

Activities Designation Regulations
made under Section 66 of the
Environment Act
S.N.S. 1994-95, c. 1
O.I.C. 95-286 (effective April 11, 1995), N.S. Reg. 47/1995
amended to O.I.C. 2022-179 (effective July 5, 2023), N.S. Reg. 124/2022
and including O.I.C. 2022-326 (effective December 19, 2022), N.S. Reg. 329/2022

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Citation

- 1 These regulations may be cited as the *Activities Designation Regulations*.

Definitions

- 2 (1) In these regulations

“Act” means the Environment Act;

“Administrator” means a person who has been appointed by the Minister to be responsible for processing applications respecting activities designated under these regulations, and includes an acting Administrator;

“*Approval and Notification Procedure Regulations*” means the *Approval and Notification Procedure Regulations* made under the Act;

“Department” means the Department of Environment;

“extension” means an increase in size, volume or other physical dimensions of an activity such that the increase may cause an adverse effect if not properly mitigated;

“Minister” means the Minister of the Environment;

“modification” means a change to an activity that may cause an adverse effect if not properly mitigated and includes, but is not limited to, the expansion of the same process, addition of product lines and replacement of equipment with different technology other than that presently in use;

“*On-site Sewage Disposal Systems Regulations*” means the *On-site Sewage Disposal Systems Regulations* made under the Act;

“professional engineer” means a person who holds a valid and subsisting certificate of registration or licence to practise under the *Engineering Profession Act*.

- (2) Where a term defined in the Act is used in these regulations, it has the defined meaning for the purpose of these regulations except where these regulations further define or clarify the meaning.

Designation of activities

- 3** (1) Anything designated as an activity in these regulations requires an approval from the Minister or an Administrator designated by the Minister unless it is specified as an activity that requires notification.
- (2) Any modification or extension of an activity designated in these regulations requires an approval from the Minister or an Administrator designated by the Minister unless
- (a) it is exempted; or
- (b) the modified or extended activity continues to meet the criteria for providing notification, in which case a further notification must be provided.
- (3) An activity that is designated in these regulations and is carried out on lands owned or occupied by Her Majesty the Queen in right of Canada, or an agency, board or commission of Her Majesty the Queen in right of Canada, or the modification or extension of such an activity, does not require an approval or notification unless the activity causes or may cause an adverse effect beyond the boundaries of those lands.

Type of approval

- 4** In accordance with subsection 3(2) of the *Approval and Notification Procedure Regulations*, anything designated in these regulations as an activity that requires an approval requires a Type A approval, except for activities designated as requiring a Type B approval or notification.

References to approvals in other enactments

- 4A** Any reference to an approval in any Act other than the *Environment Act* or in any other regulation must be interpreted as a reference to an approval or a notification, as the case may be.

Transition

- 4B** Despite any provision of these regulations that requires a person to provide notification, any approval issued and in good standing on the effective date of these regulations continues in force until its expiry date, unless earlier terminated in accordance with its terms.

Division I - Water

Definitions for Division I

- 5** For the purpose of Division I,
- (a) “bank” means that portion of a watercourse between the ordinary high water mark and the boundary of the watercourse in its fullest natural state, but does not include any area of overflow onto a flood plain;

- (b) “bed” means that portion of a watercourse that is commonly submerged in water;
- (c) “equipment” means power tools, including chainsaws, generators and jackhammers, but not including vehicles as defined in the *Motor Vehicle Act*;
- (d) “ordinary high water mark” means the limit or edge of the bed of a body of water where the land has been covered by water so long as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself;
- (e) “Watercourse Alteration Installer” means a person who holds a valid certificate of qualification to install or construct watercourse alterations issued under Section 64 of the Act and in accordance with Section 5F;
- (f) “Watercourse Alteration Sizer” means a person who holds a valid certificate of qualification to choose the size of watercourse crossings issued under Section 64 of the Act and in accordance with Section 5F.

Activities requiring approvals

5A (1) Using or altering a watercourse or water resource, or the flow of water in a watercourse or water resource, for any of the following purposes is designated as an activity that requires an approval, unless it requires a notification under Section 5B or is exempt under Section 5D:

- (a) withdrawing or diverting water in a volume greater than 23 000 L per day from a source of surface water or ground water;
 - (b) storing water in a volume of 25 000 m³ or greater;
 - (c) constructing, modifying or maintaining a dam.
- (2)** Altering any of the following, or the flow of water in any of the following, is designated as an activity that requires an approval, unless it requires a notification under Section 5B or is exempt under Section 5D:
- (a) a watercourse;
 - (b) a water resource;
 - (c) a wetland.

Activities requiring notifications

5B (1) Each of the following watercourse alterations is designated as an activity requiring notification, unless it is exempt under Section 5D:

- (a) work to improve fish habitat, including using half logs, rock groupings, root wads, digger logs, rock sills, low head barriers and weirs, but not

including work otherwise included under clauses (b) or (c), if all of the following conditions are met:

- (i) the watercourse is altered for 15 m or less along the length of the watercourse,
 - (ii) the work is done only by hand or equipment,
 - (iii) the work begins on or after June 1 and ends on or before September 30;
- (b) constructing or modifying a single culvert or other single closed-bottom structure for the purpose of a road, railbed, trail or footpath crossing, if all of the following conditions are met:
- (i) the length of the culvert or structure is 25 m or less,
 - (ii) the watercourse slope is less than 8.0%,
 - (iii) the watershed of the watercourse crossing is 20 km² or less in area,
 - (iv) the work begins on or after June 1 and ends on or before September 30;
- (c) constructing or modifying a bridge or other open-bottom structure for the purpose of a road, railbed, trail or footpath crossing, if all of the following conditions are met:
- (i) the bed of the watercourse is not altered,
 - (ii) the bank of the watercourse is altered,
 - (iii) the length of the span is 15 m or less for a bridge, or 3600 mm or less for a structural plate arch or other open-bottom structure,
 - (iv) the length of any structural plate arch installed is 25 m or less,
 - (v) work that alters the bank of the watercourse begins on or after June 1 and ends on or before September 30;
- (d) a bank alteration not included under clause (a), (b) or (c), if all of the following conditions are met:
- (i) the width of the portion of the bank that is altered is 5 m or less,
 - (ii) the bed of the watercourse is not altered,

- (iii) the work begins on or after June 1 and ends on or before September 30;
 - (e) maintaining alterations or structures associated with activities designated in subsection 5A(2) and clauses (a) to (d), if all of the following conditions are met:
 - (i) the work is restricted to preserving the alteration or structure in a state as close as possible to the state it was in when it was installed,
 - (ii) the work is done below the ordinary high water mark,
 - (iii) the work begins on or after June 1 and ends on or before September 30.
- (2) A person who is carrying on an activity designated in this Section as requiring a notification must do so in compliance with the latest edition of the *Nova Scotia Watercourse Alterations Standard* published by the Department.

Qualifications required for certain alterations

- 5C** (1) A structure described in clause 5B(1)(b) that is to be installed in a watercourse with a slope less than or equal to 0.5% must be sized by a Watercourse Alteration Sizer or a professional engineer before it is installed.
- (2) A structure described in clause 5B(1)(b) that is to be installed in a watercourse with a slope greater than 0.5% but less than 8.0% must be designed by a professional engineer before it is installed.
- (3) A structure described in clause 5B(1)(c) must be sized by a Watercourse Alteration Sizer or a professional engineer before it is installed.
- (4) Effective on and after October 1, 2016, each activity designated in clause 5A(2)(a) and Section 5B must be carried out by a Watercourse Alteration Installer or under the direct supervision of a Watercourse Alteration Installer.
- (5) Despite subsections (1), (3) and (4), until September 30, 2019, a person who is certified by the Minister as having, before October 1, 2014, successfully completed the Maritime College of Forest Technology Watercourse Alteration Certification for Nova Scotia program may do anything otherwise required to be done by a Watercourse Alteration Installer or Watercourse Alteration Sizer.

Exemptions

- 5D** A person is exempt from the requirement to obtain an approval or provide notification in respect of any of the following activities:
- (a) non-recurring use of water from the same watercourse for a total period of less than 2 weeks in the same year;
 - (b) using seawater;

- (c) using brackish water from an intertidal zone of a river estuary;
- (d) maintaining of lands and structures by marsh bodies incorporated under the *Agricultural Marshland Conservation Act*;
- (e) maintaining alterations or structures associated with activities designated in subsections 5A(1) and (2) and clauses 5B(1)(a) to (d), if the work is done above the ordinary high water mark.

Conflict with protected water area regulations

5E If any provision of this Division conflicts with regulations respecting any protected water area designated under Section 106 of the Act, the more onerous provision applies.

Certificates of qualification

- 5F** (1) To be issued a certificate of qualification as a Watercourse Alteration Installer or a Watercourse Alteration Sizer, a person must do all of the following:
- (a) successfully complete a relevant course of instruction established or adopted by the Minister;
 - (b) apply for the certificate of qualification on a form specified by the Minister;
 - (c) pay any required fee.
- (2) A certificate of qualification as a Watercourse Alteration Installer or a Watercourse Alteration Sizer expires 10 years from the date it is issued, unless cancelled or suspended earlier.
- (3) The Minister may reinstate a certificate of qualification that has been suspended on any terms and conditions that the Minister considers appropriate.

Division II - Pesticide

- 6** (1) For the purpose of Division II,
- (a) “forested land” includes, but is not limited to, land used for the production of pulp, sawlogs, lumber or firewood, but does not include land used to grow Christmas trees;
 - (b) “soil sterilization” means use of a non-selective herbicide which provides residual control of plants for a period of time exceeding 6 months;
 - (c) “spot treatment” means the application of a pesticide to an area which does not exceed 100 m².
- (2) The application of a pesticide in any one or more of the following circumstances:

- (a) on forested land;
 - (b) on a utility corridor or utility right-of-way, excluding spot treatment and the direct application of wood preservatives to utility poles;
 - (c) on a road, street, or highway, excluding spot treatment;
 - (d) on an industrial or commercial site for soil sterilization;
 - (e) in, on or over a surface watercourse; or
 - (f) from any aircraft in flight,
- is designated as an activity.

(3) [repealed]

Division III - Municipal Waste

Part 1: Sewage/Storm Drainage/Septage

- 7** (1) For the purpose of this Section,
- (a) “septage” means any liquid or solid materials pumped from a septic tank or cesspool;
 - (b) “sewage” includes domestic, commercial, institutional and industrial wastes, consisting primarily of biodegradable organic material of human, plant or animal origin.
- (2) The construction, operation or reclamation of
- (a) a sewage works, including
 - (i) sewage collection systems and pumping stations,
 - (ii) retention or storage facilities,
 - (iii) treatment facilities,
 - (iv) outfalls; or
 - (b) a storm drainage works, including
 - (i) storm collection systems and pumping stations,
 - (ii) retention or storage facilities,

(iii) treatment facilities,

(iv) outfalls; or

(c) a septage works, including

(i) treatment and disposal facilities,

is designated as an activity.

(3) An activity designated under subclause (2)(a)(iii) does not require an approval if the sewage generated by the activity is discharged to a municipal wastewater treatment facility approved by the Minister or an Administrator.

7A (1) Definitions in the *On-site Sewage Disposal Systems Regulations* apply to this Section.

(2) Each of the following is designated as an activity:

(a) the installation of a system;

(b) the replacement of a system;

(c) the alteration of a system.

(3) Unless it is exempt under subsection (5) or (6), an activity specified in subsection (2) is designated as requiring notification, except that any activity that cannot be done in compliance with the *On-site Sewage Disposal Systems Regulations* and the Standard requires an approval.

(4) A notification or application for approval for a system must be submitted by a qualified person or a professional engineer.

(5) The construction of a pit privy is exempt from the requirement to provide notification or obtain an approval, but must be done in accordance with the Standard.

(6) The following activities are exempt from the requirement to provide notification or obtain an approval:

(a) replacement of a septic tank, pump or siphon chamber in the same location as the existing one, or in accordance with the Standard;

(b) diversion of sewage away from a water resource or a structure as a temporary measure;

(c) repair of any of the following:

- (i) a pipe that connects a building to the rest of a disposal system,
 - (ii) a non-perforated pipe used in a system to transfer effluent from a septic tank, pump or siphon chamber to a disposal field;
- (d) replacement of imported sand fill or final cover material in an eroded system.

Part 2: Solid Waste

- 8 (1)** For the purpose of Part 2 of Division III,
- (a) “construction and demolition debris” means waste generated from materials that are normally used in the construction of buildings, structures, roadways or walls or in landscaping, including wallboard, drywall, plaster, cellulose, fiberglass fibres, lumber, wood, asphalt shingles and metals, but not including inert debris;
 - (b) “inert debris” means any of the following:
 - (i) rock or aggregate, but not including rock to which Section 13 and the *Sulphide Bearing Material Disposal Regulations* apply,
 - (ii) soil,
 - (iii) trees, brush, limbs, stumps, root balls or organic mat,
 - (iv) any of the following materials, if free of adhesives, coatings or preservatives:
 - (A) bricks,
 - (B) mortar,
 - (C) concrete,
 - (D) asphalt pavement,
 - (E) porcelain or ceramic materials,
 - (F) milled wood;
 - (c) “municipal solid waste” has the same meaning as in the *Solid Waste-Resource Management Regulations* made under the Act;
 - (d) “solid waste management facility” includes all of the following:

- (i) a resource recovery facility that processes municipal solid waste or construction and demolition debris into fuel or energy,
 - (ii) a composting facility that processes more than 60 m³ of compostable organic material per year,
 - (iii) a facility for transferring, storing, mixing, processing, treating or disposing of municipal solid waste,
 - (iv) a facility for transferring, storing, processing or disposing of construction and demolition debris;
- (e) “*Sulphide Bearing Material Disposal Regulations*” means the *Sulphide Bearing Material Disposal Regulations* made under the Act.
- (2) The construction, operation or reclamation of a solid waste management facility is designated as an activity.
- (3) Rock, including construction and demolition debris, that contains sulphide-bearing material is subject to Section 13 and the *Sulphide Bearing Material Disposal Regulations* ~~made under the Act~~.

Part 3: Water Works

- 9 The construction, operation or reclamation of municipal water works including
- (a) water supply facilities or works;
 - (b) water treatment facilities or works; and
 - (c) water distribution facilities or works, except extensions or modifications to existing water distribution facilities or works.

is designated as an activity.

Division IV - Dangerous Goods/Waste Dangerous Goods/Salvage Yard

- 9A (1) For the purpose of Division IV, a term defined in the *Dangerous Goods Management Regulations* made under the Act has the same meaning when used in this Division.
- (2) For the purpose of Division IV,
- (a) “dangerous goods facility” means the land or premises on, in or under which dangerous goods are packaged, processed, re-processed or stored;
 - (b) “Schedule A” means Schedule A to the *Dangerous Goods Management Regulations* made under the Act;

- (c) “waste dangerous goods facility” means the land or premises on, in or under which waste dangerous goods are treated, processed, packaged, re-processed, recycled, disposed of or stored.

10 (1) The construction, operation or reclamation of

- (a) a dangerous goods facility, if the facility processes, packages, re-processes or stores dangerous goods listed in Column I of Schedule A in quantities that exceed the quantities listed in Column II of Schedule A for those goods;
 - (aa) a waste dangerous goods facility, if the facility treats, processes, packages, re-processes, recycles, disposes of or stores dangerous goods listed in Column I of Schedule A that have become waste dangerous goods in quantities that exceed the quantities listed in Column II of Schedule A for those goods;
 - (b) a permanent facility for the handling of dangerous goods or waste dangerous goods generated in a residence;
 - (c) a facility for the handling of soils containing a chemical or petroleum product which is located in a place other than where the soil originated or became contaminated;
 - (d) a facility for the disposal of oily debris resulting from releases of a petroleum product;
 - (e) a commercial salvage facility which exceeds 0.25 ha in area which is used to salvage automobiles, transportation vehicles, or industrial equipment;
 - (f) a site with a chemical storage tank system the capacity of which exceeds 2000 L of chemicals in liquid form or 2000 kg of chemicals in solid form, whichever is applicable;
 - (g) a petroleum storage tank system consisting of one or more petroleum tanks and associated piping; or
 - (h) a facility for the storage or disposal of asbestos waste,
- is designated as an activity.

(2) Despite Section 3 and subsection (1), the following facilities are exempt from requiring an approval for construction, operation or reclamation:

- (a) a propane bulk facility regulated by the Fire Marshal;
- (b) an explosives storage facility regulated under the *Explosives Act* (Canada);

- (c) a PCB waste storage facility regulated under the *PCB Regulations* made under the *Canadian Environmental Protection Act, 1999* (Canada);
- (d) a retail outlet at which dangerous goods are stored and packaged as consumer products in small quantities normally used by the public.

Division V - Industrial

- 11** An activity designated in Division V does not require an approval if it generates only a liquid effluent which is discharged to a municipal wastewater treatment facility approved by the Minister or an Administrator.

Part 1: Chemical

- 12** The construction, operation or reclamation of
- (a) a chemical manufacturing plant in which organic or inorganic chemicals are manufactured, including hydrogen and ammonia;
 - (b) a fertilizer manufacturing plant in which a substance or a mixture of substances is manufactured that contains one or more components of nitrogen, phosphorus, potassium, or other plant food that is marketed or represented for use as a plant nutrient;
 - (c) a fertilizer storage facility that has the capacity to store fertilizer in quantities of
 - (i) 250 t or more of anhydrous ammonia, or
 - (ii) 500 t or more of granular or prilled ammonia phosphate or ammonium nitrate or urea fertilizer products;
 - (d) an explosives manufacturing plant in which dynamite, nitroglycerin, ammonium nitrate, cyclotrimethylene trinitramine (RDX), cyclotetramethylene tetranitramine (HMX) or trinitrotoluene (TNT) is manufactured, excluding blending or mixing facilities located on-site where explosives are being used or a fertilizer manufacturing plant;
 - (e) a pesticide manufacturing plant in which a pesticide is manufactured or processed;
 - (f) a petrochemical manufacturing plant in which organic chemical substances produced from natural organic or petroleum-based materials are produced, processed or handled, excluding an oil refinery, a re-refinery or a natural gas processing facility;
 - (g) a coke or carbon manufacturing plant in which coke or carbon products are produced or processed;

- (h) a brine processing plant in which brine products, including common table salt are produced or processed;
- (i) a pharmaceutical manufacturing plant in which a medical drug for sale or distribution is processed, excluding a facility that engages solely in research;
- (j) a paint manufacturing plant in which paints, lacquers, primers or enamels are produced or processed; or
- (k) an industrial cleaners manufacturing facility in which materials, including, but not limited to, degreasers, strippers or bleaches are produced,

is designated as an activity.

Part 2: Construction

13 The construction, operation or reclamation of

- (a) a building products manufacturing plant in which asphalt shingles, gypsum wall-board, hardboard, bricks or tiles are manufactured;
- (b) a cement plant in which Portland cement is manufactured;
- (c) an asphalt paving plant in which asphalt is manufactured through the mixing of aggregate and asphalt oil or recycled asphalt material;
- (d) a stationary ready-mix concrete plant that manufactures ready-mixed concrete;
- (e) a pit that is larger than 2 ha where a ground disturbance or excavation is made for the purpose of removing aggregate without the use of explosives;
- (f) a quarry where a ground disturbance or excavation is made for the purpose of removing aggregate with the use of explosives;
- (g) a topsoil removal operation where a ground disturbance or excavation greater than 1 ha is made for the purpose of removing topsoil; or
- (h) a sulphide bearing material disposal operation,

is designated as an activity.

Part 3: Food or Fish and Animal By-products

14 (1) For the purpose of Part 3 of Division V,

- (a) “fish” means finfish, shellfish, or marine mammals;
- (b) “hide” means the outer covering of the body of an animal including any pieces of flesh and the hair;
- (c) “renders” means cooks or melts down animal parts to produce meal or other saleable by-products.

(2) The construction, operation or reclamation of

- (a) a rendering plant in which meat or animal or poultry products is rendered, with or without oil refining;
- (b) [repealed]
- (c) [repealed]
- (d) [repealed]
- (e) a tannery in which animal hides or skins are received and processed into leather or leather products;
- (f) [repealed]
- (g) [repealed]
- (h) [repealed]
- (i) [repealed]
- (ia) [repealed]
- (j) [repealed]
- (k) a fish silage operation in which ground up fish waste is digested,
- (l) [repealed]
- (m) [repealed]

is designated as an activity.

Part 4: Metals

15 The construction, operation or reclamation of

- (a) an electroplating plant in which metal electroplating, anodizing, or galvanizing processes are carried out;

- (b) a foundry in which metal products are produced through thermal melting and casting or moulding of metals, including reclaimed metals;
- (c) a smelter in which a furnace is used to obtain metals from metal concentrates;
- (d) an iron and steel mill in which iron and steel are manufactured through the use of heating or thermal melting, other than welding, excluding a facility that fabricates secondary products from iron and steel;
- (e) a pewter ware manufacturing facility in which various articles are processed from pewter and wastewater containing metals including tellurium, tin, lead, copper and antimony is discharged;
- (f) a battery manufacturing plant in which batteries are produced including, but not limited to, lead-acid, alkaline, and nickel-cadmium batteries; or
- (g) a rolling stock manufacturing plant in which rolling stock is produced, including, but not limited to, railcars, railcar wheels and axles, buses, trucks and automobiles,

is designated as an activity.

Part 5: Minerals

- 16** (1) For the purpose of Part 5 of Division V,
- (a) “infrastructure” means any works, buildings, structures, facilities, equipment, apparatus, mechanism, instrument or machinery belonging to or used in connection with a surface mine, underground mine or peat moss harvesting operation;
 - (b) “mineral” means a natural solid inorganic or fossilized organic substance including any substance prescribed under the Mineral Resources Act to be a mineral as well as gypsum and non-Crown limestone, but does not include ordinary stone, building stone, construction stone, sand, gravel, peat, peat moss, ordinary soil, oil or natural gas.
- (2) The construction, operation or reclamation of
- (a) a lime plant in which lime is manufactured by the calcining of limestone or produces other calcium carbonate derivatives as a saleable product;
 - (b) a coal processing plant in which coal is processed including a wash plant, a recovery plant or a beneficiation plant;
 - (c) a mineral processing plant in which concentrates are produced from mineral bearing ore including lead, zinc, tin and copper;

- (d) a surface mine where an opening or excavation is made in the ground from the surface which may require the use of explosives for the purpose of procuring any mineral bearing ore, including coal, and any associated infrastructure;
- (e) an underground mine where an opening or excavation is made in the ground below surface which may require the use of explosives for the purpose of procuring any mineral bearing ore, including coal, and any associated infrastructure;
- (f) a peat moss harvesting operation where an opening or excavation is made in the ground for the purpose of procuring peat, including any associated infrastructure;
- (g) an in-situ leach mining operation where wells are drilled in mineral bearing ore and the subsequent addition and removal of chemicals is used to extract the mineral;
- (h) a bulk sample site where more than 100 t of mineral bearing ore is removed for the purposes of proving mineral quality or where less than 100 t of mineral bearing ore is removed where total disturbed tonnage exceeds 10 000 t; or
- (i) a bulk solids handling loadout facility in which solids such as coal, gypsum, limestone or mineral concentrates are stored and subsequently loaded,

is designated as an activity.

Part 6: Oil and Gas, and Carbon Sequestration

- 17 (1)** For the purpose of Part 6 of Division V,
- (a) “carbon sequestration” means the depositing underground, with or without modification, of waste carbon dioxide, or other waste gas containing carbon, that originates from a point source emission, so that it will no longer enter the atmosphere;
 - (aa) “methane” means in addition to its normal scientific meaning, a gaseous mixture composed mainly of methane and which may contain ethane, nitrogen, helium or carbon dioxide;
 - (b) “raw gas” means a mixture that contains methane and may also contain other paraffinic hydrocarbons, that may or may not contain various sulphur compounds and that is gaseous at the conditions under which its volume is measured;

- (c) “synthetic crude oil” means a mixture consisting mainly of pentanes and heavier hydrocarbons but also sulphur compounds, that is derived from crude bitumen and that is liquid at the conditions under which its volume is measured;
- (d) “used oil” means petroleum derived or synthetic lubrication oils, hydraulic fluids, metal working fluids and insulating fluids which through use are no longer suitable for their intended purpose but are suitable for re-refining or other uses that are considered acceptable to the Department.
- (e) “liquified natural gas” means a fluid in a liquid state that is composed predominately of methane and that may contain quantities of ethane, propane, nitrogen or other components found in natural gas;
- (f) “liquified natural gas plant” means a plant used to store liquified natural gas and includes a plant that conditions, liquefies, transfers or vaporizes liquified natural gas.

(2) The construction, operation or reclamation of

- (a) an oil refinery used for manufacturing hydrocarbon products from condensate, crude oil, synthetic crude oil, wood products or other hydrocarbon feedstock;
- (b) a re-refinery capable of utilizing used oil for the production of useable hydrocarbon products;
- (c) a natural gas processing plant in which raw gas is processed into saleable hydrocarbon products and which may remove sulphur compounds;
- (d) a bulk petroleum storage facility consisting of one or more petroleum tanks and associated piping;
- (e) a brine storage pond that is used for the storage of water that is saturated with a salt;
- (f) a compressor and pumping station for the movement of a hydrocarbon fluid by means of compression or pumping;
- (g) [repealed]
- (h) a used oil collection facility capable of pickup and storage capacity in excess of 1000 L of used oil including the necessary trucks or storage facilities;
- (i) a facility to sell or store motive fuel or fuel oil by a wholesaler, retailer or wholesale-retailer;

- (j) a petroleum or natural gas exploration or recovery operation where it is necessary to inject water, brine or chemical agents in order to produce or enhance the recovery of petroleum or natural gas;
- (k) a petroleum or natural gas operation utilizing deep well injection for disposal of liquid production wastes;
- (l) a liquified natural gas plant;
- (m) an exploratory drill, development, or operation that is related to carbon sequestration,

is designated as an activity.

Part 7: Wood Products

18 (1) For the purpose of Part 7 of Division V,

- (a) “paper product” means paper, newsprint, coated paper, paperboard, hardboard, boxboard, linerboard, insulating board, building board, corrugating medium, tissue, moulded cellulose products and any other product directly derived from pulp, but does not include viscose, rayon, cellophane or any other cellulose derivative;
- (b) “pulp” means processed cellulose fibres that are derived from wood, other plant material or recycled paper products.

(2) The construction, operation or reclamation of

- (a) a pulp manufacturing plant in which pulp products are manufactured;
- (b) a pulp and paper manufacturing plant in which pulp and paper products are manufactured; or
- (c) a wood treatment plant in which wood or wood products are preserved and protected through the use of wood treatment chemicals,

is designated as an activity.

Part 8: Primary Manufacturing

19 The construction, operation or reclamation of

- (a) a textile manufacturing plant in which textiles are manufactured and treatments or processes including bleaching, dyeing, knitting, mercerizing, spinning and weaving are carried out;

- (b) a tire manufacturing plant in which tires are manufactured, but not re-treaded;
- (c) a wallpaper manufacturing plant in which wallpaper is manufactured; or
- (d) a lead crystal manufacturing facility,

is designated as an activity.

Part 9: Power Plants

- 20** The construction, operation or reclamation of a power plant in which hot water, steam or thermal electric power is produced and which has a total rated thermal input capacity of greater than or equal to 25 megawatts, is designated as an activity.

Part 10: Services

- 21** (1) For the purpose of Part 10 of Division V,
- (a) “sludge” means the accumulated wet or dry solids that are separated from wastewater during treatment including the precipitate resulting from chemical or biological treatment of wastewater;
 - (b) “wastewater” means the liquid portion of waste from an industry.
- (2) The treatment or processing of wastewater and wastewater sludges is designated as an activity.

Part 11: Biotechnology

- 22** The construction, operation or reclamation of a biotechnology products manufacturing plant in which products are produced using the application of science and engineering in the direct or indirect use of living organisms or parts or products of living organisms in their natural or modified form, other than a facility that engages solely in research, is designated as an activity.

Part 12: Miscellaneous

- 23** The application to land of non-livestock generated wastes, wastewater and wastewater sludges is designated as an activity.
- 24** The construction, operation or reclamation of an industrial incinerator is designated as an activity.
- 25** The construction, operation or reclamation of an industrial landfill designed to dispose of non-leachate toxic solid waste generated by industrial activity, other than a landfill used for disposal of municipal solid waste or solely inert demolition debris, is designated as an activity.

- 26 The construction, operation or reclamation of an industrial composting facility is designated as an activity.
- 27 The construction, operation or reclamation of a crematorium is designated as an activity.
- 28 (1) The expansion of an existing cemetery or the construction of a new cemetery is designated as an activity.
- (2) Subsection (1) does not apply to the creation of an individual burial plot on privately owned land.
- 29 Reclaiming, remediating, managing, monitoring or disposing of contaminated material generated from an industrial steel or coke production facility is designated as an activity.

Division VI - Security and Insurance

- 29 [repealed]
- 30 (1) For the purpose of subsection 65A(1) of the Act, except as provided in subsections (3) and (4), all of the following activities require security to be provided in the manner specified by the *Approval and Notification Procedure Regulations*:
- (a) constructing, operating or reclaiming a solid waste management facility for disposing of construction and demolition debris as described in subclause 8(1)(d)(iv) and designated in subsection 8(2);
 - (b) activities designated in clauses 10(1)(a), (aa) and (c), except constructing, operating or reclaiming a facility for handling batteries or refrigerants;
 - (c) activities designated in clause 12(f);
 - (d) activities designated in clauses 13(e), (f), (g) and (h);
 - (e) activities designated in clauses 16(2)(d), (e) and (g), unless, at the time the approval for the activity is issued, the Department of Natural Resources holds current security in respect of the mining operation that is the subject of the activity.
- (2) For the purpose of subsection 65A(1) of the Act, except as provided in subsections (3) and (4), all of the following activities require insurance in an amount and subject to any terms that the Minister determines:
- (a) constructing, operating or reclaiming a solid waste management facility for disposing of construction and demolition debris as described in subclause 8(1)(d)(iv) and designated in subsection 8(2);

- (b) activities designated in clause 10(1)(c);
 - (c) activities designated in subsection 17(2), except clauses (d), (h) and (i);
 - (d) activities designated in clauses 18(2)(a) and (b).
- (3) A person who, on October 1, 2014, holds a valid approval for an activity referred to in subsection (1) or (2) is exempt from the requirement to provide security or insurance in respect of that activity unless the person applies for a renewal or transfer of, or an amendment to, the approval.
- (4) Municipalities, villages, service commissions and municipal bodies, as they are defined in the *Municipal Government Act*, are exempt from the requirement to provide security or insurance in respect of an activity.

Legislative History Reference Tables

Activities Designation Regulations
Environment Act

N.S. Reg. 47/1995

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 *Activities Designation 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 |
|------------------------|-----------------------|---------------------|------------------------------------|
| 47/1995 | Apr 11, 1995 | date specified | May 5, 1995 |
| 128/2005 | Jun 17, 2005 | date specified | Jul 8, 2005 |
| 352/2007 | Jul 20, 2007 | date specified | Aug 3, 2007 |
| 122/2014 | Aug 12, 2014 | date specified | Aug 22, 2014 |
| 123/2014 | Oct 1, 2014 | date specified | Aug 22, 2014 |
| 124/2014 | Aug 12, 2014 | date specified | Aug 22, 2014 |
| 58/2016 | Mar 29, 2016 | date specified | Apr 15, 2016 |
| 318/2015 | May 1, 2016 | date specified | Sep 18, 2015 |
| 120/2016 | Jun 14, 2016 | date specified | Jun 24, 2016 |

| N.S. Regulation | In force date* | How in force | Royal Gazette Part II Issue |
|------------------------|-----------------------|---------------------|------------------------------------|
| 222/2018 | Dec 10, 2018 | date specified | Dec 21, 2018 |
| 60/2019 | Apr 16, 2019 | date specified | Apr 26, 2019 |
| 92/2022 | May 10, 2022 | date specified | May 20, 2022 |
| 93/2022 | May 10, 2023 | date specified | May 20, 2022 |
| 124/2022 | Jul 5, 2023 | date specified | Jul 15, 2022 |
| 329/2022 | Dec 19, 2022 | date specified | Dec 30, 2022 |

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 |
|---|---|
| 2(1)..... | am. 122/2014 (clause lettering removed) |
| 2(1), defn. of “Approval and Notification Procedure Regulations”..... | ad. 122/2014 |
| 2(1), defn. of “On-site Sewage Disposal Systems Regulations”..... | ad. 318/2015 |
| 2(1), defn. of “professional engineer”..... | ad. 122/2014 |
| 3..... | rs. 122/2014 |
| 4..... | rep. 122/2014 |
| 4..... | ad. 122/2014 |
| 4A-4B..... | ad. 122/2014 |
| 5..... | rs. 123/2014 |
| 5(1)(n)..... | am. 352/2007 |
| 5(1)(na)..... | ad. 352/2007 |
| 5A-5F..... | ad. 123/2014 |

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|----------------------------|
| 6(3)..... | rep. 120/2016 |
| 7(1)..... | am. 318/2015 |
| . 7(1)(b)..... | am. 92/2022 |
| 7(3)..... | ad. 92/2022 |
| 7A..... | ad. 318/2015 |
| 8(1)..... | rs. 122/2014 |
| . 8(1)(d)(iv)..... | am. 124/2022 |
| 8(2)..... | am. 122/2014 |
| 8(3)..... | ad. 122/2014 |
| 9(b)..... | am. 120/2016 |
| 9(c)..... | rs. 120/2016 |
| 9A..... | ad. 58/2016 |
| 10(1)(a)..... | rs. 58/2016 |
| 10(1)(aa)..... | ad. 58/2016 |
| 10(2)..... | rs. 58/2016 |
| 11..... | am. 92/2022 |
| . 11(a)-(b)..... | rep. 92/2022 |
| 12(a)..... | am. 329/2022 |
| 13(e)..... | am. 128/2005 |
| 14(2)(b)-(d)..... | rep. 93/2022 |
| 14(2)(f)-(h)..... | rep. 93/2022 |
| 14(2)(i)..... | rs. 122/2014; rep. 93/2022 |
| 14(2)(ia)..... | ad. 122/2014; rep. 93/2022 |
| 14(2)(j)..... | rep. 93/2022 |
| 14(2)(l)-(m)..... | rep. 93/2022 |
| 14(3)..... | ad. 92/2022; rep. 93/2022 |
| 17(1)(a)..... | ra. as 17(1)(aa) 124/2014 |
| 17(1)(a)..... | ad. 124/2014 |
| 17(1)(aa)..... | ra. from 17(1)(a) 124/2014 |
| 17(1)(e)-(f)..... | ad. 352/2007 |
| 17(2)(a)..... | am. 222/2018 |
| 17(2)(g)..... | rep. 120/2016 |
| 17(2)(h)..... | am. 352/2007 |
| 17(2)(j)-(l)..... | ad. 352/2007 |
| 17(2)(m)..... | ad. 124/2014 |

ad. = added
am. = amended

fc. = fee change
ra. = reassigned

rep. = repealed
rs. = repealed and substituted

| Provision affected | How affected |
|---------------------------|----------------------------------|
| 19(b)-(c)..... | am. 60/2019 |
| 19(d)..... | ad. 60/2019 |
| 28..... | rs. 120/2016 |
| 28A..... | ad. 352/2007; ra. as 29 122/2014 |
| 29..... | rep. 122/2014 |
| 29..... | ra. from 28A 122/2014 |
| 30..... | rep. 122/2014 |
| 30..... | ad. 122/2014 |
| 30(1)(b)..... | am. 58/2016 |

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

Editorial Notes and Corrections:

| Note | Effective date |
|---|-----------------------|
| 1 The references in subsection 2(1) to the Department and Minister of Environment should be read as references to the Department and Minister of Environment and Labour in accordance with Order in Council 2000-484 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 346. | Oct 1, 2000 |
| 2 The references in subsection 2(1) to the Department of Environment and Minister of the Environment should be read as references to the Department of Environment and Minister of Environment in accordance with Order in Council 2008-161 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 346. | Apr 1, 2008 |
| 3 The reference to the Department of Natural Resources in clause 30(1)(e) should be read as a reference to the Department of Energy and Mines in accordance with Order in Council 2018-188 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376 | Jul 5, 2018 |
| 4 The references in subsection 2(1) to the Department of Environment and Minister of the Environment should be read as references to the Department of Environment and Climate Change and Minister of Environment and Climate Change in accordance with Order in Council 2021-60 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 346. | Feb 23, 2021 |
| 5 The reference to the Department of Natural Resources in clause 30(1)(e) should be read as a reference to the Department of Natural Resources and Renewables in accordance with O.I.C. 2021-210 under the <i>Public Service Act</i> , R.S.N.S. 1989, c. 376. | Aug 31, 2021 |

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.