

Plain Language Summary

NWT Beverage Container Regulations

Introduction

This is a Summary of the amended, official Regulations that define the Northwest Territories (NWT) Beverage Container Program. These Regulations come under the *Waste Reduction and Recovery Act*.

Starting February 1, 2016, new fees and container surcharges will come into effect.

We have made every effort to ensure the Summary is accurate. If you find any contradictions between it and the Regulations - the Regulations prevail. Please contact the Department of Environment and Natural Resources, GNWT if you notice any errors or omissions, or want to suggest ways to improve this Summary. Call 867.873.7654 in Yellowknife.

The Summary starts with definitions of words from the Regulations that you should understand. We organized the rest of the Summary based on what different people must do to follow the laws:

- ✓ Government of the Northwest Territories (GNWT)
- ✓ Distributors or Manufacturers
- ✓ Depot Operators and Processing Centre Operators
- ✓ Retailers
- ✓ Public

Words to Understand

Beverage container

Beverage containers include bottles, cans, plastic jugs, or other containers made from any materials that hold a ready-to-serve drink. Ready-to-serve drinks need no preparation. They include pop, juice, bottled water, sports drinks, milk and liquid milk products, non-dairy milk alternatives, beer, wine, and all other alcohol.

Does not include:

- Containers for infant formula.
- Containers for milk and liquid milk products smaller than 30 ml.
- Containers sold empty.
- Open containers filled with a drink when sold.

Depot

A depot is the licenced place that receives empty beverage containers from the public and pays them back the refundable deposit.

Each depot sends their containers to an assigned regional processing centre.

Depot Operator

The depot operator is the person or business that has the licence to run the depot.

Distributor or manufacturer

A distributor is a person or business that brings ready-to-serve drinks into the NWT or sells ready-to-serve drinks to NWT retailers. A manufacturer is a person or business that fills beverage containers with a ready-to-serve drink. Distributors and manufacturers include those who deal with milk and liquid milk products.

Distributors and manufacturers must register with the GNWT and participate in the Program.

Retailers must register as a distributor if they buy ready-to-serve drinks from anyone that is not a registered distributor.

Environment Fund

The Environment Fund is a special fund set up under the NWT *Waste Reduction and Recovery Act*.

The Environment Fund handles all income and expenses connected with the Beverage Container Regulations. The GNWT uses any surplus revenue in the Environment Fund to help create new waste reduction and recovery projects.

Handling fee

The handling fee is part of the surcharge. The handling fee plus the refundable deposit make up the surcharge.

The handling fee pays for expenses to operate the Beverage Container Program. It is not refundable.

Licence

A licence is the legal agreement a person or business must have with the GNWT to operate a depot or processing centre.

Milk and liquid milk products

Milk and liquid milk products include milk and cream from a domestic ruminant, liquid milk and cream substitutes, buttermilk, condensed milk, eggnog, evaporated milk, flavoured milk, liquid meal replacements that contain milk, milkshake beverages, nut milk, rice milk, soy milk, and yogurt beverages. A domestic ruminant is an animal such as a cow, goat, or sheep.

Processing centre

A processing centre is the licenced place that takes empty beverage containers from assigned depots in their region. Processing centres prepare the containers for reuse and recycling.

Processing centre operator

The processing centre operator is the person or business with the licence to run the processing centre.

Rate of recovery

Rate of recovery measures the total number of beverage containers people buy in relation to the number they return for a refund.

For example, if people buy five million containers and return four million for a refund, the rate of recovery is 80%.

Refundable deposit

The refundable deposit is part of the surcharge. The refundable deposit plus the handling fee make up the surcharge.

The refundable deposit is the money people get back when they take empty containers to a depot.

The word refund means the same as refundable deposit.

Registration

Registration is the legal agreement that a distributor or manufacturer must have with the GNWT to sell ready-to-serve drinks in the NWT.

Surcharge

The surcharge is the refundable deposit plus the handling fee. Registered distributors must pay the surcharge to the Environment Fund for every beverage container they sell.

Public

The public can take empty containers to any NWT depot and get back the refundable deposit based on the table below.

People must not expect a refund if:

- ✓ They bought the container outside the NWT.
- ✓ They know an NWT distributor didn't sell the container.
- ✓ The container is broken, too dirty to wash, contains left over matter, or isn't a whole container.
- ✓ The depot operator can tell a NWT registered distributor didn't sell the container.
- ✓ The container isn't part of the NWT program and the depot operator isn't licenced to take it.

Refunds that Depots Pay to the Public			
Container Contents	Size	Type of Container	Refund to Public
All types of beverages	1 litre or less	All container types	\$0.10
All types of beverages	More than 1 litre	All container types	\$0.25

Retailers

Retailers include stores, restaurants, and other businesses that buy ready-to-serve drinks from a registered distributor and sell them to the public.

The Regulations say that a retailer:

1. Must not buy ready-to-serve drinks from anyone who is **not** a registered distributor.
2. Must keep accurate financial records and provide an annual financial report if asked to by the GNWT.
3. Is encouraged to show the surcharge on the sales slip when they sell ready-to-serve drinks. They do not have to do this. If a retailer shows the surcharges on the sales slip, the total surcharges on the slip must not be more than the total surcharges set in the Regulations.

Refundable deposits, handling fees and total surcharges for all container categories:

Beverage Container Categories		Surcharge		Total surcharge per container (A) + (B)
Volume	Type	Refundable Deposit (A)	Handling Fee (B)	
1 Litre or less	Glass	\$0.10	\$0.13	\$0.23
	Aluminum	\$0.10	\$0.08	\$0.18
	Plastic	\$0.10	\$0.08	\$0.18
	Tetra Pak/Drink Pouch	\$0.10	\$0.05	\$0.15
	Gable Top	\$0.10	\$0.05	\$0.15
	Bi-Metal	\$0.10	\$0.05	\$0.15
	Refillable glass bottles	\$0.10	\$0.10	\$0.20
More than 1 Litre	Glass	\$0.25	\$0.13	\$0.38
	Plastic	\$0.25	\$0.10	\$0.35
	Tetra Pak/Drink Pouch	\$0.25	\$0.10	\$0.35
	Gable Top	\$0.25	\$0.10	\$0.35
	Bi-Metal	\$0.25	\$0.10	\$0.35
	Bag-in-a-Box	\$0.25	\$0.10	\$0.35

Depot Operators and Processing Centre Operators

Depot operators have a licence to receive containers from the public and to pay them a refund for each container. Depot operators deliver containers to an assigned processing centre.

Processing centre operators have a licence to accept beverage containers, and process them. A processing centre must accept containers only from assigned depots.

The Regulations say that depot and processing centre operators:

1. May apply to the GNWT for a licence to operate a depot or processing centre. Must use the forms the GNWT provides and give them all the information they ask for.
2. Cannot get a licence if convicted of an offence under the *Waste Reduction and Recovery Act* within the past five years. May apply to the GNWT to be exempt from this.
3. May operate more than one depot or processing centre. They need to apply for and have a separate licence for each.

The GNWT decides to approve or reject the licence. They may reject it if there isn't enough demand or the application won't work for other reasons.

4. Cannot transfer the licence to any other person or business.
5. Will follow the conditions of the licence, such as:
 - How to receive, collect, handle, store, transport, process, recycle, and dispose of containers.
 - What types of containers they can receive.
 - How depot operators give out refunds.
 - How processing centre operators pay depot operators.
 - How to keep records and books.

The GNWT may change the conditions of the licence, or suspend or cancel it.

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6. May appeal a decision that the GNWT makes to:

- Reject an application for a licence.
- Change the conditions of a licence.
- Suspend or cancel a licence.

Must appeal in writing within 30 days of the decision. The GNWT responds within 60 days.

7. May refuse to take a container if:

- The container is broken, too dirty to wash, contains left over matter, or isn't a whole container.
- The operator can tell an NWT registered distributor didn't sell the container.
- The container isn't part of the NWT program and the operator isn't licenced to take it.

8. Will receive a handling fee for each beverage container they accept from the public, as set out in their licence.

9. Will pay a refund to the public, based on the table below. Only depots pay the refund. People must bring their containers to a depot to get the refund.

Refunds that Depots Pay to the Public			
Container Contents	Size	Type of Container	Refund to Public
All types of beverages	1 litre or less	All container types	\$0.10
All types of beverages	More than 1 litre	All container types	\$0.25

10. Must keep financial and other records, and present them to the GNWT.

Depot operators, within 30 days of the end of each month for the month before:

- Number and type of containers received.

- What processing centre they sent the containers to.
- Other information the GNWT asks for.

Processing centre operators, within 30 days of the end of each month for the month before:

- Number and type of containers received
- Payments to depot operators
- Other information the GNWT asks for

Depot and processing centre operators may present these records more often than once a month, if they want to.

Processing centre operators must provide annual financial reports if the GNWT asks for them. They must keep their records for a total of six years.

11. Will receive payments from the Environment Fund at least once a month based on their records.

The processing centre operator pays the depot operator. The payment includes the refund and the depot's handling fee for each beverage container.

The depot operator may appeal to the GNWT if the processing centre operator refuses to pay. The depot operator must appeal in writing within 30 days of when the processing centre refuses to pay.

The GNWT reviews all information. They send a notice of their decision about the appeal by registered mail to the depot and processing centre operators. The processing centre operator must pay within 30 days if the GNWT decides in favour of the depot operator.

The GNWT pays the processing centre operator. The payment includes the amount paid to the depot operator plus the handling fee for the processing centre operator.

The GNWT pays to transport all containers from depots to processing centres. The GNWT also pays to transport all containers to recycling or reuse markets.

Processing centre operators must keep confidential all information from the depot operators they deal with.

Distributors or Manufacturers

Distributors include any person or business that imports ready-to-serve drinks into the NWT or sells ready-to-serve drinks to retailers. Manufacturers include any person or business that fills beverage containers with a ready-to-serve drink. Distributors and manufacturers must participate in the program.

The Regulations say that distributors and manufacturers:

1. Cannot sell beverages covered by this Program unless they register with the GNWT.
2. Must apply to the GNWT and register as a distributor. They must use GNWT forms and give them all the information they ask for.
3. Cannot register as a distributor if convicted of an offence under the *Waste Reduction and Recovery Act* within the past five years. They may apply to the GNWT to be exempt from this.
4. Will receive a written notice by registered mail to find out if the GNWT approves or rejects their application - within 45 days for a new application and within 21 days for a renewal.

If the GNWT rejects the application, the notice says why. If the GNWT needs more information, the notice says what information they need and how many days the distributor has to provide it.

5. Will provide any additional information within the time allowed. If the distributor provides no more information, the GNWT sends a written notice to say they assume the distributor has dropped the application.
6. Will follow any conditions the GNWT places on the registration. A distributor can appeal to the GNWT to change the conditions.
7. Must not operate as a distributor if the GNWT suspends or cancels the registration.
8. Cannot transfer the registration to another person or business. Must apply for a new registration if the distributor's business ownership changes.
9. Must pay the surcharge to the Environment Fund for every beverage container they sell, based on the table below. They also pay GST on the

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handling fee for taxable beverages. A parent company or other business may pay for the distributor.

Refundable Deposit, Non-refundable Handling Fees, and Surcharge

Beverage Container Categories		Surcharge		Total surcharge per container (A) + (B)
Volume	Type	Refundable Deposit (A)	Handling Fee* (B)	
1 Litre or less	Glass	\$0.10	\$0.13	\$0.23
	Aluminum	\$0.10	\$0.08	\$0.18
	Plastic	\$0.10	\$0.08	\$0.18
	Tetra Pak/Drink Pouch	\$0.10	\$0.05	\$0.15
	Gable Top	\$0.10	\$0.05	\$0.15
	Bi-Metal	\$0.10	\$0.05	\$0.15
	Refillable glass bottles	\$0.10	\$0.10	\$0.20
More than 1 Litre	Glass	\$0.25	\$0.13	\$0.38
	Plastic	\$0.25	\$0.10	\$0.35
	Tetra Pak/Drink Pouch	\$0.25	\$0.10	\$0.35
	Gable Top	\$0.25	\$0.10	\$0.35
	Bi-Metal	\$0.25	\$0.10	\$0.35
	Bag-in-a-Box	\$0.25	\$0.10	\$0.35

* GST applies to handling fees of taxable products. This amount doesn't include any GST.

10. May appeal a decision that the GNWT makes to:

- Reject an application to register.
- Change the conditions of registration.
- Suspend or cancel registration.

Distributors and manufacturers must appeal in writing within 30 days of the decision. The GNWT reviews all information and responds within 60 days.

11. Must keep records of the numbers and types of beverage containers they sell each month, and the total surcharge. Must submit these records within 30 days of the end of each month for the month before.

At the same time, must make monthly payments to the Environment Fund to cover the surcharge for each beverage container they sold the month before.

For example, before the end of December distributors provide records of the numbers and types of containers they sold during November and pay the total surcharge.

12. Must keep accurate financial records and provide an annual financial report if asked to by the GNWT.
13. Must keep all records for a total of six years.
14. Cannot sell any beverage container covered by this program that would in any way make people believe they can't return it for a refund.

Government of the Northwest Territories (GNWT)

The GNWT puts the law into action and makes sure everyone follows it. The Department of Environment and Natural Resources administers the Beverage Container Program. The Chief Environmental Protection Officer has overall responsibility for the Program.

The Regulations say that the GNWT:

1. Will design and produce application forms to:
 - Register all distributors.
 - Licence all depot or processing centre operators.
2. Will approve or reject an application. Send a written notice by registered mail about their decision - within 45 days for a new application and 21 days for a renewal.

If the GNWT refuses the application, the notice says why. If they need more information, the notice states what other information they need and by what date they expect it.

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3. Will review additional information. Send a written notice by registered mail to say if they approve or reject the application based on more information. Send this notice within 45 days of when they receive the information.

Send a written notice by registered mail that they consider the application dropped if they don't hear from the applicant within the time allowed.

4. Will register all distributors and licence all depot and processing centre operators. Each licence or registration lasts up to five years. An operator or distributor can apply to renew a licence or registration.

5. Can decide any conditions for a licence or registration, such as:

- How operators receive, collect, handle, store, transport, process, recycle, and dispose of containers.
- What types of containers operators can receive.
- How depot operators give out refunds.
- How processing centre operators pay depot operators.
- How operators and distributors keep records and books.

6. May suspend or cancel a licence or registration, or change the conditions, based on a review.

Must send a written notice to the distributor or operator about the review. Invite them to respond within 30 days and consider their input.

If the distributor or operator asks to have their licence cancelled, the GNWT can cancel it immediately.

Send the distributor or operator a copy of the written decision about the review by registered mail.

7. May restore a suspended or cancelled licence or registration.

8. Will receive and manage appeals from distributors or operators. Review all information and respond to the appeal by registered mail within 60 days.

Within 30 days of when they receive the appeal, appoint an advisor to recommend how to respond to the appeal. The advisor must be someone from outside the Department of Environment and Natural Resources.

9. May audit and inspect a distributor's or operator's books or facilities at any time.

10. Will produce an annual report that shows:

- Total licences and registrations.
- Total beverage containers sold.
- Total beverage containers returned.
- Rate of recovery for beverage containers.
- Financial report of the Environment Fund.
- Total convictions under the *Waste Reduction and Recovery Act*.