

2011

CHAPTER R-19.001

An Act respecting Renewable Diesel Fuel

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(Assented to May 18, 2011)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Renewable Diesel Act*.

Interpretation

2 In this Act:

- (a) “**blended diesel fuel**” means diesel fuel that contains renewable diesel fuel;
- (b) “**consumer**” means a consumer as defined in *The Fuel Tax Act, 2000*;
- (c) “**diesel fuel**” means a liquid petroleum fuel that is sold or represented as diesel fuel and includes any prescribed fuel;
- (d) “**distributor**” means a person in Saskatchewan who sells or provides diesel fuel to consumers and includes any prescribed person or prescribed class of persons;
- (e) “**enforcement officer**” means any prescribed person or prescribed class of persons;
- (f) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (g) “**prescribed**” means prescribed in the regulations;
- (h) “**renewable diesel fuel**” means fuel that is produced from biomass or renewable feedstocks and that meets the prescribed standards or specifications;
- (i) “**reporting period**” means the prescribed period.

Use of renewable diesel fuel required

3(1) Subject to the regulations, on and after the prescribed date, every distributor shall ensure that the average volume of diesel fuel it sells or provides to consumers during each reporting period has a composition of at least 2% renewable diesel fuel.

(2) Subsection (1) does not apply to diesel fuel used for a prescribed purpose.

Blending, handling and storage of blended diesel fuel

4 Every distributor shall comply with the prescribed requirements respecting:

- (a) the blending of renewable diesel fuel with other diesel fuel; and
- (b) the storage and handling requirements for blended diesel fuel.

Duty to maintain records

5(1) A distributor shall ensure that the following records are kept:

- (a) complete and accurate records of the distributor's operations in Saskatchewan that include the prescribed information;
- (b) complete and accurate records respecting all transactions related to:
 - (i) diesel fuel other than renewable diesel fuel;
 - (ii) renewable diesel fuel; and
 - (iii) blended diesel fuel;
- (c) any other prescribed records.

(2) A distributor shall retain the records mentioned in this section for the prescribed period.

Reporting

6(1) Every distributor shall submit to the minister a detailed report of the distributor's compliance with the requirements set out in this Act during every reporting period.

(2) The report mentioned in subsection (1) must be submitted within the prescribed period and in the prescribed manner and must contain the prescribed information.

Enforcement

7 For the purposes of enforcing and administering this Act:

- (a) the minister and an enforcement officer may exercise the powers given by Part IV of *The Fuel Tax Act, 2000* to the minister responsible for the administration of *The Fuel Tax Act, 2000* and to enforcement officers as defined in that Act; and
- (b) Part IV of *The Fuel Tax Act, 2000* applies, with any necessary modification, to the minister, enforcement officers and any other persons governed by this Act.

Offence and penalties

8(1) No person shall:

- (a) make, or participate in, assent to or acquiesce in making, a false or misleading statement in any document provided to the minister or an enforcement officer pursuant to this Act;
 - (b) destroy, alter, mutilate or dispose of any record, if the record is required to be kept for the purposes of this Act;
 - (c) make, or participate in, assent to or acquiesce in making, a false or misleading entry in a record, if the record is required to be kept for the purposes of this Act;
 - (d) omit, or participate in, assent to or acquiesce in omitting, an entry of a material fact in a record, if the record is required to be kept for the purposes of this Act; or
 - (e) contravene any other provision of this Act or the regulations.
- (2) Every person who contravenes any provision of this Act is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine not exceeding \$10,000;
 - (b) in the case of a corporation, to a fine not exceeding \$50,000.
- (3) If a corporation commits an offence pursuant to this Act, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties mentioned in this section whether or not the corporation has been prosecuted or convicted.

Regulations

9 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing fuel as diesel fuel;
- (c) prescribing persons or classes of persons as distributors or enforcement officers;
- (d) prescribing standards or specifications for renewable diesel fuel;
- (e) prescribing the reporting period;
- (f) for the purposes of section 3:
 - (i) prescribing a date; and
 - (ii) prescribing a purpose for which diesel fuel may be used;

- (g) for the purposes of section 4:
 - (i) respecting the blending of renewable diesel fuel with other diesel fuel, including prescribing the manner in which the blending must be done, the technical specifications with respect to the blending and how the amount of renewable diesel fuel to be blended with other diesel fuel is to be determined; and
 - (ii) respecting the handling and storage of blended diesel fuel;
- (h) for the purposes of section 5:
 - (i) prescribing information to be included in the records; and
 - (ii) requiring that certain records be kept and prescribing periods for keeping records;
- (i) for the purposes of section 6, prescribing:
 - (i) the period within which the report must be submitted;
 - (ii) the manner in which the report must be submitted; and
 - (iii) the contents of the report;
- (j) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (k) respecting any other matter or thing the Lieutenant Governor in Council considers necessary or expedient to carry out the intent of this Act.

Coming into force

10 This Act comes into force on proclamation.