



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART I

PUBLISHED BY AUTHORITY

Vol. 87

ST. JOHN'S, FRIDAY, NOVEMBER 2, 2012

No. 44

URBAN AND RURAL PLANNING ACT

NOTICE OF REGISTRATION TOWN OF GANDER MUNICIPAL PLAN AMENDMENT NO. 1, 2012 DEVELOPMENT REGULATIONS AMENDMENT NO. 3, 2012

TAKE NOTICE that the TOWN OF GANDER Municipal Plan Amendment No. 1, 2012 and Development Regulations Amendment No. 3, 2012, adopted on the 13th day of June 2012, and approved on the 26th day of September, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 1, 2012 and Development Regulations Amendment No. 3, 2012 is to re-zone a parcel of land at the rear of Raynham Avenue from Comprehensive Development Area and Open Space Conservation to Residential Medium Density.

The Municipal Plan Amendment No. 1, 2012 and Development Regulations Amendment No. 3, 2012 shall come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*.

Anyone who wishes to inspect a copy of these amendments may do so at the Town Office, Gander during normal working hours. (8:30 am to 4:30 pm)

TOWN OF GANDER

John Boland, Planning and Control Technician

Nov 2

NOTICE OF REGISTRATION TOWN OF GANDER

MUNICIPAL PLAN AMENDMENT NO. 2, 2012 DEVELOPMENT REGULATIONS AMENDMENT NO. 4, 2012

TAKE NOTICE that the TOWN OF GANDER Municipal Plan Amendment No. 2, 2012 and Development Regulations Amendment No. 4, 2012, adopted on the 4th day of July 2012, and approved on the 26th day of September, 2012, has been registered by the Minister of Municipal Affairs.

In general terms, the purpose of Municipal Plan Amendment No. 2, 2012 and Development Regulations Amendment No. 4, 2012 is to re-align the zoning boundaries of a future Residential Medium Density (RMD) zone between Ogilvie Street and Carr Crescent. A small Commercial Local (CL) zone will also be relocated within this perimeter.

The Municipal Plan Amendment No. 2, 2012 and Development Regulations Amendment No. 4, 2012 shall come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*.

Anyone who wishes to inspect a copy of these amendments may do so at the Town Office, Gander during normal working hours. (8:30 am to 4:30 pm)

TOWN OF GANDER

John Boland, Planning and Control Technician

Nov 2

**NOTICE OF REGISTRATION
TOWN OF WHITBOURNE
MUNICIPAL PLAN AMENDMENT #8, 2012
&
DEVELOPMENT REGULATION
AMENDMENT #8, 2012**

TAKE NOTICE that the TOWN OF WHITBOURNE Municipal Plan Amendment #8, 2012 and Development Regulation Amendment #8, 2012 as approved by Council on the 19th of September, 2012, has been registered by the Minister of Municipal Affairs.

Municipal Plan Amendment #8 is an amendment to the Future Land Use Map to re-designate land, that is not already designated for Residential purposes, south of the Old Railway Line, east of Junction Pond, west of Bethune's Pond and south to the Whitbourne Municipal Boundary from the Rural/Resource Land use Class to the Residential Land Use Class.

Development Regulation #8 is an amendment to the Land Use Zoning Map re-zoning the same land from the Comprehensive Development Area (CDA) and Rural/Resource (RU) Zones to the Residential Low Density (R3) Zone.

The Municipal Plan Amendment #8, 2012 and Development Amendment #8, 2012 come into effect on the day that this notice is published in *The Newfoundland and Labrador Gazette*.

Anyone who wishes to inspect a copy of the Whitbourne Municipal Plan Amendment #8, 2012 and Development Regulation Amendment #8, 2012 may do so at the Town Office, in Whitbourne during regular business hours.

TOWN OF WHITBOURNE
Crystal Peddle, Town Clerk

Nov 2

MECHANICS' LIEN ACT

**NOTICE OF INTENTION TO RELEASE
MECHANICS' LIEN HOLDBACK
PURSUANT TO SECTION 12
OF THE *MECHANICS' LIEN ACT*,
RSNL1990 cM-3 (THE "ACT")**

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-90-CG0011 entered into between VALE NEWFOUNDLAND AND LABRADOR Limited and Mammoet Hunts Atlantic Ltd. which contract is dated as of July 26th, 2010, notice is hereby given of the intention of VALE NEWFOUNDLAND AND LABRADOR

LIMITED, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 8th day of October 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Oct 12, 19, 26 & Nov 2

**NOTICE OF INTENTION TO RELEASE
MECHANICS' LIEN HOLDBACK
PURSUANT TO SECTION 12
OF THE *MECHANICS' LIEN ACT*,
RSNL1990 cM-3 (THE "ACT")**

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-10-CG0028 entered into between VALE NEWFOUNDLAND AND LABRADOR LIMITED and Capital Ready Mix Limited which contract is dated as of February 8th, 2010, notice is hereby given of the intention of VALE NEWFOUNDLAND AND LABRADOR LIMITED, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 10th day of October, 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Oct 19, 26, Nov 2 & 9

**NOTICE OF INTENTION TO RELEASE
MECHANICS' LIEN HOLDBACK
PURSUANT TO SECTION 12
OF THE *MECHANICS' LIEN ACT*,
RSNL1990 cM-3 (THE "ACT")**

PURSUANT TO section 12 of the Act, and in relation to a contract A4VI-10-CB0007 entered into between VALE NEWFOUNDLAND AND LABRADOR LIMITED and H.J. O'Connell Limited which contract is dated as of February 03rd, 2010, notice is hereby given of the intention of VALE NEWFOUNDLAND AND LABRADOR LIMITED, to the release of mechanics' lien holdback funds 30 days following the date of this notice.

Dated at St. John's, NL, this 12th day of October, 2012.

FLUOR CANADA LIMITED
Troy Gilson, Project Contracts Manager
(acting as Agent for Vale NL Limited)

Oct 19, 26, Nov 2 & 9

CHANGE OF NAME ACT, 2009

Legal Name Changes
Processed During the Period – SEPTEMBER 2012

Under the authority vested in me by the *Change of Name Act, 2009* SNL 2009 c-8.1, I hereby certify that the following names have been changed.

Former Name	Present Name	Address
Downs, Allister Francis	Moakler, Allister Francis	Conception Bay South
Bourgeois, Zoe Amber	Bennett, Zoe Amber	Benoits Cove
Pawley, Matthew Donald	Harcits, Afton Matt	Corner Brook
Jerrett, Melissa Michelle	Ellis, Melissa Michelle	Paradise
Moore, Mykel Jacky Joseph	Arsenault, Mykel Jacky Joseph	Marystown
Boyd, Miguel Tony	Furlong, Miguel Tony	Glovertown
Budgell, Kirkland Selby Morgan	Fudge, Kirkland Shelby Morgan	Botwood
Reid, Jaylana Evelyn	Young, Jaylana Evelyn	Deer Lake
Voisey, Cyan Danae	McLean, Cyan Danae	Happy Valley-Goose Bay
Voisey, Joel Greyson	McLean, Joel Greyson	Happy Valley-Goose Bay
Voisey, Brielle Kylie	McLean, Brielle Kylie	Happy Valley-Goose Bay
Voisey, Jacelyn Giselle	McLean, Jacelyn Giselle	Happy Valley-Goose Bay
Luca, Raymond	Lucas, Raymond	Stephenville Crossing
McDonald, David Matthew	Pike, David Matthew	Gander
Gale, Tiffany Gayle	Oulity, Tiffany Gayle	Mount Pearl
Heffernan, Haylen Elizabeth	Kinsella, Haylen Elizabeth	Goulds
Forward, Brenden Reginald John	Boyd, Brenden Reginald John	Bishop's Falls
Buott, Michael Alan	Knoll, Michael Alan	St. John's
Clemens, Evan Jamie	Phillips, Evan Jamie	Newman's Cove
Furlong, Robbie Joseph	Bromley-Furlong, Robbie Joseph	St. John's
King, Marina Marie	Whelan, Marina Marie	Cartyville
Hickey, Tara Ann	Cox, Tara Ann	Terrenceville
Cassell, Adam Duncan Francis	Fane, Adam Duncan Francis Cassell	Pasadena
Reilly, John Ronald	O'Reilly, Ronald John	Goulds
Young, Ava Marie	Bennett, Ava Marie	Mattis Point
Dunford, Carter James	Skinner, Carter James	Francois
Dunford, Olivia Ivy Ann	Skinner, Olivia Ivy Ann	Francois
Gillingham, Seena Marion	Lucas, Zina Marion	Stephenville Crossing
Buott, Steven James	Knoll, Steven James Buott	St. John's
Lemoine, Jordan James	Gale, Jordan James	Port au Port
Templeman, Courtney Rexene	Hobbs, Courtney Rexene	Plate Cove East
Burton, Abigail Lesley Raygen	Burton-Prowse, Abigail Lesley Raygen	Burlington
Mercy	Htee, Mercy	St. John's
Snook, Tara Lynn Nicole	Snooks, Tara-Lynn Nicole	Trout River
Dickson, Dylan Camille	Dickson-Pemey, Dylan Camille	Conception Bay South
Popson, Victoria Abigail	Andrews, Victoria Abigail	Goulds
Grennings, Frederick James	Greenham, Frederick James	St. Anthony
Whalen, Roger Thomas	Whelan, Roger Thomas	Southern Bay

Dated this 25th day of October, 2012.

SERVICE NL
Ken Mullaly
Registrar, Vital Statistics

QUIETING OF TITLES ACT

**2012 06G 0149
IN THE SUPREME COURT OF
NEWFOUNDLAND AND LABRADOR
TRIAL DIVISION (General)**

NOTICE OF APPLICATION under the *Quieting of Titles Act*, cQ-3, of the RSNL 1990

NOTICE IS HEREBY given to all parties that J. PETER PICKERSGILL and LISA RAE PICKERSGILL, of Salvage, in the District of Terra Nova, in the Province of Newfoundland and Labrador, have applied to the Supreme Court, Trial Division, Grand Bank, to have title to all that piece or parcel of property situate at Salvage, in the Province of Newfoundland and Labrador, which property is more particularly described in Schedule "A" hereto annexed and shown in Schedule "B" hereto annexed.

ALL BEARINGS aforementioned, for which J. PETER PICKERSGILL and LISA RAE PICKERSGILL claim to be the owners investigated and for a Declaration that they are the absolute owners in fee simple in possession and the said J. PETER PICKERSGILL and LISA RAE PICKERSGILL have been ordered to public Notice of Application as required by the above named Act.

All persons having title adverse to the said title claimed by the said J. PETER PICKERSGILL and LISA RAE PICKERSGILL shall file in the Registry of the Supreme Court of Newfoundland and Labrador, Trial Division, Grand Bank, particulars of such adverse claim and serve the same together with an Affidavit verifying same on the undersigned Solicitors for the Petitioner on or before the 1st day of December, 2012, after which date no party having any claim shall be permitted to file the same or to be heard except by special leave of the Court and subject to such conditions as the Court may deem just.

All such adverse claims shall be investigated then in such manner as the Supreme Court of Newfoundland, Trial Division, Grand Bank, may direct.

DATED AT Clarenville, in the Province of Newfoundland and Labrador, this 4th day of October, 2012.

MILLS PITTMAN LAW OFFICES
Solicitors for the Applicants
PER: Corwin Mills, Q.C

ADDRESS FOR SERVICE:

111 Manitoba Drive
Suite 201
Clarenville, NL A5A 1K2

Tel: (709) 466-2641
Fax: (709) 466-7109

Schedule "A"

J. PETER & LISA PICKERSGILL Salvage, NL

ALL THAT piece or parcel of land situate and being at the southern extent of a Reserved Road at Salvage, in the electoral district of Terra Nova, Newfoundland and Labrador and being bound and abutted as follows:

BEGINNING at a point, said point being a capped iron pin set in the southwest corner of land herein described and having Coordinates of North 5394978.040 metres and East 257462.330 metres of the Three Degrees Modified Transverse Mercator Projection for the province of Newfoundland and Labrador.

THENCE running by Crown land N 36°35'09" W 10.003 metres; N 47°28'27" E 20.917 metres; N 35°51'31" E 40.467 metres;

THENCE running through a Reserved Road (3.7 metres wide) S 36°52'10" E 26.489 metres;

THENCE running by Crown land N 50°31'54" E 27.750 metres;

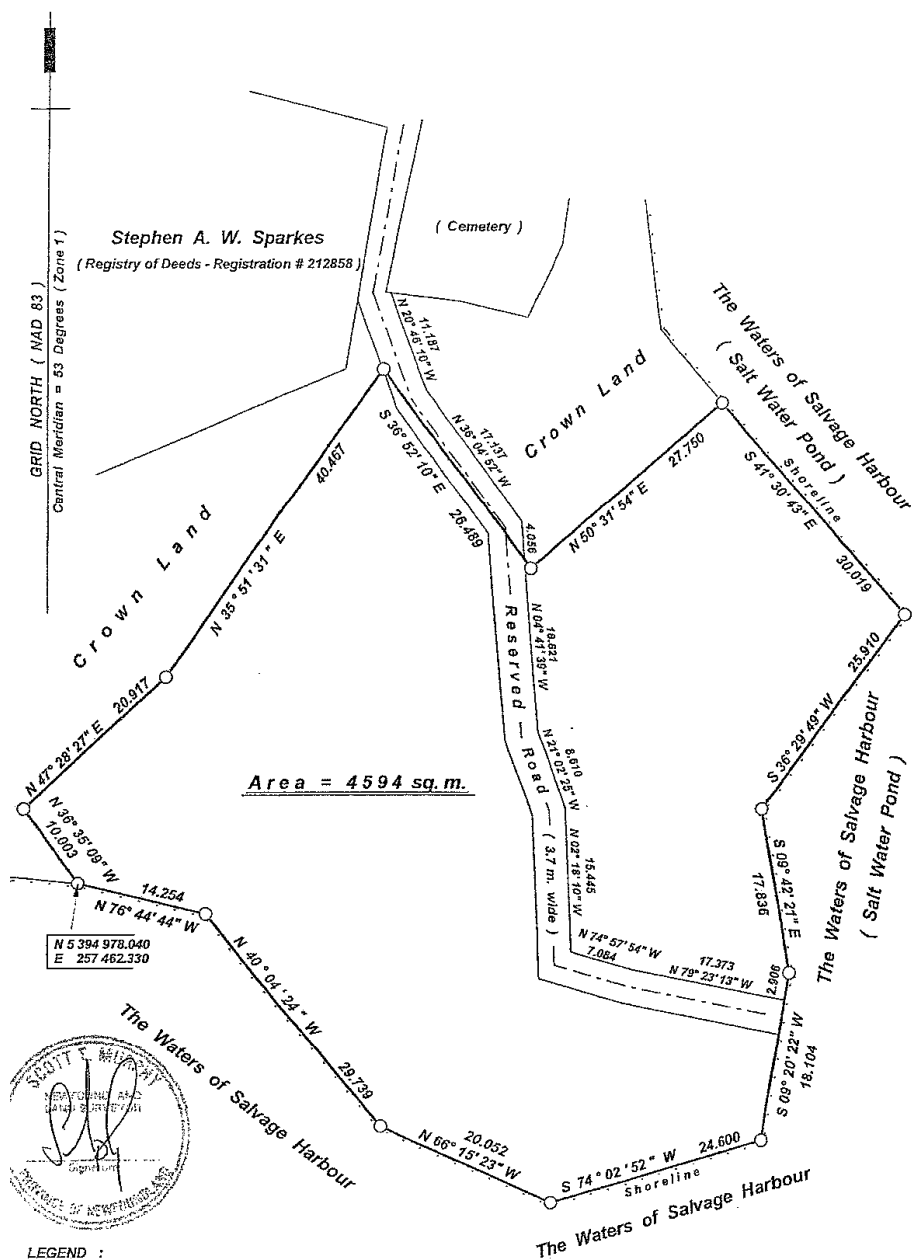
THENCE running along the shoreline of The Waters of Salvage Harbour (Salt Water Pond) S 41°30'43" E 30.019 metres; S 36°29'49" W 25.910 metres; S 09°42'21" E 17.836 metres; S 09°20'22" W 18.104 metres;

THENCE running along the shoreline of The Waters of Salvage Harbour S 74°02'52" W 24.600 metres; N 66°15'23" W 20.052 metres; N 40°04'24" W 29.739 metres; N 76°44'44" W 14.254 metres, more or less to the point of beginning. Reserving, nevertheless, out the above described parcel, a Reserved Road (3.7 metres wide) that runs through the centre of said parcel and is as shown on the attached plan.

The above described parcel contains an area 4594 square metres, more or less, and is more particularly shown on the attached plan dated March 19, 2012.

All Bearings being referred to Grid North (NAD 83) with a Central Meridian of Fifty Three Degrees. (Plan # 2012-3350)

SCHEDULE "B"



LEGEND :

CONTROL MONUMENT	▲
FOUND IRON PIN	●
CAPPED IRON PIN	○
CAPPED IRON PIN	CP
PK NAIL	○
FENCE	— x —
CENTRELINE	— — —
POLE LINE	— — —
SHORELINE	— — —

SCOTT T. MURPHY, NEWFOUNDLAND LAND SURVEYOR, 2012
UNAUTHORIZED USE, ALTERATION OR REPRODUCTION OF
THIS SURVEY AND ITS ATTACHED SURVEY DESCRIPTION IS
PROHIBITED BY LAW AS OUTLINED IN THE COPYRIGHT ACT.
HOWEVER, USE AND REPRODUCTION THEREOF BY OR ON
BEHALF OF THE PERSON TO WHOM THIS REPORT IS
CERTIFIED IS PERMITTED, PROVIDED THAT NO ALTERATIONS
WHATSOEVER ARE MADE THERETO.

CONTROL MONUMENT & VALUES

838045 N 5395 038.820 E 257 446.491
DISTANCE SCALE FACTOR = 0.999926

SURVEY ON BEHALF OF

J. PETER & LISA PICKERSGILL
(SALVAGE)

SCALE 1 : 500 DATE : March 19, 2012

PLAN # 2012 - 3350

TRUSTEE ACT

ESTATE NOTICE

IN THE MATTER OF the Estate and Private Effects of late DOROTHY LILLIAN STUCKLESS of the Town of Twillingate, in the Province of Newfoundland and Labrador, Retired Person, Deceased.

ALL PERSONS claiming to be creditors of or who have any claims or demands upon or affecting the Estate of DOROTHY LILLIAN STUCKLESS, the aforesaid deceased, who died at Town of Twillingate, in the Province of Newfoundland and Labrador on or about the 22nd day of October, 2011, are hereby requested to send particulars thereof in writing, duly attested, to the undersigned Solicitor for the Executor of the Estate on or before the 9th day of November, 2012 after which date the Executor will proceed to distribute the said Estate having regard only to the claims of which he shall then have had notice.

DATED at the Town of Gander, Newfoundland and Labrador, this 19th day of October, 2012.

BONNELL LAW
Solicitor for the Executor
PER: R. Archibald Bonnell

ADDRESS FOR SERVICE:
P.O. Box 563
218 Airport Boulevard
Gander, NL A1V 2E1

Tel: (709) 651-4949
Fax: (709) 651-4951

Oct 26 & Nov 2



THE NEWFOUNDLAND AND LABRADOR GAZETTE

PART II

SUBORDINATE LEGISLATION

FILED UNDER THE STATUTES AND SUBORDINATE LEGISLATION ACT

Vol. 87

ST. JOHN'S, FRIDAY, NOVEMBER 2, 2012

No. 44

NEWFOUNDLAND AND LABRADOR REGULATIONS

NLR 85/12
NLR 86/12



**NEWFOUNDLAND AND LABRADOR
REGULATION 85/12**

Waste Management Regulations, 2003 (Amendment)
under the
Environmental Protection Act
(O.C. 2012-288)

(Filed October 31, 2012)

Under the authority of section 111 of the *Environmental Protection Act*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, October 31, 2012.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

1. Part V Added	electronic products stewardship plan
PART V	31.24 Approval or imposition of plan
ELECTRONIC WASTE	31.25 Amendment by board
31.18 Definitions	31.26 Compliance required
31.19 Registration required	31.27 Renewal of electronic product stewardship plan
31.20 Restriction on supply of electronic products	31.28 Annual report and other information
31.21 Appointment of an agent	31.29 Consumer information
31.22 Transitional registration requirements	31.30 Fees
31.23 Contents of	

- | | | | |
|-------|--|-------|---|
| 31.31 | Remittance of fees,
imposition of
interest | 31.33 | interest
Management and
disposal of e-waste |
| 31.32 | Use of fees and | | |

NLR 59/03
as amended

1. The *Waste Management Regulations, 2003* are amended by adding immediately after section 31.17 the following:

**PART V
ELECTRONIC WASTE**

Definitions

31.18 In this Part

- (a) "agent" means a corporation appointed by a brand owner to act as an agent of behalf of the brand owner;
- (b) "brand owner", with respect to an electronic product sold, offered for sale or otherwise distributed in or into the province, means
 - (i) a manufacturer of an electronic product,
 - (ii) a distributor of an electronic product in or into the province,
 - (iii) an owner or licensee of the intellectual property rights to an electronic product, or
 - (iv) where an electronic product is imported into the province, the first person to sell the electronic product in the province;
- (c) "consumer" means a person who owns or uses electronic products, and includes
 - (i) a business,
 - (ii) a not-for-profit organization,
 - (iii) a school, and
 - (iv) a department of the government of the province;

- (d) "dispose", with respect to electronic waste, means the final disposition of unwanted electronic material in a facility approved by the minister after the steps referred to subsection 31.33(1) have been pursued;
- (e) "e-waste" means an electronic product that is no longer used or required by a consumer;
- (f) "electronic product" means an electronic product whether intended for consumer, industrial or commercial use, and includes
 - (i) a television,
 - (ii) a desktop, laptop and notebook computer, including a central processing unit, keyboard, mouse and associated cables,
 - (iii) a computer monitor,
 - (iv) a computer desktop printer, including a desktop printer that has scanning or fax capabilities, or both,
 - (v) a desktop scanner,
 - (vi) an audio and video playback and recording system,
 - (vii) a telephone or fax machine,
 - (viii) a cell phone and other wireless communication device but does not include a factory-installed communication device developed for embedded use in motor vehicles, and
 - (ix) those other electronic products designated by the board;
- (g) "electronic product stewardship program" means a program that
 - (i) establishes a process for the collection, transportation, recycling and, where no further options exist, disposal of any residual components of e-waste, and

- (ii) incorporates the principles of extended producer responsibility;
- (h) "recover", with respect to an electronic product, means a method of processing that product so that it may be converted into transferable energy;
- (i) "recycle", with respect to e-waste, means to process it into a useable electronic product;
- (j) "reduce" means to reduce the negative environmental impacts of an electronic product;
- (k) "retailer" means a person who sells or offers for sale electronic products in the province to a consumer;
- (l) "return collection facility" means a place operated by or on behalf of a brand owner for the collection of e-waste;
- (m) "return collection method" includes
 - (i) a mail or ship back return program,
 - (ii) agreements with local governments or regulatory authorities which have agreed to provide facilities for the collection of e-waste,
 - (iii) collection events,
 - (iv) any combination of the return collection methods referred to in subparagraphs (i) to (iii) which effectively provides for the acceptance of e-waste through means that are available to and reasonably convenient for consumers; and
- (n) "reuse", with respect to e-waste, means to process that e-waste so that it is capable of being used by a consumer as an electronic product.

Registration required

31.19 (1) A brand owner shall apply to the board for registration as a brand owner.

(2) A brand owner shall submit an electronic product stewardship plan with its application for registration for the approval of the board.

(3) Where the board has received

(a) an application for registration by the brand owner; and

(b) an electronic product stewardship plan as required under section 31.23 which is satisfactory to the board,

the board shall register a brand owner and may prescribe terms and conditions in the registration.

Restriction on
supply of electronic
products

31.20 (1) A brand owner shall not sell, offer for sale or distribute electronic products to a person in the province unless the brand owner holds a valid registration under these regulations.

(2) A retailer or wholesaler shall not sell, offer for sale or otherwise distribute an electronic product in or into the province unless the brand owner from whom the product was acquired holds a valid registration under these regulations.

Appointment of an
agent

31.21 (1) A brand owner may appoint an agent to carry out its duties under these regulations.

(2) An agent may, on behalf of a brand owner, register with the board under these regulations as if the agent were the brand owner, and a registered agent shall comply with the requirements of these regulations as if the agent were the brand owner.

(3) An agent may act on behalf of one or more brand owners.

(4) Before the agent begins to carry out the duties of a brand owner, the brand owner shall notify the board in writing that it has appointed an agent and specify the duties that the agent will perform on behalf of the brand owner.

(5) An agent shall

(a) before that agent begins to carry out duties on behalf of a brand owner, confirm in writing to the board the duties un-

der these regulations that the agent will perform on behalf of the brand owner; and

(b) carry out the duties the agent has undertaken to perform.

Transitional registration requirements

31.22 (1) A brand owner who is selling, offering for sale or distributing electronic products within the province immediately before the coming into force of this Part shall submit an application to the board for registration within 120 days of the coming into force of this Part.

(2) The board may refuse to register or may suspend the registration of a brand owner if the brand owner does not submit an electronic product stewardship plan within the period of time specified under subsection (1).

(3) Notwithstanding section 31.19, a brand owner referred to in subsection (1) may continue selling, offering for sale or distributing electronic products within the province until the board renders a decision with respect to the brand owner's application for registration.

(4) Where the board denies the application of a brand owner under this section, that brand owner shall, when it receives written notice that the board has denied its application, immediately cease selling, offering for sale or distributing electronic products.

Contents of electronic products stewardship plan

31.23 An electronic product stewardship plan shall provide for the following:

- (a) the collection of e-waste in the province, including the collection of the e-waste of other brand owners through an electronic stewardship program;
- (b) the management of e-waste in adherence with the following, in order of preference:
 - (i) reuse,
 - (ii) recycle,
 - (iii) recover, and
 - (iv) dispose;

- (c) the brand owner's expected performance target and timelines for both the recovery amounts of e-waste and the reuse or recycling rates of the collected e-waste;
- (d) the brand owner's plan for achieving at least that performance target;
- (e) a description of the planned activities which will be undertaken to influence the redesign of electronic products to improve reusability, recycleability and to reduce e-waste;
- (f) a description of the efforts made by the brand owner to maximize the local economic benefits created through the implementation of the electronic product stewardship plan;
- (g) a communications plan for informing consumers of the brand owner's electronic product stewardship plan which includes
 - (i) a description of products accepted at return collection facilities,
 - (ii) the location of all return collection facilities,
 - (iii) how and when consumers can access return collection facilities,
 - (iv) the environmental benefits of participating in the electronic product stewardship program, and
 - (v) the types and frequency of media to be used in the promotion of the electronic product stewardship program;
- (h) the establishment of return collection facilities or other return collection methods that will ensure reasonable and free consumer access for the return of e-waste;
- (i) ongoing consultations about the electronic stewardship program with persons who the brand owner believes the environmental stewardship program may affect, including members of the public, in accordance with the guidelines established by the board;

- (j) a listing of all brand owners covered under a stewardship plan in the form prescribed by the board;
- (k) brand owner qualification standards and information demonstrating how electronic products and e-waste collected will be managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and municipal regulations;
- (l) a description of how a brand owner will manage costs associated with the implementation and operation of an electronic stewardship plan;
- (m) where a brand owner charges a separate fee with respect to the costs of implementing and operating an electronic stewardship plan, a description of how that fee will be collected and used;
- (n) the assessment of the performance of the brand owner's plan by an independent auditor; and
- (o) the elimination or reduction of the environmental impacts of electronic products and e-waste.

Approval or imposition of plan

31.24 (1) Where an electronic product stewardship plan has been submitted to the board, the board shall, as soon as practicable

- (a) approve the plan for a period of not more than 5 years;
- (b) request any additional information that the board considers necessary to assess the plan;
- (c) require the brand owner to carry out a consultation in accordance with guidelines which may be established by the board; or
- (d) reject the plan with written reasons.

(2) Where a brand owner has been required to carry out consultations under paragraph (1)(c), the brand owner shall, within a period of time set by the board, submit a revised electronic stewardship plan which includes any changes resulting from feedback received in the consultation process.

(3) Where a revised electronic stewardship plan has been submitted to the board under subsection (2), the board shall, as soon as practicable,

- (a) approve the plan for a period of not more than 5 years;
- (b) request any additional information that the board considers necessary to assess the plan; or
- (c) reject the plan with written reasons.

(4) Where the board rejects an electronic product stewardship plan, it may

- (a) require the brand owner to comply with an electronic product stewardship plan prepared and approved by the board;
- (b) require the brand owner to comply with an electronic product stewardship plan prepared by an agent and approved by the board; or
- (c) require the brand owner to submit a revised electronic product stewardship plan within the period of time specified by the board.

(5) A plan approved by the board expires on the date set by the board, but the period of time for which the plan may be effective shall not exceed 5 years.

(6) Where the board rejects an electronic product stewardship plan submitted by a brand owner and the brand owner does not submit a revised electronic product stewardship plan as required under paragraph (4)(c), the board shall refuse to register the brand owner or shall suspend or cancel the registration of the brand owner.

(7) Where a brand owner does not submit an electronic product stewardship plan within the 120 day period referred to in section 31.22 as required, the board may impose an electronic product stewardship plan on the brand owner and the brand owner shall comply with that plan.

Amendment by
board

31.25 (1) The board may amend an approved or imposed electronic product stewardship plan

- (a) to correct a clerical error;
- (b) to reflect a change in the name or address of a brand owner;
- (c) on the request of the brand owner; or
- (d) as the board considers appropriate, whether the plan has previously been approved or imposed by the board.

(2) A brand owner may apply to have its electronic product stewardship plan amended and sections 31.24 and 31.26 apply with the necessary modifications to the application.

Compliance re-
quired

31.26 (1) A brand owner shall implement the electronic product stewardship plan as approved or imposed by the board under section 31.24 and shall comply with that plan within 120 days of the approval or imposition of the plan.

(2) A brand owner shall comply with the electronic stewardship plan as amended by the board under section 31.25.

(3) Where a brand owner fails to comply with an electronic stewardship plan referred to in subsection (1) or (2) the board may

- (a) direct the brand owner to comply with the electronic stewardship plan; or
- (b) suspend, cancel or revoke the registration of that brand owner.

(4) A brand owner who fails to comply with the electronic product stewardship plan as approved, imposed or amended commits an offence.

Renewal of elec-
tronic product
stewardship plan

31.27 (1) At least 90 days before the expiry date of an electronic product stewardship plan approved or imposed by the board, a brand owner shall submit an electronic product stewardship plan to the board for review and approval.

(2) Sections 31.24 and 31.26 apply with the necessary modifications to a plan submitted under this section.

Annual report and
other information

31.28 (1) A brand owner shall, 90 days after the end of the fiscal year, provide the board with an annual report detailing the effectiveness of the brand owner's electronic product stewardship plan during the previous calendar year which includes the following:

- (a) the total amount of e-waste collected in the province by electronic product type;
- (b) the total amount of e-waste processed and in storage;
- (c) the percentage of e-waste collected that was reused, recycled, contained, or otherwise treated or disposed;
- (d) a description of the types of processes utilized to reuse, recycle, contain, or otherwise treat or dispose of e-waste;
- (e) a description of efforts to redesign electronic products to improve reusability and recycleability and to reduce e-waste;
- (f) the location of all return collection facilities and a description of other return collection methods used;
- (g) the types and frequency of media used in the promotion of the electronic product stewardship program;
- (h) annual financial statements prepared by an independent auditor in a form and manner acceptable to the board indicating the revenues received and the expenditures incurred by the electronic product stewardship plan;
- (i) records showing that the plan adheres to established brand owner qualification standards or information demonstrating that the electronic products and e-waste collected were managed in a manner that employs environmental and human health and safety standards meeting or exceeding applicable federal, provincial and municipal regulations;
- (j) an assessment of the performance of the brand owner's plan prepared in partnership with the board; and
- (k) other information requested by the board that relates to the electronic product stewardship plan.

(2) When a brand owner submits its annual report, it shall at the same time provide to the board a statement in writing as to the total amount of electronic product sold by it during the previous calendar year by electronic product type.

(3) The information provided to the board by the brand owner under subsection (2) shall be treated as confidential.

Consumer information

31.29 A brand owner shall provide to each retailer of its electronic product, educational and consumer material about the brand owner's electronic product stewardship plan.

Fees

31.30 (1) The board may charge a brand owner those fees that are established by the board to cover the board's annual administrative costs in carrying out its duties under the Act and this Part in relation to electronic waste.

(2) The annual administrative costs include office, operational, marketing and inspection expenses and the cost of salaries, benefits and expenses of members and employees of the board that are attributable to the board's duties referred to in subsection (1).

(3) The annual administrative costs of the board incurred or to be incurred by it in relation to the administration of this Part, together with a sum needed to make up a deficiency in the assessment for the preceding year, if required, shall be borne equally by each brand owner.

(4) The board shall assess up to one half of the amount determined under subsection (1) before April 2 of the fiscal year in which the costs are incurred, and assess the remaining amount after December 1 of that fiscal year.

Remittance of fees, imposition of interest

31.31 (1) A brand owner shall remit fees referred to in section 31.30 at the times and in the manner directed by the board.

(2) If the board is satisfied that a brand owner has not remitted fees fully in accordance with subsection (1), the board may serve written notice on the brand owner requiring payment of the following amounts:

(a) the full amount of the fees that are outstanding;

(b) interest on the amount of the outstanding fees calculated monthly at a rate not exceeding 2% a month; and

(c) an administrative fee in an amount established by the board, which shall not exceed the amount of the outstanding fees.

(3) A written notice under subsection (2) shall include the time and manner in which the payments required under that subsection are to be made.

(4) A brand owner served with a written notice under subsection (2) shall pay the amounts set out in the notice in accordance with the notice.

(5) All fees and interest that are not paid to the board in accordance with a written notice constitute a debt due to the board.

(6) The board may, under the signature of the proper officer, issue a certificate setting out the name of a brand owner who has not paid fees or interest in accordance with a written notice and certifying the total amounts of the fees or interest remaining unpaid and the certificate, without proof of the appointment, authority or signature of the person purporting to have signed it, is admissible in evidence and is, in the absence of evidence to the contrary, proof of the amount of the fees or interest remaining unpaid.

Use of fees and interest

31.32 The board shall use the fees and interest remitted to it or paid to it under this Part solely to carry out its duties under the Act and this Part in relation to electronic waste and for no other purpose.

Management and disposal of e-waste

31.33 (1) A person shall manage e-waste in adherence with the following, in order of preference:

- (a) reuse;
- (b) recycle;
- (c) recover; and
- (d) dispose.

(2) A person shall not dispose of e-waste in the province unless that disposal is made

- (a) to a return collection facility or through a return collection method;
- (b) in an area which is a waste material disposal site established under the Act and approved for that purpose by the minister;
or
- (c) in another area that the minister may designate as appropriate for the purpose of the disposal of e-waste.

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**NEWFOUNDLAND AND LABRADOR
REGULATION 86/12**

Court Designation Order (Amendment)
under the
Interprovincial Subpoena Act
(O.C. 2012-286)

(Filed October 31, 2012)

Under the authority of section 10 of the *Interprovincial Subpoena Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, October 31, 2012.

Robert Thompson
Clerk of the Executive Council

ORDER

Analysis

1. S.3 R&S
Designations

NLR 30/11

1. Section 3 of the *Court Designation Order* is repealed and substituted:

Designations

3. (1) The Ontario Racing Commission is designated as a court for the purpose of the Act.

(2) A coroner appointed under the *Coroners Act* (Ontario) is designated as a court for the purpose of the Act.

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PART II

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Waste Management Regulations, 2003 (Amdt.)	NLR 85/12	NLR 59/03 Amdt. Part V, Sections 31.18-31.33 Added	Nov 2/12 p. 1137
Interprovincial Subpoena Act			
Court Designation Order (Amdt.)	NLR 86/12	NLR 30/11 Amdt. S.3 R&S	Nov 2/12 p. 1151

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