

Greenhouse Gas Emissions Regulations

made under subsection 28(6) and Section 112 of the
Environment Act
S.N.S. 1994-95, c. 1

O.I.C. 2009-341 (August 14, 2009), N.S. Reg. 260/2009
as amended to O.I.C. 2013-332 (September 10, 2013), N.S. Reg. 305/2013

Citation

1 These regulations may be cited as the Greenhouse Gas Emissions Regulations.

Definitions

2 In these regulations,

“Act” means the Environment Act;

“compliance period” means a multi-year period prescribed in Section 4 for which an emission cap has been specified in Section 4;

“emission cap” means the maximum total greenhouse gas emissions specified for a compliance period for all facilities in the Province as set out in Section 4, for the purpose of reducing the total amount of greenhouse gases emitted from all facilities in the Province;

“facility” means any building, structure, generation unit, equipment or stationary item that is located on a single site, or on contiguous or adjacent sites that function as a single integrated site for supplying electricity for sale, and that emits greenhouse gases;

“facility owner” means any person who owns, operates or is responsible for a facility, but does not include an individual employee;

“generation unit” means a combustion unit generating heat, steam or another form of energy for the purposes of supplying electricity that is delivered on the Provincial power grid;

“greenhouse gases” means the greenhouse gases listed in Table 1 of Schedule A;

“global warming potential” means the 100-year global warming potential amount for a greenhouse gas as listed in the applicable notice with respect to reporting of greenhouse gases issued by the federal Minister of the Environment under subsection 46(1) of the Canadian Environmental Protection Act, 1999 (Canada) and published in the Canada Gazette;
Definition replaced: O.I.C. 2013-332, N.S. Reg. 305/2013.

“ISO” means the International Organization for Standardization;
Definition added: O.I.C. 2013-332, N.S. Reg. 305/2013.

“ISO 14064-3” means ISO standard ISO 14064-3, “Greenhouse gases—Part 3: Specification with guidance for the validation and verification of greenhouse gas assertions”, as supplemented, amended, added to, replaced or superseded;

Definition added: O.I.C. 2013-332, N.S. Reg. 305/2013.

“ISO 14065” means ISO standard 14065, “Greenhouse gases—Requirements for greenhouse gas validation and verification bodies for use in accreditation or other forms of recognition”, as supplemented, amended, added to, replaced or superseded;

Definition added: O.I.C. 2013-332, N.S. Reg. 305/2013.

“low-emissions electricity” means electric energy produced from any source of renewable energy, including any of the following:

- (i) solar energy,
- (ii) wind energy,
- (iii) biomass that has been harvested in a sustainable manner,

Subclause (iii) amended: O.I.C. 2013-332, N.S. Reg. 305/2013.

- (iv) run-of-the-river hydroelectric energy,
- (v) ocean-powered energy,
- (vi) tidal energy,
- (vii) wave energy,
- (viii) landfill gas,
- (ix) liquid biofuel and other biogas energy,
- (x) nuclear power,
- (xi) large hydro;

“new transmission incentive” means an increase in the emission cap for a compliance period granted in accordance with Section 7 in return for eligible investments made by a facility owner.

Application of regulations

3 These regulations apply to any facility located in the Province that emits greater than 10 000 metric tonnes of carbon dioxide equivalent (10 kt CO₂ eq) greenhouse gases in a calendar year.

Compliance periods and emission caps

4 (1) The compliance periods, the calendar years covered by the periods and the corresponding total emission caps for all facilities in the Province are as set out in the following table:

Compliance Period
Calendar Years
Emission Cap for All
Facilities in the Province
(million tonnes CO₂eq)

2010, 2011
19.22
(cumulative total)
2
2012, 2013
18.5
(cumulative total)
3
2014, 2015, 2016
26.32
(cumulative total)
4
2017, 2018, 2019
24.06
(cumulative total)
5
2020
7.5
6
2021, 2022, 2023, 2024
27.5
(cumulative total)
7
2025
6
8
2026, 2027, 2028, 2029
21.5
(cumulative total)
9
2030
4.5

Subsection 4(1) amended: O.I.C. 2013-332, N.S. Reg. 305/2013.

(2) The emission caps must be met and each facility owner must ensure that the emission caps are met.

(3) A facility owner must coordinate with other facility owners to reduce greenhouse gas emissions and must implement measures to meet the emission caps.

(4) The Minister may allocate a maximum greenhouse gas emission to an individual facility but the allocated maximum must not increase the total amount of greenhouse gases specified in an emission cap.

Annual report

5 (1) Starting in the year 2009, and for every calendar year thereafter, a facility owner must submit an annual report to the Minister no later than March 31 of the following year.

(2) An annual report must include all of the following information about all of the facility owner's facilities:

- (a) the legal name of the facility owner;
 - (b) the name and location of each of the facilities;
 - (c) the National Pollutant Release Inventory identification number for each of the facilities;
 - (d) the name, position, mailing address and telephone number of the person submitting the report;
 - (e) the name, position, mailing address and telephone number of the authorized signing officer certifying the statement as required under subsection (3);
 - (f) the total quantity in metric tonnes of direct emissions from each facility and the generation units;
 - (g) the total quantity in metric tonnes of direct emissions of carbon dioxide from each facility and the generation units of all of the following:
 - (i) greenhouse gases and global warming potentials,
 - (ii) carbon dioxide,
 - (iii) methane and nitrous oxide,
 - (iv) sulphur hexafluoride, hydrofluorocarbons and perfluorocarbons by individual species;
 - (h) the method of estimation used to determine the quantities of emissions reported, chosen from the following:
 - (i) monitoring,
 - (ii) direct measurement,
 - (iii) mass balance,
 - (iv) emission factors,
 - (v) engineering estimates;
 - (ha) the total quantity of each type of fuel used in the facility owner's facilities;
- Clause 5(2)(ha) added: O.I.C. 2013-332, N.S. Reg. 305/2013.

(i) any information required by the Minister to determine compliance with these regulations.

(3) An annual report must include a statement signed by an authorized signing officer on behalf of the facility certifying that the information submitted in the report is true, accurate and complete.

Compliance period report

6 (1) In this Section, “verifier” means an independent third party that meets all of the following criteria:

(a) it is accredited to meet the requirements of ISO 14065 by a member of the International Accreditation Forum; and

(b) it consists of accounting and financial auditing expertise and engineering and environmental assessment expertise.

Subsection 6(1) replaced: O.I.C. 2013-332, N.S. Reg. 305/2013.

(2) A facility owner must submit a compliance period report to the Minister for each compliance period, no later than March 31 of the year following the end of the compliance period.

(3) A compliance period report must include all of the following information about all of a facility owner’s facilities:

(a) a summary of the total greenhouse gas emissions produced over the compliance period;

(b) any new transmission incentives approved for the compliance period;

(c) an assessment by a verifier of the total emissions produced over the compliance period, as required by subsection (4).

(4) A facility owner must have a verifier assess, to a reasonable level of assurance in accordance with ISO 14064-3, the total emissions produced over a compliance period and must provide the verifier with any information or documentation that relates to the assessment and allow the verifier to access any facility owned or operated by the facility owner to do any of the following:

(a) collect information used to calculate the greenhouse gas emissions;

(b) take samples of any energy sources used to generate electricity;

(c) take samples of emissions;

(d) examine and collect documentation related to any energy sources purchased to generate electricity.

Subsection 6(4) amended: O.I.C. 2013-332, N.S. Reg. 305/2013.

New transmission incentive

7 (1) Subject to subsection (6), a facility owner may apply to the Minister for a new transmission incentive for a compliance period no later than 6 months before the end of the compliance period to which it will apply.

(2) An application for a new transmission incentive must include documentation demonstrating the facility owner has invested or will invest in new transmission capacity that has or will increase the facility owner’s ability to move electrical power generated in the Province by sources of low-emissions electricity.

(3) The amount of a new transmission incentive must be calculated in accordance with the following scale of transmission investment costs:

Compliance Period

Investment Cost of Transmission Incentive per Metric Tonne

Maximum Potential Transmission Incentive (million metric tonnes CO₂eq)

1

\$15

0.58

2

\$25

0.56

3

\$40

0.79

4

\$60

0.72

(4) The amount allowed for a new transmission incentive will not be specified by the Minister until documentation is provided that confirms the transmission investment expenditure required by subsection (2).

(5) A new transmission incentive must be applied towards the emission cap for the compliance period it was allowed for and cannot be carried over and applied to subsequent emission caps.

(6) An application for a new transmission incentive may not be made for compliance period number 5 (2020).

Penalties

8 Any fine imposed by a court for a contravention of these regulations must be designated to be paid to the Nova Scotia Environmental Trust Fund.

Schedule A

Greenhouse Gases

Table 1: Greenhouse Gases Subject to Mandatory Reporting

Greenhouse Gas

Chemical formula

CAS Registry Number

(see footnote 1)

Carbon dioxide

CO₂

124-38-9

Methane

CH₄

74-82-8

Nitrous oxide

N₂O

10024-97-2

Sulphur hexafluoride

SF₆

2551-62-4

Hydrofluorocarbons (HFCs):

HFC-23

CHF₃

75-46-7

HFC-32

CH₂F₂

75-10-5

HFC-41

CH₃F

593-53-3

HFC-43-10mee

C₅H₂F₁₀

138495-42-8

HFC-125

C₂H₂F₅

354-33-6

HFC-134

C₂H₂F₄ (structure: CHF₂CHF₂)

359-35-3

HFC-134a

C₂H₂F₄ (structure: CH₂FCF₃)

811-97-2

HFC-143

C₂H₃F₃ (structure: CHF₂CH₂F)

430-66-0

HFC-143a

C₂H₃F₃ (structure: CF₃CH₃)

420-46-2

HFC-152a

C₂H₄F₂ (structure: CH₃CHF₂)

75-37-6

HFC-227ea

C₃H₂F₇

431-89-0

HFC-236fa

C₃H₂F₆

690-39-1

HFC-245ca

C₃H₃F₅

679-86-7

Perfluorocarbons (PFCs):

Perfluoromethane
CF₄
75-73-0
Perfluoroethane
C₂F₆
76-16-4
Perfluoropropane
C₃F₈
76-19-7
Perfluorobutane
C₄F₁₀
355-25-9
Perfluorocyclobutane
c-C₄F₈
115-25-3
Perfluoropentane
C₅F₁₂
678-26-2
Perfluorohexane
C₆F₁₄
355-42-0

1. The Chemical Abstracts Service (CAS) Registry Number is the property of the American Chemical Society and any use or redistribution, except as required in supporting regulatory requirements and/or for reports to the Government when the information and the reports are required by law or administrative policy, is not permitted without the prior written permission of the American Chemical Society.

Schedule A, Table 2 repealed: O.I.C. 2013-332, N.S. Reg. 305/2013.