
**Pugwash Protected Water Area Regulations
made under subsections 106(1) and (6) of the
[Environment Act](#)
[S.N.S. 1994-95, c. 1](#)
N.S. Reg. 87/2022 (effective May 3, 2022)**

Citation

1 These regulations may be cited as the *Pugwash Protected Water Area Regulations*.

Definitions

2 In these regulations,

“Act” means the [Environment Act](#);

“agricultural operation” means a farming unit within the Protected Water Area which

- (i) houses 4 or more manure animal units of livestock, or
- (ii) has greater than 1 ha of land in forage production, crop production or pasture;

“biocide” means a toxic chemical or other substance capable of killing living organisms but does not include a registered pest control product;

“Committee” means the Pugwash Wellfield Advisory Committee that is a committee of the Municipality of Cumberland established to advise the County on all matters related to water quality in the Protected Water Area;

“County” means the municipal corporation known as the Municipality of Cumberland or its successors;

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

“detailed ground exploration” means exploration with ground disturbance, and includes drilling, blasting, test pitting, trenching, underground excavation, bulk sampling, stripping, road construction and watercourse alteration;

“forestry operation” means any activity related to the use of the forest for producing timber, wood fibre or Christmas trees, including but not limited to the following activities:

- (i) forest management planning,
- (ii) silviculture,
- (iii) road construction,
- (iv) storage and use of equipment and supplies used in any aspect of the forestry operation;

“managed trail” means the Managed Trail 264 A-B as indicated on Map A: Pugwash Protected Water Area as described in Appendix A to the designation;

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

“open fire” means a fire that is not fully contained within a stove or other device in common usage for the burning of wood as a fuel source for domestic cooking or heat;

“person” means a person as defined in the Act;

“pesticide” or “pest control product” means a pesticide or pest control product as defined in the Act;

“vehicle” means any vehicle driven or propelled otherwise than by muscular power, whether or not the vehicle is registered under the [Motor Vehicle Act](#) and includes off-highway vehicles;

“watercourse” means a watercourse as defined in the Act;

“Water Works Operator” means the Municipality of Cumberland, operator of the Pugwash water utility;

“whole tree logging” means the removal from the land of the branches and limbs of trees in addition to the trunks;

“Zone 1” means the area of land situated within the Protected Water Area, and designated as Zone 1, as described in Appendix A to the designation;

“Zone 2” means the area of land situated within the Protected Water Area, between the exterior boundary of Zone 1 and the exterior boundary of Zone 2, and designated as Zone 2, as described in Appendix A to the designation;

“Zone 3” means the area of land situated within the Protected Water Area, between the exterior boundary of Zone 2 and the exterior boundary of Zone 3, and designated as Zone 3, as described in Appendix A to the designation.

Public notice requirements

3 (1) The County must do all of the following:

- (a) post signs at appropriate locations to provide notice to the public of the designation of the Protected Water Area;
 - (b) replace any signs posted under clause (a) that have been damaged or removed;
 - (c) take appropriate measures to advertise and provide notice to the public of these regulations.
- (2)** A person must not remove or alter any sign, notice or advertisement posted by the Waterworks Operator under [clause 106\(2\)\(c\)](#) of the [Act](#).

Fire restrictions

- 4 A person must not light or be responsible for an open fire in the Protected Water Area.

Forestry restrictions

- 5 (1) A person must not begin a forestry operation without first obtaining the written approval of the Water Works Operator.
- (2) A forestry operation within the Protected Water Area must be conducted in accordance with all of the following:
- (a) The [Wildlife Habitat and Watercourses Protection Regulations](#) made under the [Forests Act](#), and the “Forest/Wildlife Guidelines and Standards for Nova Scotia” published by the Department of Natural Resources and Renewables, or its successor document or code of practice;
 - (b) A forest management plan prepared by a professional forester.
- (3) On municipally owned lands, the Water Works Operator is required to develop a forest management plan whose primary objective is to protect the groundwater resource as well as the integrity and health of the forest via silviculture and selective harvesting;
- (4) Whole tree logging is prohibited in the Protected Water Area.
- (5) Harvesting must occur on dry or frozen ground in the Protected Water Area.
- (6) Fuel and oil storage and handling in the Protected Water Area must be done in accordance with all of the following:
- (a) only environmentally friendly hydraulic and gear fluid products may be used;
 - (b) fuel discharge hoses must have nozzles with automatic shut-off valves installed;
 - (c) hand pumps must be equipped with automatic nozzles and locked when not in use;
 - (d) all fuel transportation tanks must be secured to the truck or trailer;
 - (e) gravity flow pumps for refueling equipment are not permitted;
 - (f) harvest machinery must have spill response materials onboard.

Pest control product and biocide restrictions

- 6 A person must not use pest control products or biocides within the Protected Water Area unless the person has received written permission from the Water Works Operator.

Refuse, waste and discharge restrictions

- 7 A person must not, at any time, deposit, pile, accumulate, discharge, drain or emit any oil or petroleum products, soap, detergent, garbage, litter, solid or liquid waste or effluent, or any other material which contaminates or may contaminate the source of water supply in the Protected Water Area.

On-site sewage disposal

- 8** The installation and use of a Department-approved on-site sewage disposal system to receive domestic waste only is restricted to Zone 3 with exception of the Department-approved on-site sewage disposal system owned and operated by the Water Works Operator at the existing water treatment facility.

Landfill restrictions

- 9** A person must not establish a dump, landfill or waste disposal site in the Protected Water Area.

Agriculture restrictions

- 10** An agricultural operation undertaken within the Protected Water Area must be conducted according to a nutrient management plan and environmental farm plan prepared by a qualified person in consultation with the Department of Agriculture and the Water Works Operator.

Easement restrictions

- 11** A person must not grant an easement for or construct or permit the construction of any road, railway, power transmission line or gas transmission line on, over or across the Protected Water Area unless approved in writing by the Water Works Operator.

Vehicle restrictions

- 12** A person must not own, use or operate a vehicle in Zone 1 or 2 of the Protected Water Area or on any municipally owned lands in the Protected Water Area, except in the following circumstances:
- (a) use by the County or its authorized representatives or agents to develop, maintain and operate the water works facilities located there;
 - (b) use by the County or its authorized representatives or agents to manage or protect its forest resources;
 - (c) use of the managed trail by those holding permits issued by any of the following:
 - (i) the All Terrain Vehicle Association of Nova Scotia,
 - (ii) the Nova Scotia Off Road Riders Association,
 - (iii) the Snowmobilers Association of Nova Scotia;
 - (d) use by the Department, Committee and other regulatory agencies to carry out inspections.

Pit, mine, quarry and hydrocarbon resource prohibitions

- 13** A person must not commence detailed ground exploration, hydrocarbon exploration or production, or an operation to extract gravel, rock or mineral in the Protected Water Area.

Ice control restrictions

- 14 Ice control on any road situated in the Protected Water Area must be done by a method other than by applying salt or chemicals.

Application for written permission

- 15 (1) On receiving an application for written permission to conduct an activity in the Protected Water Area, the Water Works Operator may request that the applicant provide further information reasonably related to the activity.
- (2) An application for written permission is not considered complete until the Water Works Operator receives any further information requested under subsection (1).

Timing of Water Works Operator's decision

- 16 The Water Works Operator must decide whether to grant or refuse permission under these regulations within 60 days after the date that the completed request for the permission and all required supplemental information are submitted.

Permission may include terms and conditions

- 17 Written permission granted by the Water Works Operator under these regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary for the protection of water quality and quantity in the Protected Water Area.

Legislative History Reference Tables

Pugwash Protected Water Area Regulations
[Environment Act](#)

N.S. Reg. 87/2022

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 *Pugwash Protected Water Area 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
87/2022	May 3, 2022	date specified	May 20, 2022

N.S. Regulation	In force date*	How in force	Royal Gazette Part II Issue
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*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
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Note that changes to headings are not included in the above table.

Editorial Notes and Corrections

Note	Effective date
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Repealed and Superseded

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