

EC2004-572

**CIVIL SERVICE SUPERANNUATION ACT
CONTRIBUTIONS FOR ELIGIBLE PRIOR EMPLOYMENT
REGULATIONS**

Pursuant to section 28 of the *Civil Service Superannuation Act* R.S.P.E.I. 1988, Cap. C-9, Council made the following regulations:

1. In these regulations

Definitions

(a) “break in employment” means, in respect of the employment of an individual,

break in employment

(i) for any period of employment prior to October 1, 1990, any pay period during which an individual worked less than full-time hours, or

(ii) for any period of employment from October 1, 1990 to April 30, 1999, any two consecutive pay periods during which an individual worked less than full-time hours,

but does not include any period of absence by the individual that is

(iii) due to an approved leave under a collective agreement,

(iv) in the absence of an approved leave under a collective agreement, a period of absence for which the employer can provide historical documentation showing its intention to re-employ the individual immediately after the absence, or

(v) due to unpaid statutory holidays;

(b) “eligible prior employment” means, in respect of the prior employment of an individual with a participating employer for whom no contributions have been made,

eligible prior employment

(i) for any period of time prior to May 1, 1999, continuous full-time employment with a participating employer prior to the individual’s entry into the Fund, and

(ii) for any period of time on or after May 1, 1999, continuous full-time or part-time employment with a participating employer prior to the individual’s entry into the Fund if,

(A) in the first calendar year of such employment, the hours of service are greater than or equal to the total number of months worked divided by 12 and multiplied by 600, and

(B) for each calendar year thereafter, the hours of service in each calendar year are equal to or greater than 600,

but in no case shall the maximum period of time exceed the number of actual work days or portion of a work day calculated from the start date of the period to the end date of the period;

(c) “former regulations” means the *Civil Service Superannuation Act* Contributions for Service Prior to Permanent Appointment Regulations (EC554/64).

former regulations

2. (1) Any member who is contributing to the Fund may, prior to retirement or termination, elect, in writing, to purchase that eligible prior employment which occurred since the member’s most recent break in employment.

Election of member

(2) Where an election is made, contributions for the purchase of eligible prior employment shall be made to the Fund prior to the member’s retirement or termination.

Contributions

(3) Notwithstanding subsection (2), a member who

Exception

(a) was a member of the Fund immediately prior to retirement or termination; and

(b) has retired or has been terminated due to ill health, the member may, within 12 months from the date of the member's retirement or termination, elect to purchase eligible prior employment.

(4) Where a member makes the election referred to in subsection (3), the member shall make the required contributions to the Fund within the same 12-month period. *Idem*

(5) Where a member makes the election referred to under subsection (3) but fails to make the required contributions to the Fund within the period required under subsection (4), the member *Penalty*

(a) may not purchase eligible prior employment from the Fund; and
(b) shall be repaid any contributions he or she has paid in respect of the election.

(6) For greater certainty, employment that is prior to the date a participating employer began participating in the Fund shall not be considered as eligible prior employment. *Considerations*

(7) Employment rendered under a contract arrangement with a participating employer where the employee elects not to participate in the Fund shall not be considered as eligible prior employment. *Idem*

3. (1) Any member who has elected to purchase eligible prior employment prior to the coming into force of these regulations is not precluded after these regulations come into force from continuing to pay for that period of service, in accordance with the former regulations. *Contributions in respect of past elections*

(2) No adjustment shall be made under these regulations for those members who are currently paying, or who have completed payment, for eligible prior employment. *Idem*

(3) Where a member makes an application or an election to purchase eligible prior employment prior to the date these regulations come into force, the application or the election shall be governed under the former regulations. *Transitional*

(4) Where a member has received information from the Minister in respect of the cost to purchase eligible prior employment pursuant to subsection (3) and the member elects to purchase eligible prior employment, the member shall, within three months of receiving the information, either make payment in full or commence payroll deductions. *Payment*

4. (1) The purchase of eligible prior employment under these regulations shall be at the full actuarial equivalent to the Fund in respect of the cost of the purchased eligible prior employment. *Purchase at full actuarial cost*

(2) Payment for the purchase of eligible prior employment shall, unless the Minister determines otherwise, be made by a single lump sum payment and in no case shall payment exceed four lump sum payments. *Payment*

(3) Where the lump sum payment is sufficient to cover the cost payable under subsection (1), the entire period of eligible prior employment shall be credited to the member as pensionable service. *Lump sum sufficient*

(4) Where the lump sum payment is insufficient to cover all of the cost payable under subsection (1), only that portion of the eligible prior employment paid for shall be credited to the member as pensionable service, as determined by applying the ratio of the payment received divided by the total contributions required to the total period of eligible prior employment. *Lump sum insufficient*

5. (1) Contributions for the purchase of eligible prior employment are in addition to the regular deductions made by a member for current service. *Contributions*

(2) Contributions for the purchase of eligible prior employment shall not be deducted from retiring payments. *Idem*

(3) The receipt of retiring pay shall not affect a member's superannuation service entitlement. *Entitlement*

6. The *Civil Service Superannuation Act* Contributions for Service Prior to Permanent Appointment Regulations (EC554/64) are revoked. Revocation
7. These regulations come into force on October 23, 2004. Commencement

EXPLANATORY NOTES

These regulations provide that the cost to purchase eligible prior employment is consistent, regardless of the time period being purchased, and remove a previous prior service purchase option that was beneficial to a group of members who were hired prior to May 31, 1983. The removal of this option will ensure that the cost to purchase eligible prior employment is calculated consistently, regardless of the member's actual date of employment. These regulations allow for the purchase of part-time employment after May 1, 1999. Prior to these regulations coming into force, only full-time continuous service was eligible for purchase. These regulations also eliminate the practice of using payroll deductions to purchase eligible prior employment.

EC2004-573

EMPLOYMENT DEVELOPMENT AGENCY ACT EMPLOYMENT DEVELOPMENT AGENCY BOARD OF DIRECTORS APPOINTMENTS

Pursuant to subsection 3(1) of the *Employment Development Agency Act* R.S.P.E.I. 1988, Cap. E-6.02 Council made the following appointments:

NAME	TERM OF APPOINTMENT
Deputy Minister Development and Technology (reappointed)	17 July 2004 17 July 2007
Deputy Minister Health and Social Services (reappointed)	17 July 2004 to 17 July 2007
Deputy Minister Transportation and Public Works (reappointed)	17 July 2004 to 17 July 2007
Deputy Provincial Treasurer (reappointed)	17 July 2004 to 17 July 2007
Secretary to the Cabinet Committees on Strategic Planning (reappointed)	17 July 2004 to 17 July 2007

Further, Council designated the Deputy Minister of Development and Technology as chairperson of the Board, in accordance with subsection 3(2) of the said Act.

EC2004-574

**ENVIRONMENTAL PROTECTION ACT
ISLAND WASTE MANAGEMENT CORPORATION ORDER
ISLAND WASTE MANAGEMENT CORPORATION
CHIEF EXECUTIVE OFFICER - APPOINTMENT
GERRY L. MOORE
(APPROVED)**

Pursuant to subsection 11(1) of the Island Waste Management Corporation Order EC1999-262 of 25 May 1999, Council appointed Gerry L. Moore of Charlottetown to serve as Chief Executive Officer of the Island Waste Management Corporation under terms and conditions as determined by the Minister.

EC2004-575

**ENVIRONMENTAL PROTECTION ACT
OZONE DEPLETING SUBSTANCES AND REPLACEMENT
REGULATIONS
AMENDMENT**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. The title of the *Environmental Protection Act Ozone Depleting Substances and Replacement Regulations (EC619/94)* is amended by the deletion of the words “DEPLETING SUBSTANCES AND REPLACEMENT” and the substitution of the words “LAYER PROTECTION”.

2. Section 1 of the regulations is amended

(a) in clause (c), by the deletion of the word “pressurized”;

(b) by the revocation of clause (e) and the substitution of the following:

- | | |
|---|---------------------------|
| (e) “Category I substance” means a substance that is listed in Schedule A as a Category I substance; | Category I
substance |
| (e.1) “Category II substance” means a substance that is listed in Schedule A as a Category II substance; | Category II
substance |
| (e.2) “Category III substance” means a substance that is listed in Schedule A as a Category III substance; | Category III
substance |
| (e.3) “Category IV substance” means a substance that is listed in Schedule A as a Category IV substance; | Category IV
substance |
| (e.4) “chiller” means air conditioning or refrigeration equipment that has a compressor, an evaporator and a secondary refrigerant; | chiller |
| (e.5) “Code of Practice” means the publication produced by Environment Canada entitled “Environmental Code of Practice for the Elimination of Fluorocarbon Emissions from Refrigeration and Air Conditioning Systems” as amended from time to time; | Code of Practice |

(c) by the revocation of clauses (f) and (g);

(d) by the addition of the following after clause (h):

(h.1) “owner” in respect of air conditioning or refrigeration equipment, or fire extinguishing equipment, includes a person who has care, control or management of such equipment; owner

(e) by the revocation of clause (m) and the substitution of the following:

(m) “recycle” means, with respect to a recovered regulated substance, to purify the substance so that it may be reused and to restore it to air conditioning or refrigeration equipment or fire extinguishing equipment for reuse; recycle

(f) by the revocation of clause (n) and the substitution of the following:

(n) “regulated substance” means any substance that is or contains regulated substance
 (i) a Category I substance,
 (ii) a Category II substance,
 (iii) a Category III substance, or
 (iv) a Category IV substance;

(g) by the addition of the following after clause (p):

(p.1) “ULC” means the Underwriters Laboratories of Canada; ULC

3. Section 2 of the regulations is revoked.

4. Subsections 3(2) and (3) of the regulations are revoked and the following substituted:

(2) No person shall bring into the province, sell, offer for sale, lease, purchase, install or service a chiller unless it has a chiller system purge unit designed to expel no more than 0.1 grams of a Category I substance for every gram of air that is purged. Chillers

5. Section 4 of the regulations is amended

(a) by renumbering it as subsection 4(1);

(b) by the revocation of clause (1)(a) and the substitution of the following:

(a) if the release or discharge is 10 kg or more, immediately notify
 (i) the Department at telephone number 1-800-565-1633, and
 (ii) the owner of the air conditioning or refrigeration equipment or fire extinguishing equipment from which the regulated substance was released or discharged; and

(c) by the addition of the following:

(2) Any person who Owner to notify
Department
 (a) is the owner of air conditioning or refrigeration equipment or fire extinguishing equipment; and
 (b) is given notice under subsection (1) that a regulated substance was released or discharged from the air conditioning or refrigeration equipment or fire extinguishing equipment, as the case may be,
 shall immediately notify the Department, at telephone number 1-800-565-1633, of the release or discharge.

6. Section 5 of the regulations is amended

(a) by the revocation of clause (a) and the substitution of the following:

(a) “registered handler” means a person who holds a valid registration as a registered handler under section 6; registered handler

(b) in clause (b), by the deletion of the words “indicated in clause (a)” and the substitution of the words “indicated in clause 6(1)(b)”.

7. (1) Subsection 6(1) of the regulations is revoked and the following substituted:

6. (1) The Minister may, on application, register a person as a registered handler where the person Registration

- (a) submits a completed application in a form approved by the Minister;
- (b) provides proof satisfactory to the Minister that the person has successfully completed an environmental awareness training program with respect to the proper procedures for the handling and use of regulated substances, approved by the Minister; and
- (c) submits a \$50 registration fee, made payable to the Provincial Treasurer, together with the application.

(2) Subsection 6(3) of the regulations is amended by the deletion of the words “\$25.00” and the substitution of the words “\$50”.

8. (1) Subsection 7(1) of the regulations is amended

(a) by the deletion of the word “may” and the substitution of the word “shall”;

(b) by the addition of the words “or fire extinguishing equipment” after the words “air conditioning or refrigeration equipment”; and

(c) by the addition of the words “recharge,” before the words “recover, recycle,”.

(2) Subsection 7(3) of the regulations is revoked and the following substituted:

(3) No person other than a registered handler who is employed with a service company certified by the ULC shall install, service, dismantle, charge, recharge or in any other manner work with fire extinguishing equipment that contains halon. Work on fire extinguishing equipment

(3) Subsection 7(4) of the regulations is amended

(a) by the deletion of the words “An individual” and the substitution of the words “Every person”; and

(b) by the addition of the words “or fire extinguishing equipment” after the words “refrigeration equipment”.

9. (1) Subsections 8 (1) and (2) of the regulations are revoked and the following substituted:

8. (1) Every person who, in the course of installing, servicing or discarding air conditioning or refrigeration equipment or fire extinguishing equipment, releases or discharges any regulated substance from that equipment shall Regulated substances — recovery, labelling, recycling and destruction

- (a) recover and store in an approved cylinder any of the regulated substance released or discharged;
- (b) attach to the equipment the green certification number label outlined in Schedule B, if the equipment no longer contains any regulated substance; and
- (c) either
 - (i) recycle or reclaim any regulated substance recovered, or
 - (ii) deliver, or cause the delivery of, the recovered regulated substance to a wholesaler if the recovered regulated substance is
 - (A) a Category I substance, other than a halon, or
 - (B) a Category II substance.

(2) Subsections 8(6) and (7) of the regulations are revoked.

10. The regulations are amended by the addition of the following after section 8:

8.1 (1) In this section, a reference to a Category I substance does not include any substance that is or contains a halon. Category I substance - halons excluded

(2) No person shall discard or dispose of any air conditioning or refrigeration equipment or fire extinguishing equipment unless the Disposal of equipment

equipment displays the green certification number label outlined in Schedule B.

- (3) On or after February 1, 2005, a wholesaler of a Category I or Category II substance shall Wholesaler of regulated substances
- (a) subject to subsections (4) and (5), accept without charge the delivery of a Category I or Category II substance from any person who before, on or after February 1, 2005 purchased an amount of such a substance from the wholesaler; and
- (b) store, in approved cylinders, any Category I or Category II substance delivered under clause (a) until the wholesaler causes it to be redelivered to a person who can reclaim or destroy it.
- (4) A wholesaler is not required under subsection (3) to accept the delivery of a Category I or II substance unless Approved cylinders and proof of purchase
- (a) the substance is delivered in an approved cylinder; and
- (b) the person making the delivery is able to provide proof that the person has purchased such a substance from the wholesaler.
- (5) A wholesaler is not required under subsection (3) to accept the delivery of an amount of a Category I or II substance that is in excess of the total amount of such substance that has been purchased from the wholesaler by the purchaser making the delivery. Amount required to be accepted
- 8.2** (1) Where, on or after January 1, 2006, a chiller containing a Category I substance is given a major overhaul, the owner of the chiller shall ensure that the Category I substance in the chiller Restriction on use of Category I substance
- (a) is recovered before the major overhaul is finished; and
- (b) is replaced, after the major overhaul, with a Category II substance.
- (2) For the purposes of subsection (1), a chiller is deemed to have been given a major overhaul on Major overhaul
- (a) the replacement or modification of an internal sealing device in the chiller;
- (b) the replacement or modification of an internal mechanical part, other than
- (i) an oil heater,
- (ii) an oil pump,
- (iii) a float assembly, and
- (iv) a valve assembly, in the case of a chiller with a single-stage compressor; or
- (c) the replacement or modification of an evaporator or condenser heat-exchange tube in the chiller.
- (3) On or after January 2, 2015, no person shall charge or recharge a chiller with a Category I substance. Restriction on use of Category I substance in chiller
- (4) On or after February 1, 2005, no person shall charge or recharge mobile refrigeration equipment with a Category I substance. Restrictions on use of Category I substance in mobile refrigeration equipment
- 11. Clause 9(1)(b) of the regulations is amended by the deletion of the words “with a flammable or ignitable substance or mixture or a Category I substance” and the substitution of the words “with a Category I, Category II or Category IV substance”.**
- 12. (1) Subsection 10(1) of the regulations is amended by the deletion of the words “Servicing of Halon Systems” and the substitution of the words “The Servicing of Halon Extinguishing Systems, and with the Environment Canada’s Environmental Code of Practice on Halons”.**
- (2) Subsection 10(3) of the regulations is revoked and the following substituted:**
- (3) During the period from January 1, 2005 to December 31, 2009, no owner of a fixed fire extinguishing system shall cause it to be charged or recharged more than once with a Category I substance unless the owner of the system holds a valid written exemption issued under subsection (5). Fixed fire extinguishing system

(4) On or after January 1, 2010, no person shall charge or recharge a fixed fire extinguishing system with a Category I substance unless the owner of the system holds a valid written exemption issued under subsection (5). *Idem*

(5) The Minister may, on application by the owner of a fixed fire extinguishing system, issue a written exemption to the owner that exempts the owner from a restriction in subsection (3) or (4), for the number of charges or recharges specified in the exemption, if the Minister is satisfied that charging or recharging the fixed fire extinguishing system with a substance other than a Category I substance

- (a) is not a technically possible alternative; or
- (b) is not a financially feasible alternative.

(6) An application for an exemption under subsection (5) must

- (a) be made in writing in a form approved by the Minister; and
- (b) contain the information required by the Minister.

(7) A written exemption issued under subsection (5) expires after the number of charges or recharges specified in the permit have been completed.

(8) No person shall use a Category I substance, or cause a Category I substance to be used, to charge or recharge a portable fire extinguisher or a fire suppression system, unless the Category I substance is used for fire protection in an aircraft or in a military vehicle.

13. (1) Subsection 11(1) of the regulations is revoked and the following substituted:

11. (1) The owner of air conditioning or refrigeration equipment that has a motor rating of 3 horsepower or more shall have a registered handler conduct a leak test, on an annual basis, in a manner consistent with the Code of Practice. *Charge maintained*

(1.1) After a registered handler completes a leak test referred to in subsection (1), the registered handler shall make a written report of the results of the leak test and provide a copy of the report to the owner of the equipment tested. *Report of result of inspection*

(1.2) An owner shall retain a copy of a report provided under subsection (1.1) for at least three years and shall make it available to the Minister or an employee of the Department on request. *Retention of reports*

(2) Subsection 11(4) of the regulations is revoked and the following substituted:

(4) In the event that a person recovers a regulated substance in accordance with subsection (3) and the leak is from an air conditioning or refrigeration equipment that has a motor rating of 3 horsepower or more, that person shall *Notice*

- (a) notify the Department immediately at telephone number 368-5000 or by facsimile at 368-5830; and
- (b) mail a copy of the Record of Service to the Department within five calendar days.

(3) Subsection 11(5) of the regulations is revoked and the following substituted:

(5) No person shall use regulated substance with an ozone depleting potential less than 0.10 to perform a leak test on an air conditioning or refrigeration system, unless *Regulated substance that may be used for test*

- (a) the equipment cannot be adequately tested for leaks in the manner specified by the Code of Practice; and
- (b) the person recovers the regulated substance from the equipment after conducting the leak test.

14. Subsection 13(1) and (2) of the regulations are revoked and the following substituted:

13. (1) No person or company may purchase, offer for sale, sell or supply a regulated substance intended for the purposes of charging air conditioning or refrigeration equipment, unless the person or company has a valid license to purchase a regulated substance in accordance with subsection (3). License requirements

(2) Any wholesaler who sells or distributes a Category I or a Category II regulated substance for the purposes specified in subsection (1) shall fill out and send to the Department, not later than March 1 of each year, a report, in the Form prescribed in Schedule D, in respect of the sales and distribution during the preceding calendar year. Report of sales

15. Subsection 14(1) of the regulations is revoked and the following substituted:

14. (1) No person shall offer for sale or sell a regulated substance intended for the purposes of charging, air conditioning or fire extinguishing equipment or refrigeration equipment in any container other than on approved cylinder. Approved cylinders

16. Section 16 or the regulations is revoked and the following substituted:

16. No person shall buy, sell or offer for sale Sales of fire extinguishers with Category I substance

(a) a portable fire extinguisher that contains a Category I substance;

(b) fixed fire extinguishing equipment that contains or is designed to contain a Category I substance;

(c) a portable or fixed fire extinguishing system or fire extinguishing equipment that contains a Category I substance, unless it is used or is intended to be used for fire protection in an aircraft or military tactical vehicle.

17. Schedule A of the regulations is revoked and Schedule A as set out in the Schedule to these regulations substituted:

18. Schedules C and D are amended by the deletion of the words "Depleting Substances and Replacement" wherever they occur and the substitution of the words "Layer Protection".

19. Schedule D is amended

(a) by the deletion of the words "Fisheries, Aquaculture and Environment" wherever they occur and the substitution of the words "Environment, Energy and Forestry"; and

(b) by the deletion of the words "required under Section 1" and the substitution of the words "required under subsection 13(2)".

20. These regulations come into force October 23, 2004.

SCHEDULE

SCHEDULE A

REGULATED SUBSTANCES

CATEGORY I SUBSTANCES

(CHLOROFLUOROCARBONS (CFCs), HALONS AND CHLOROCARBONS)

			Ozone Depleting Potential
A. CFCs			
(1)	CFC-11	known as trichlorofluoromethane	1.0
	CFC-12	known as dichlorodifluoromethane	1.0
	CFC-113	known as trichlorotrifluoroethane	0.8
	CFC-114	known as dichlorotetrafluoroethane	1.0
	CFC-115	known as chloropentafluoroethane	0.6
(2)	All other CFCs not specifically listed.		

- (3) All isomers and mixtures containing any other substance listed in this Schedule as a CFC.

B. BROMOFLUOROCARBONS (Halons)

- | | | | |
|-----|------------|-------------------------------------|------|
| (1) | Halon-1211 | known as bromochlorodifluoromethane | 3.0 |
| | Halon-1301 | known as bromotrifluoromethane | 10.0 |
| | Halon-2402 | known as dibromotetrafluoroethane | 6.0 |
- (2) All other halons not specifically listed.
- (3) All isomers and mixtures containing any other substance listed in this Schedule as a bromofluorocarbon.

C. OTHER SUBSTANCES

- | | | | |
|-----|---|---|------|
| (1) | C ₂ H ₃ Cl ₃ | known as 1,1,1-trichloroethane or methyl chloroform | 0.10 |
| (2) | CCl ₄ | known as carbon tetrachloride | 1.15 |

CATEGORY II SUBSTANCES

(HYDROCHLOROFLUOROCARBONS (HCFCs))

			Ozone Depleting Potential
(1)	HCFC-21	known as dichlorotrifluoroethane	0.04
	HCFC-22	known as chlorodifluoroethane	0.055
	HCFC-31	known as chlorofluoromethane	0.02
	HCFC-121	known as tetrachlorofluoroethane	0.04
	HCFC-122	known as trichlorodifluoroethane	0.08
	HCFC-123	known as dichlorotrifluoroethane	0.02
	HCFC-124	known as chlorotetrafluoroethane	0.02
	HCFC-131	known as trichlorofluoroethane	0.05
	HCFC-132	known as dichlorodifluoroethane	0.05
	HCFC-133	known as chlorotrifluoroethane	0.06
	HCFC-141	known as dichlorofluoroethane	0.07
	HCFC-142	known as chlorodifluoroethane	0.065
	HCFC-221	known as hexachlorofluoropropane	0.07
	HCFC-222	known as pentachlorodifluoropropane	0.09
	HCFC-223	known as tetrachlorotrifluoropropane	0.08
	HCFC-224	known as trichlorotetrafluoropropane	0.09
	HCFC-225	known as dichloropentafluoropropane	0.07
	HCFC-226	known as chlorohexafluoropropane	0.10
	HCFC-231	known as pentachlorofluoropropane	0.09
	HCFC-232	known as tetrachlorodifluoropropane	0.10
	HCFC-233	known as trichlorotrifluoropropane	0.23
	HCFC-234	known as dichlorotetrafluoropropane	0.28
	HCFC-235	known as chloropentafluoropropane	0.52
	HCFC-241	known as tetrachlorofluoropropane	0.09
	HCFC-242	known as trichlorodifluoropropane	0.13
	HCFC-243	known as dichlorotrifluoropropane	0.12
	HCFC-244	known as chlorotetrafluoropropane	0.14
	HCFC-251	known as trichlorofluoropropane	0.01
	HCFC-252	known as dichlorodifluoropropane	0.04
	HCFC-253	known as chlorotrifluoropropane	0.03
	HCFC-261	known as dichlorofluoropropane	0.02
	HCFC-262	known as chlorodifluoropropane	0.02
	HCFC-271	known as chlorofluoropropane	0.03

(2) All other HCFCs not specifically listed.

(3) All isomers and mixtures containing any other substance listed in this Schedule or a Category II substance.

CATEGORY III SUBSTANCES

(HYDROFLUOROCARBONS (HFCs))

			Ozone Depleting Potential
(1)	HFC-23	known as trifluoromethane	0.0
	HFC-32	known as difluoromethane	0.0

HFC-125	known as pentafluoroethane	0.0
HFC-134	known as tetrafluoroethane	0.0
HFC-143	known as trifluoroethane	0.0
HFC-152	known as difluoroethane	0.0
HFC-161	known as monofluoroethane	0.0
HFC-227	known as heptafluoropropane	0.0
HFC-236	known as hexafluoropropane	0.0
HFC-245	known as pentafluoropropane	0.0
HFC-254	known as tetrafluoropropane	0.0
HFC-263	known as trifluoropropane	0.0
HFC-272	known as difluoropropane	0.0
HFC-281	known as fluoropropane	0.0
(2)	All other HFCs not specifically listed.	
(3)	All isomers and mixtures containing any other substance listed in this Schedule as a Category III substance.	

CATEGORY IV SUBSTANCES
(PERFLUOROCARBONS (PFCs))

		Ozone Depleting Potential
(1)	FC-14 known as tetrafluoromethane	0.0
	FC-116 known as hexafluoroethane	0.0
	FC-218 known as octafluoropropane	0.0
	FC-3-10 known as decafluorobutane	0.0
	FC-4-1-12 known as dodecafluoropentane	0.0
	FC-5-1-14 known as tetradecafluorohexane	0.0
(2)	All other perfluorocarbons not specifically listed.	
(3)	All isomers and mixtures containing any other substance listed in this Schedule as a Category IV substance.	

EXPLANATORY NOTES

SECTION 1 amends the title of the regulations.

SECTION 2 adds definitions to clarify the meaning of terms used in the regulations.

SECTION 3 removes an application statement that is not needed.

SECTION 4 restricts the sale and servicing of chillers. Every chiller must have a purge unit designed to expel no more than 0.1 grams of a Category I substance for every gram of air purged.

SECTION 5 requires the owner of certain equipment to notify the Department of an accidental release of a regulated substance.

SECTIONS 6 and 7 clarify the process for registering a registered handler and increases the fee payable for registration.

SECTION 8 makes wording corrections to a provision regulating work on air conditioning equipment or refrigeration equipment or fire extinguishing equipment.

SECTION 9 deals with the recovery and recycling of regulated substances.

SECTION 10 restricts the disposal of air conditioning or refrigeration equipment or fire extinguishing equipment. It also sets out a schedule for the return to wholesalers of certain Category I substances and all Category II substances.

SECTIONS 11 and 12 make wording corrections and section 12 also sets out time limits on the use of Category I substances.

SECTION 13 makes improvements to a provision dealing with leak testing.

SECTION 14 deals with licensing and reporting requirements for wholesalers.

SECTION 15 requires the use of approved cylinders.

SECTION 16 prohibits the use of portable fire extinguishers containing a Category I substance.

SECTION 17 replaces Schedule A of the regulations to correct minor errors and to add Category III substances to the Schedule.

SECTION 18 amends Schedules C and D to reflect the change of title of the regulations.

SECTION 19 amends Schedule D to reflect the change of name of the Department.

SECTION 20 provides for the commencement of these regulations.

EC2004-576

**ENVIRONMENTAL PROTECTION ACT
WASTE RESOURCE MANAGEMENT REGULATIONS
AMENDMENT**

Pursuant to section 25 of the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, Council made the following regulations:

1. Section 1 of the *Environmental Protection Act* Waste Resource Management Regulations (EC691/00) is amended

(a) by the addition of the following after clause 1(cc):

(dd) “manifest form” means the manifest form as set out in Schedule D of these regulations; manifest form

(b) by the revocation of clause (hh.1).

2. (1) Subsection 2.1(1) of the regulations is amended

(a) in clause (a), by the deletion of the words “subsection (2)” and the substitution of the words “subsection (4)”; and

(b) by the revocation of clause (b) and the substitution of the following:

(b) completes a manifest form, as set out in Schedule D of these regulations, prior to transporting the hazardous waste off the site at which it was produced.

(2) Subsection 2.1(5) of the regulations is amended

(a) in clause (a), by the deletion of the words “waste manifest form on-site” and the substitution of the words “manifest form, completed pursuant to subsection (1),”;

(b) in clause (b), by the deletion of the words “waste manifest form” and the substitution of the words “original manifest form, completed pursuant to subsection (1),”; and

(c) by the revocation of clause (c) and the substitution of the following:

(c) ensure that any copies of a manifest form that are required to be retained or sent to a department under this subsection are complete and show all of the information contained in the original manifest form completed pursuant to subsection (1).

EC2004-577

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 JAMES W. HOOPER
 (TO RESCIND)

Council, having under consideration Order-in-Council EC2004-269 of 11 May 2004, rescinded the said Order forthwith, thus rescinding permission for James W. Hooper of Fort Myers, Florida to acquire four (4) acres of land in Lot 1, Prince County, Prince Edward Island from John Victor Doucette of Pleasant View, Prince Edward Island.

EC2004-578

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 ROBERT P. CILIA AND ALISON CILIA
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Robert P. Cilia and Alison Cilia, both of Katonah, New York to acquire a land holding of approximately five (5) acres of land in Lot 56, Kings County, Province of Prince Edward Island, being acquired from Alan Underhay of Eglington, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-579

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 K. JOANNE WALL
 (APPROVAL)

Pursuant to section 4 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to K. Joanne Wall of North Vancouver, British Columbia to acquire a land holding of approximately fourteen decimal five five (14.55) acres of land in Lot 67, Queens County, Province of Prince Edward Island, being acquired from Robert Heaney of Clinton, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-580

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WADE WHITE
(APPROVAL)

Pursuant to section 4 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Wade White of Hudson Massachusetts to acquire a land holding of approximately one decimal eight (1.8) acres of land in Lot 53, Kings County, Province of Prince Edward Island, being acquired from Blair White, Everett White, Shirley Anne Mosher, Royal White and Edna White, all of Murray River, Prince Edward Island.

EC2004-581

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
B.H. HOLDINGS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to B.H. Holdings Ltd. of Summerside, Prince Edward Island to acquire a land holding of approximately twenty-four (24) acres of land in Lot 31, Queens County, Province of Prince Edward Island, being acquired from Louise A. Beaton of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-582

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
CHEVERIE CONSTRUCTION LTD.
(APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Cheverie Construction Ltd. of Souris, Prince Edward Island to acquire a land holding of approximately twenty-five decimal four one (25.41) acres of land in Lot 47, Kings County, Province of Prince Edward Island, being acquired from Adele Dixon of Black Pond, Prince Edward Island.

EC2004-583

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 FRIZZELL'S VALLEYVILLE FARMS INC.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Frizzell's Valleyville Farms Inc. of Glen Valley, Prince Edward Island to acquire a land holding of approximately sixty-four (64) acres of land in Lot 22, Queens County, Province of Prince Edward Island, being acquired from Garth Frizzell of Glen Valley, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-584

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 HOWMAC FARMS LTD.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Howmac Farms Ltd. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately five hundred and sixty-nine decimal three one (569.31) acres of land in Lots 22, 23, 24 and 31, Queens County, Province of Prince Edward Island, being acquired from Blaine MacPherson and Doreen MacPherson, both of North Wiltshire, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-585

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 HOWMAC FARMS LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Howmac Farms Ltd. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately three hundred and twenty-nine decimal nine three (329.93) acres of land in Lots 23, 31 and 32, Queens County, Province of Prince Edward Island, being acquired from Blaine MacPherson and Doreen MacPherson, both of North Wiltshire, Prince Edward Island.

EC2004-586

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 HOWMAC FARMS LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Howmac Farms Ltd. of North Wiltshire, Prince Edward Island to acquire a land holding of approximately four decimal six two (4.62) acres of land in Lot 31, Queens County, Province of Prince Edward Island, being acquired from Blaine MacPherson of North Wiltshire, Prince Edward Island.

EC2004-587

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 POSTMA BROS. FARMS LTD.
 (APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Postma Bros. Farms Ltd. of Kinkora, Prince Edward Island to acquire a land holding of approximately seventy (70) acres of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from John Postma, Sr. of Kinkora, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-588

PRINCE EDWARD ISLAND
 LANDS PROTECTION ACT
 PETITION TO ACQUIRE A LAND HOLDING
 POSTMA BROS. FARMS LTD.
 (APPROVAL)

Pursuant to section 5 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Postma Bros. Farms Ltd. of Kinkora, Prince Edward Island to acquire a land holding of approximately twenty-five (25) acres of land in Lot 26, Prince County, Province of Prince Edward Island, being acquired from John Postma, Sr. of Kinkora, Prince Edward Island.

Further, Council noted that the said land holding, being Provincial Property No. 282251, was previously identified for non-development use in accordance with section 2 of the Land Identification Regulations (EC606/95) made under the said Act. Identification continues to apply.

EC2004-589

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
SCHURMAN FARM LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Schurman Farm Ltd. of Spring Valley, Prince Edward Island to acquire a land holding of approximately ten (10) acres of land in Lot 57, Queens County, Province of Prince Edward Island, being acquired from P.E.I. Quality Swine Inc. of Charlottetown, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-590

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
TERRA NOVA ISLAND WAREHOUSE INC.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Terra Nova Island Warehouse Inc. of North Granville, Prince Edward Island to acquire a land holding of approximately five (5) acres of land in Lot 19, Prince County, Province of Prince Edward Island, being acquired from Margate Investments Inc. of Kensington, Prince Edward Island SUBJECT TO the condition that the said real property not be subdivided. The condition preventing subdivision shall be binding on the said Terra Nova Island Warehouse Inc. and on all successors in title.

EC2004-591

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PETITION TO ACQUIRE A LAND HOLDING
WILLIAMS FAMILY FARMS LTD.
(APPROVAL)

Pursuant to section 5 and section 9 of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5 Council granted permission to Williams Family Farms Ltd. of Alberton, Prince Edward Island to acquire a land holding of approximately one hundred and sixty-seven decimal nine (167.9) acres of land in Lots 3, 4 and 13, Prince County, Province of Prince Edward Island, being acquired from Duane Williams of Alberton, Prince Edward Island PROVIDED THAT the said real property is identified for non-development use pursuant to the Land Identification Regulations (EC606/95) made under the said Act.

EC2004-592

PRINCE EDWARD ISLAND
LANDS PROTECTION ACT
PROPERTY NO. 678862, LOT 43, KINGS COUNTY
IDENTIFICATION FOR NON-DEVELOPMENT USE
AMENDMENT

Pursuant to subsection 9(2) of the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5, Council amended the condition of non-development use made pursuant to section 2 of the Land Identification Regulations (EC606/95) in respect of approximately thirty-one (31) acres of land, being Provincial Property No. 678862 located in Lot 43, Kings County, Prince Edward Island and currently owned by Alexander McClumpha and Linda McClumpha, both of Bay Fortune, Prince Edward Island.

Council noted that this amendment will enable subdivision of three parcels of land of approximately five (5) acres each, and determined that following subdivision, identification for non-development use shall continue to apply to each of the new parcels as well as to the remaining land.

This Order-in-Council comes into force on October 12, 2004.

EC2004-593

WORKERS COMPENSATION ACT
WORKER ADVISOR
TO APPOINT

Pursuant to section 85 of the *Workers Compensation Act* R.S.P.E.I. 1988, Cap. W-7.1 Council appointed Shawn Shea as a Worker Advisor effective 25 October 2004.