall be collected and remitted to the Board by the collection system agent on behalf of manufacturers and depot operators.
- 6(2) The fees payable under this Bylaw for refillable containers shall be collected and paid to the Board by manufacturers on behalf of manufacturers, depot operators and retailers.
- 6(3) A Manufacturer, a depot operator or the collection system agent on behalf of a manufacturer or a depot operator shall at the time and manner prescribed by the Board pay any fees required to be paid under this Bylaw.
- 6(4) Interest is payable by a manufacturer or a depot operator on fees that are required to be paid by the Bylaw, and is payable at the rate per annum established by the Board from time to time, from the date the unpaid amount is due until it is paid.
- 6(5) A manufacturer, a depot operator, the collection system agent, or any other person holds all fees to be remitted to the Board in trust for the Board.
- 6(6) In addition to any other remedies available to the Board at law, fees payable by a manufacturer or depot operator in accordance with this Bylaw and any interest owing in respect to those fees are recoverable by the Board in an action in debt.
- 6(7) The time and manner for payment of any fees and interest rate per annum payable pursuant to this Bylaw may be changed by Resolution of the Directors of the Board and will be effective as of the date specified in the Resolution.

### **Records and Information**

- 7(1) A manufacturer, a depot operator and the collection system agent shall, in a manner satisfactory to the Board, keep or cause to be kept books, documents, records and accounts for the purpose of this Bylaw and the Regulation.
- 7(2) A manufacturer, a depot operator and the collection system agent shall compile and submit, or cause to be submitted, to the Board in a form acceptable to the Board and at times required by the Board, information the Board considers necessary for the administration of this Bylaw.
- 7(3) The books, documents, records and accounts to be kept and the information to be

compiled and submitted to the Board pursuant to this Bylaw may be changed by Resolution of the Directors of the Board which will be effective as of the date specified in the Resolution.

Environmental Protection and Enhancement Act

BEVERAGE CONTAINER MANAGEMENT BOARD

ADMINISTRATIVE COMPLIANCE BYLAW

ARTICLE 1 - DEFINITIONS AND INTERPRETATION

Definitions

1.1 In this Bylaw, unless the context otherwise requires:

- (a) “Act” means the *Societies Act* (Alberta) as may be amended from time to time;
- (b) “AEPEA” means the Alberta Environmental Protection and Enhancement Act of Alberta, as may be amended from time to time;
- (c) “BCMB” means the Beverage Container Management BCMB, a society incorporated under the Act;
- (d) “President” means the President of the BCMB;
- (e) “Permit” means a permit to operate a beverage container collection depot;
- (f) “Regulation” means the *Beverage Container Recycling Regulation*, A.R. 101/97, as may be amended from time to time.

Interpretation

- 1.2 In this Bylaw, unless the context otherwise requires, the Interpretation Act, AEPEA and the Act, as amended, apply to this Bylaw.
- 1.3 Words importing the singular include the plural and vice versa; words importing gender include the masculine, feminine and neuter genders; and words importing persons include individuals, bodies corporate, partnerships, trusts and unincorporated associations.
- 1.4 The headings used throughout this Bylaw are inserted for reference purposes only, and are not to be considered or taken into account in construing the terms or provisions of any article nor to be deemed in any way to qualify, modify or explain the effect of any such terms or provisions.

## ARTICLE 2 - FEES AND ENFORCEMENT

- 2.1 The events listed in the Schedule to this Bylaw are the events in respect of which a compliance fee may be levied by the BCMB.
- 2.2 In addition to those events listed in the Schedule to this Bylaw, the BCMB may levy any other fee or costs that may be authorized by the Regulation, BCMB bylaw or policy.
- 2.3 The BCMB shall issue a notice of the fee to be levied. The notice of fee must contain the following information:
  - (a) the name of the person required to pay the fee;
  - (b) particulars of the event which is the basis for the fee being levied;
  - (c) the name of the Bylaw or policy under which the fee is being levied;
  - (d) the amount of the fee, any applicable costs, the manner in which interest will accrue, and the time by which it must be paid;
  - (e) a statement of the right to appeal the levying of the fee to a sub-committee established by the BCMB.
- 2.4 A notice of fee may not be issued more than two years after the later of:
  - (a) the date on which the event to which the notice relates occurred, or
  - (b) the date on which evidence of the event first came to the notice of the President.
- 2.5 The amount of a fee shall be the amount stipulated in the Schedule to this Bylaw, or such other amount authorized under any other Bylaw or policy of the BCMB.
- 2.6 A person who is served with a notice of fee shall pay the full amount of the fee, including all interest and other charges levied, within 30 days of the date of service of the notice.
- 2.7 If a party, who has received notice as set out in section 2.3, above, fails to comply with the terms or requirements of the notice within 30 days from the date of service of the notice, the BCMB may:
  - (a) take the necessary steps to remedy the event or to fulfil the terms imposed at that party's cost;
  - (b) add any costs incurred by the BCMB for enforcement, remedying the event or fulfilling the terms of the notice, to the fee levied against the party hereunder;
  - (c) levy any additional fee or interest as may be permitted by the Bylaw or any other bylaw or policy of the BCMB;

- (d) take steps to collect the outstanding fee;
  - (e) withhold or suspend any permit, renewal, or approval until all amounts owing to the BCMB have been paid;
  - (f) set off any amount owing by the BCMB to the party against whom a fee has been levied;
  - (g) direct a third party, including a collection system agent, to pay amounts owing by the third party to the party against whom a fee has been levied, to the BCMB;
  - (h) direct a third party, including a collection system agent, to collect the outstanding fee on behalf of the BCMB;
  - (i) collect all outstanding amounts by any other reasonable and lawful means.
- 2.8 Any fee or amount payable by a depot operator to the BCMB shall be paid by the collection system agent on behalf of the depot operator, at the request of the BCMB.
- 2.9 The fees payable pursuant to this Bylaw may be changed by resolution of the directors of the BCMB and the amended fee will be effective as of the date specified in the resolution.
- 2.10 The time and manner for payment of any fees and interest rate per annum payable pursuant to this Bylaw may be changed by Resolution of the Directors of the BCMB and will be effective as of the date specified in the Resolution.
- 2.11 Interest is payable on fees that are required to be paid under this Bylaw, and is payable at the rate per annum established by the BCMB from time to time, from the date the unpaid amount is due until it is paid to the BCMB.
- 2.12 Any person subject to a fee holds all fees to be remitted to the BCMB in trust for the BCMB.
- 2.13 All Permits issued by the BCMB to operate depots are hereby amended to include and make binding upon all depots, the provisions of this Bylaw.
- 2.14 As this Bylaw relates to enforcement generally, in the event of any conflict between this Bylaw and any other bylaw of the BCMB, the other bylaw shall prevail.
- 2.15 Any reference in this Bylaw to collection or enforcement of a duly levied fee, shall include collection or enforcement of any costs or interest associated with the fee levied.

### ARTICLE 3 – APPEAL PROCESS

- 3.1 A person who is served with a notice of fee may appeal the decision of the BCMB to levy the fee to a sub-committee established by the BCMB, provided such appeal is filed within 30 days of the date of service of the notice.
- 3.2 All appeals must be in writing and must contain a clear, concise statement setting out the basis for the appeal and providing all documentation the person appealing intends on relying on.
- 3.3 If the appeal is in respect to the levying of a compliance fee, the filing of the appeal must be accompanied with the payment of the fee in dispute which will be held by the BCMB in escrow pending a determination of the matter.
- 3.4 The BCMB administrative staff shall provide all relevant material in respect to the subject matter of the appeal to the sub-committee, with copies of such materials to be sent to the person appealing.
- 3.5 The sub-committee established to deal with the appeal will consider the material provided and either render a decision, direct that further information or material be provided, or direct that a hearing be held.
- 3.6 In the event a hearing is directed 14 days notice will be provided to the person appealing setting out the date, time and place of the hearing.
- 3.7 At the hearing the sub-committee will allow submissions from the person appealing and, if necessary, submissions from BCMB staff or such other third parties as the sub-committee deems necessary.
- 3.8 The person appealing may appear at the hearing on their own behalf or may be represented by their counsel.
- 3.9 The award costs of the appeal in the discretion of the sub-committee.

**SCHEDULE to the Administrative Compliance Bylaw of the  
Beverage Container Management Board**

1. The fees payable under this Bylaw shall be in the amount up to \$200.00 per event or per day for each event or each day the event continues.
2. Events for which fees which shall be payable under this Bylaw shall include, but are not limited to:
  - (a) sale of unregistered beverage containers, in contravention of section 6(3) of the Regulation;
  - (b) failure to register beverage containers as required by section 7 of the Regulation;
  - (c) failure to use and maintain a common collection system as required by sections 8(1) and 9 of the Regulation;
  - (d) failure to return full deposits on returned beverage containers under section 10(2) of the Regulation;
  - (e) a contravention of any term or condition of a Permit or operating a depot without a Permit or while a Permit is under suspension, in contravention of section 14 of the Regulation;
  - (f) failure by a retailer to advertise the amount of deposits payable under section 15 of the Regulation;
  - (g) failure of a manufacturer to re-use or recycle refillable beverage containers, in contravention of section 16 of the Regulation;
  - (h) failure to provide information and reports required by the BCMB, in contravention of section 17 of the Regulation or any bylaw or policy of the BCMB;
  - (i) failure of a collection system agent to operate the collection system so as to protect proprietary information of manufacturers, in contravention of section 17 of the Regulation;
  - (j) failure to rectify any deficiencies detected by BCMB inspectors in the time required by the BCMB;
  - (k) failure of a common collection agent to comply with the requirements of the Regulation, applicable BCMB bylaws, any contract with the BCMB or any contract with manufacturers where it impacts the BCMB's operations or jurisdiction;
  - (l) failure to comply with the BCMB's Uniform Code of Accounts;

- (m) failure to accurately sort and count Registered Containers placed in designated receptacles for pick-up by common collection agents; and
- (n) failure to comply with any policy, bylaw, order, levy, decision or ruling of the BCMB.