

Output-Based Pricing System Registration and Opt-in Regulations
made under Section 112ZJ of the
[Environment Act](#)
[S.N.S. 1994-95, c. 1](#)
O.I.C. 2023-35 (effective January 1, 2023), N.S. Reg. 32/2023

Citation

- 1** These regulations may be cited as the *Output-Based Pricing System Registration and Opt-in Regulations*.

Definitions

- 2** In these regulations,

“Act” means the [Environment Act](#);

“Minister” means the Minister of Environment and Climate Change;

“year” means a calendar year.

Establishment of output-based pricing system

- 3** An output-based pricing system is hereby established in accordance with [Section 112S](#) of the [Act](#).

Designation of opted-in facility

- 4** (1) For the purposes of [Section 112U](#) of the [Act](#), the owner or operator of an industrial facility that emits 10 000 tonnes or more but less than 50 000 tonnes of carbon dioxide equivalent of greenhouse gases in any of the 3 years immediately before January 1, 2023, or in any subsequent year, may apply to the Minister to have the industrial facility designated as an opted-in facility in accordance with [Section 5](#).
- (2) An application for designation must be made in the form and manner established by the Minister and include any documentation the Minister requires.
- (3) If the Minister is satisfied that an application for designation meets the requirements of this Section and [Section 5](#), the Minister must designate the facility as an opted-in facility.
- (4) If the Minister refuses an application for designation, the Minister must give written notice to the applicant that includes all of the following:
- (a) the reasons for the refusal;
- (b) a statement that the applicant may, no later than 5 business days after the date the notice was given, submit comments in writing to the Minister respecting the refusal.

- (5) After considering any comments received from an applicant within the time specified in the notice under subsection (4), the Minister must do 1 of the following:
 - (a) give the applicant written notice that the facility has been designated as an opted-in facility;
 - (b) give the applicant written notice of the Minister's refusal to designate the facility as an opted-in facility.

Effective date for opt-in designation

- 5 (1) If designated by the Minister under [subsection 4\(3\)](#), an application submitted in accordance with [Section 4](#) on or before April 1, 2023, is deemed to have been designated on January 1, 2023.
- (2) For a designation in any subsequent year, an application must be submitted in accordance with [Section 4](#) on or before September 1 of the year before the year in which the designation is intended to be effective.

Registration of regulated facility

- 6 (1) For the purposes of [Section 112V](#) of the [Act](#), and unless exempted by these regulations, the owner or operator of a regulated facility must apply to the Minister for registration of the regulated facility in accordance with the following deadlines:
 - (a) for designation during the 2023 year, on or before April 1, 2023;
 - (b) for each subsequent year, by September 1 of the year after the year in which the facility first has a total quantity of regulated emissions of 50 000 tonnes or more of carbon dioxide equivalent of greenhouse gases.
- (2) Despite clauses (1)(a) and (1)(b), the owner or operator of an opted-in facility must apply for registration of the opted-in facility no later than 15 business days after the date the facility is designated as an opted-in facility under [Section 4](#).
- (3) Despite subsection (2) and the effective date under [subsection 5\(1\)](#), the owner or operator of an opted-in facility who receives its designation in accordance with subsection 5(1) is deemed to have complied with subsection (2) if they apply for registration of the opted-in facility under [Section 4](#) within ~~business 15~~ [15 business] days of the date they received their designation.
- (4) If the owner and operator of a regulated facility are different persons, only 1 registration is required for the regulated facility.
- (5) An application for registration must be made in the form and manner established by the Minister and include any documentation the Minister requires.
- (6) If the Minister is satisfied that the application for registration meets the requirements of this Section, the Minister must register the regulated facility.
- (7) If the Minister refuses an application for registration, the Minister must give written notice to the applicant that includes all of the following:

- (a) the reasons for the refusal;
 - (b) a statement that the applicant may, no later than 5 business days after the date the notice was given, submit comments in writing to the Minister respecting the refusal.
- (8) After considering any comments received from an applicant within the time specified in the notice under subsection (7), the Minister must do 1 of the following:
- (a) give the applicant written notice that the facility has been registered;
 - (b) give the applicant written notice of the Minister's refusal to register the facility.
- (9) If an application for registration is refused and the applicant wishes to re-apply, the applicant must apply in accordance with the directions of the Minister.
- (10) The owner or operator of a regulated facility must notify the Minister in writing of any changes in the information submitted for the purposes of registration and provide updated information to the Minister no later than 30 days after the date of the change in information.

Removal from registration for regulated facility

- 7 (1) Upon application by the owner or operator of a regulated facility, the Minister may order that the regulated facility be removed from registration if the total quantity of regulated emissions by the regulated facility is less than 50 000 tonnes of carbon dioxide equivalent of greenhouse gases in each of the 3 consecutive years before the date of the application.
- (2) An application under subsection (1) may be made after the greenhouse gas emissions report required under [Section 112X](#) of the [Act](#) is submitted to the Minister.
- (3) The Minister may impose terms and conditions on an order under subsection (1) that may include exemptions from any requirement of the Act, the regulations and the standards, and the Minister may amend the terms and conditions imposed.
- (4) The owner or operator of a regulated facility must comply with all terms and conditions imposed by the Minister.
- (5) If a regulated facility is exempt from the requirement to register, the Minister may order that the regulated facility be removed from registration and the Minister must provide written notice of the removal to the owner or operator of the regulated facility.

Re-registration for regulated facility

- 8 (1) The owner or operator of a regulated facility that has been removed from registration under [Section 7](#) must re-register the facility in accordance with [Section 112V](#) of the [Act](#) if the regulated facility has a total quantity of regulated emissions of 50 000 tonnes or more of carbon dioxide equivalent of greenhouse gases in any year after the removal.
- (2) An order made by the Minister under [Section 7](#) will be revoked upon the re-registration of a regulated facility.
- (3) [Clause 6\(1\)\(a\)](#) and [subsections 6\(4\) to \(10\)](#) apply with the necessary changes in detail to a re-registration required under subsection (1).

Legislative History Reference Tables

Output-Based Pricing System Registration and Opt-in Regulations N.S. Reg. 32/2023
[Environment Act](#)

Note: The information in these tables does not form part of the regulations and is compiled by the Office of the Registrar of Regulations for reference only.

Source Law

The current consolidation of the *Output-Based Pricing System Registration and Opt-in Regulations* made under the [Environment Act](#) includes all of the following regulations:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
32/2023	Jan 1, 2023	date specified	Feb 24, 2023

The following regulations are not yet in force and are not included in the current consolidation:

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
--------------------	-------------------	--------------	--------------------------------

*See [subsection 3\(6\)](#) of the [Regulations Act](#) for rules about in force dates of regulations.

Amendments by Provision

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

Provision affected**How affected**

.....

Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
1 S. 6(3) in N.S. Reg. 32/2023 contains the phrase “within business 15 days”. The text has been corrected to read “within 15 business days” for the purposes of this consolidation.	

Repealed and Superseded

N.S. Regulation	Title	In force date	Repealed date
--------------------	-------	---------------	---------------

Note: Only regulations that are specifically repealed and replaced appear in this table. It may not reflect the entire history of regulations on this subject matter.