

Dangerous Goods Management Regulations

made under Section 84 of the
Environment Act
S.N.S. 1994-95, c. 1

O.I.C. 95-295 (April 11, 1995), N.S. Reg. 56/95
as amended to O.I.C. 2016-79 (March 29, 2016), N.S. Reg. 57/2016

Citation

1 These regulations may be cited as the “Dangerous Goods Management Regulations”.

Definitions

2 In these regulations

“Act” means the Environment Act;

“Administrator” means a person appointed by the Minister pursuant to Section 4 of these regulations, and includes an acting Administrator;

“approved” means approved by an Administrator in writing;

“dangerous goods” means any of the following:

(i) a substance that is dangerous goods in accordance with Section 2.1 of the Transportation of Dangerous Goods Regulations (Canada);

(ii) glycol-based antifreeze or de-icing fluids, or solutions containing those substances, in concentrations greater than 1000 mg/L;

(iii) petroleum products with a flashpoint greater than 61 °C that are liquid in ambient conditions or during handling;

Definition of “dangerous goods” replaced: O.I.C. 2016-79, N.S. Reg. 57/2016.

“Department” means the Department of Environment;

“inspector” means an inspector appointed pursuant to Section 21 of the Act;

“incompatible materials” means substances that on contact with each other under ambient or foreseeable conditions

(i) generate extreme heat, pressure, fire or explosion,

(ii) produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health or the environment,

(iii) produce uncontrolled flammable fumes, dusts or gases in sufficient quantities to pose a risk of fire or explosion, or

(iv) cause sufficient corrosion or physical deterioration to damage the structural integrity of the storage facility;

“Minister” means the Minister of Environment;

“PCB waste” means PCBs or articles containing PCBs that meet all of the following criteria:

(i) they are listed in the Transportation of Dangerous Goods Regulations (Canada),

(ii) they are waste dangerous goods;

Definition of “PCB waste” added: O.I.C. 2016-79, N.S. Reg. 57/2016.

“Polychlorinated biphenyls” or “PCBs” means chlorobiphenyls that have the molecular formula $C_{12}H_{(10-n)}Cl_n$, in which “n” is greater than 2;

Definition of “Polychlorinated biphenyls” added: O.I.C. 2016-79, N.S. Reg. 57/2016.

Definition of “primary classification” repealed: O.I.C. 2016-79, N.S. Reg. 57/2016.

“storage facility” means any land or premises on, in or under which dangerous goods or waste dangerous goods are stored;

“Transportation of Dangerous Goods Regulations (Canada)” means the Transportation of Dangerous Goods Regulations made under the Transportation of Dangerous Goods Act, 1992 (Canada);

Definition of “Transportation of Dangerous Goods Regulations (Canada)” added: O.I.C. 2016-79, N.S. Reg. 57/2016.

“underground storage tank system” means any tank the volume of which, including the volume of the underground pipes connected to the tank, is located 90% or more beneath the ground surface or is otherwise covered with material such as earth, backfill or concrete;

“waste dangerous goods” means dangerous goods that are no longer in use for their original purpose or materials which have become waste dangerous goods through handling including dangerous goods intended for treatment, disposal or recycling, but does not include dangerous goods returned directly to the manufacturer or supplier of the dangerous goods for reprocessing, repacking or resale and does not include consumer paint products as defined in the Solid Waste-Resource Management Regulations.

Definition of “waste dangerous goods” amended: O.I.C. 2002-93, N.S. Reg. 23/2002.

Clause letters removed: O.I.C. 2016-79, N.S. Reg. 57/2016.

[Note: Effective April 1, 2008, the references to the Department and Minister in clauses (e) and (h) should be read as references to the Department and Minister of Environment in accordance with Order in Council 2008-161 under the Public Service Act, R.S.N.S. 1989, c. 376.]

Designation

3 Substances defined in these regulations as dangerous goods or waste dangerous goods are designated dangerous goods or waste dangerous goods for the purposes of the Act and these regulations.

Administrator

4 The Minister may appoint an Administrator to administer these regulations.

Exemptions from regulations

5 These regulations do not apply to

(a) an asbestos waste storage site regulated in the Asbestos Waste Management Regulations;

(b) a storage tank system regulated under the Petroleum Management Regulations made under the Act;

Clause 5(b) amended: O.I.C. 2016-79, N.S. Reg. 57/2016.

(c) used oil and contaminated used oil regulated in the Used Oil Regulations;

Clause 5(c) amended: O.I.C. 96-926, N.S. Reg. 178/96.

(d) a chlorobiphenyl or PCB storage system or device regulated under the PCB Regulations made under the Canadian Environmental Protection Act, 1999 (Canada);

Clause 5(d) amended: O.I.C. 2016-79, N.S. Reg. 57/2016.

(e) a pesticide storage site regulated in the Pesticide Regulations;

(f) refuse that is collected by or on behalf of a town, city or municipality from a residential premises except waste dangerous goods from a household or residence;

(g) sewage, including sewage sludge;

(h) propane regulated by the Fire Marshal; and

(i) a retail outlet in which dangerous goods are stored and packaged as consumer products in small quantities normally used by the consuming public.

Prohibitions on disposing of, diluting or adulterating waste dangerous goods

6 (1) A person must not dispose of PCB waste by burying it in a landfill or in the ground.

(2) A person must not dilute or adulterate waste dangerous goods without the prior written authorization of an Administrator.

Section 6 replaced: O.I.C. 2016-79, N.S. Reg. 57/2016.

Specific storage requirements

7 (1) Dangerous goods or waste dangerous goods shall not be stored in any container where the materials used to construct the container and the dangerous goods or waste dangerous goods are incompatible materials.

(2) A portable container used to store dangerous goods or waste dangerous goods shall meet the packaging requirements prescribed in the Transportation of Dangerous Goods Regulations (Canada).

(3) A steel underground storage tank system for dangerous goods or waste dangerous goods shall,

(a) if installed on or after April 11, 1995, have secondary containment with interstitial leak detection and cathodic protection and shall bear the approval of the Underwriters Laboratories of Canada (ULC); or

(b) if installed before April 11, 1995, and not in compliance with the requirements of clause (a), be removed no later than 15 years from the date of installation.

(4) An existing steel underground storage tank system which is not in compliance with subsection (3) shall be removed no later than April 1, 1996, unless

(a) the owner, operator or person responsible for the underground storage tank system applies in writing to an Administrator requesting a time extension and listing

(i) the location of the underground storage tank system,

(ii) the volume of the underground storage tank system,

(iii) the date of installation of the underground storage tank system,

(iv) the type of dangerous goods or waste dangerous goods stored in the underground storage tank system, and

(v) reasons why the underground storage tank system cannot be removed before April 1, 1996;

(b) the owner, operator or person responsible for the underground storage tank system has a leak detection test which meets the requirements of the Petroleum Storage Regulations performed on the storage tank system and forwards a copy of the test results to an Administrator; and

(c) an Administrator issues a written approval for the variance in removal date, noting a final date for removal of the underground storage tank system.

(5) Dangerous goods or waste dangerous goods or the containers in which these goods are stored shall be legibly and indelibly labelled

(a) in accordance with the Transportation of Dangerous Goods Regulations (Canada);

(b) in accordance with the Workplace Hazardous Materials Information System (WHMIS) Regulations;

(c) in accordance with policies, standards and guidelines established or adopted by the Minister; or

(d) if clauses (a), (b) or (c) do not apply, in accordance with standards established or adopted by industry.

(6) Dangerous goods or waste dangerous goods shall not be exposed during storage to incompatible materials.

(7) If incompatible materials are stored in a location where an opportunity for accidental or uncontrolled contact may occur, the incompatible materials shall be segregated and separated by a barrier designed, constructed and maintained to prevent contact between the incompatible materials.

General storage facility requirements

8 (1) A storage facility shall be designed, constructed and maintained so that elements of the weather, including precipitation, heat, frost, wind and humidity, have no impact on the capability of the storage facility to safely store dangerous goods or waste dangerous goods.

(2) Every person responsible for a storage facility shall ensure that the storage facility is

(a) secured from public entry;

(b) prominently identified as a dangerous goods or waste dangerous goods storage facility using placards prescribed in the Transportation of Dangerous Goods Regulations (Canada) to properly describe the dangerous goods or waste dangerous goods contained in the facility, placed on or near each building, room or area where the dangerous goods or waste dangerous goods are stored;

(c) equipped with suitable equipment required to handle an emergency related to the dangerous goods or waste dangerous goods stored in the storage facility;

(d) staffed with employees trained to respond to emergencies related to the dangerous goods or waste dangerous goods stored in the storage facility; and

(e) secured to prevent spilled or leaked dangerous goods or waste dangerous goods from entering the environment or causing an adverse effect.

Limitation on storage time

9 An Administrator may limit the time that waste dangerous goods may be stored at a storage facility.

Section 9 replaced: O.I.C. 2016-79, N.S. Reg. 57/2016.

Contingency plans

10 (1) Every person responsible for a storage facility which has

(a) a combined capacity of 2000 kg of dangerous goods or waste dangerous goods;

(b) a combined capacity of 2000 L of dangerous goods or waste dangerous goods; or
Clause 10(1)(b) amended: O.I.C. 2016-79, N.S. Reg. 57/2016.

[Original text incorrectly indicates amendment applies to clause 10(1)(a). For the purposes of this consolidation, amendment is applied to clause 10(1)(b).]

(c) waste dangerous goods in quantities greater than those listed in Column II of Schedule "A"

shall have contingency plans respecting

(i) fires or other emergencies, and

(ii) discharges, emissions, escapes, leaks, or spills of dangerous goods or waste dangerous goods.

Clause 10(1)(c) amended: O.I.C. 2016-79, N.S. Reg. 57/2016.

(2) An Administrator may require contingency plans to be approved before allowing dangerous goods or waste dangerous goods to be stored at a storage facility.

Inventory

11 (1) A person responsible for a storage facility shall, if requested by fire and emergency personnel, provide a full and complete inventory of all dangerous goods or waste dangerous goods stored in the storage facility.

(2) The inventory referred to in subsection (1) shall include

(a) generic names, trade names or other means of identification of dangerous goods or waste dangerous goods stored in the storage facility;

(b) the appropriate classification of dangerous goods or waste dangerous goods under the Transportation of Dangerous Goods Regulations (Canada);

(c) a statement of the quantities of dangerous goods or waste dangerous goods;

(d) a listing of the known major environmental hazards associated with the dangerous goods or waste dangerous goods stored in the storage facility; and

(e) the name of the manufacturer or distributor of the dangerous goods or the producer of the waste dangerous goods.

Disposal offence

12 No person shall cause, suffer or permit the dumping, depositing, dropping, throwing, discharging or leaving of dangerous goods or waste dangerous goods in a manner which may cause an adverse effect without the prior written approval of the Minister or an Administrator.

Effective date

13 These regulations come into effect on, from and after April 11, 1995.

Schedule A: Quantities of Dangerous Goods and Waste Dangerous Goods

Column I

Dangerous Goods and Waste Dangerous Goods

Column II

Quantity

Classification

(Transportation of Dangerous Goods Regulations (Canada))

Division

(Transportation of Dangerous Goods Regulations (Canada))

Name as Listed in Schedule 1

(Transportation of Dangerous Goods Regulations (Canada))

Class 1, Explosives

All

50 kg or 50 L

Class 2, Gases

Class 2.1 Flammable Gases

5000 L

Class 2.2 Non-flammable and Non-toxic Gases

10 000 L

Class 2.3 Toxic Gases

500 L

Class 3, Flammable Liquids

not applicable

5000 L

Class 4, Flammable Solids; Substances Liable to Spontaneous Combustion; Substances That on Contact with Water Emit Flammable Gases (Water-reactive Substances)

Class 4.1 Flammable Solids

10 000 kg

Class 4.2 Substances Liable to Spontaneous Combustion

1000 kg

Class 4.3 Water-reactive Substances

1000 kg

Class 5, Oxidizing Substances and Organic Peroxides

Class 5.1 Oxidizing Substances

1000 kg or 1000 L

Class 5.2 Organic Peroxides

50 kg or 50 L

Class 6, Toxic and Infectious Substances

Class 6.1 Toxic Substances

1000 kg or 1000 L

Class 6.2 Infectious Substances

1000 kg or 1000 L

Class 7, Radioactive materials

not applicable

Any amount

Class 8, Corrosives

not applicable

1000 kg or 1000 L

Class 9, Miscellaneous Products, Substances or Organisms

not applicable

Environmentally Hazardous Substance, Solid (N.O.S.*);

50 kg

Environmentally Hazardous Substance, Liquid (N.O.S.*)

50 L

Polychlorinated Biphenyls

0.5 kg

All other Class 9

5000 kg

As defined in subclauses (ii) and (iii) of the definition of “dangerous goods”

Glycol-based antifreeze or de-icing fluids, or solutions containing those substances, as described in subclause (ii) of the definition of “dangerous goods”

10 000 kg or 10 000 L

Petroleum products as described in subclause (iii) of the definition of “dangerous goods”

10 000 kg or 10 000 L

Notes:

- The quantities in this Schedule are also used for the purposes of the Activities Designation Regulations made under the Act.

* N.O.S. means not otherwise specified.

Schedule A replaced: O.I.C. 2016-79, N.S. Reg. 57/2016.

Schedule B repealed: O.I.C. 2016-79, N.S. Reg. 57/2016.