

Environmental Assessment Regulations, NS Reg 26/95

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Environmental Assessment Regulations

made under Section 49 of the
Environment Act
S.N.S. 1994-95, c. 1
O.I.C. 95-220 (March 21, 1995), N.S. Reg. 26/95
as amended by O.I.C. 2000-227 (April 26, 2000), N.S. Reg. 71/2000

Citation

1 These regulations may be cited as the "Environmental Assessment Regulations".

Definitions

2 In these regulations

- (a)** "Act" means the Environment Act;
- (b)** "Administrator" means a person appointed by the Minister for the purposes of the Act, and includes an acting Administrator;
- (c)** "adverse effect" means an effect that impairs or damages the environment, including an adverse effect respecting the health of humans or the reasonable enjoyment of life or property;
- (d)** "Board" means the Nova Scotia Environmental Assessment Board established under Part IV of the Act;
- (e)** "commence work" means to begin construction or site preparation activity for an undertaking or any part thereof;
- (f)** "confidential business information" includes a trade secret and know-how, but does not include information about the environmental effects or associated mitigation measures of a proposed undertaking;
- (g)** "dangerous goods" means a substance defined as such in the Dangerous Goods Management Regulations;
- (h)** "day" means a calendar day;
- (i)** "Department" means the Department of Environment and Labour;
- (j)** "environment" means the components of the earth and includes
 - (i) air, land and water,
 - (ii) the layers of the atmosphere,
 - (iii) organic and inorganic matter and living organisms,
 - (iv) the interacting systems that include components referred to in subclauses (i) to (iii); and
 - (v) for the purpose of Part IV, the socio-economic, environmental health, cultural and other items referred to in the definition of environmental effect;
- (k)** "environmental-assessment report" means a report that presents the results of an environmental assessment;
- (l)** "environmental effect" means, in respect of an undertaking,
 - (i) any change, whether positive or negative, that the undertaking may cause in the environment, including any effect on socio-economic conditions, on environmental health, physical and cultural heritage or on any

structure, site or thing including those of historical, archaeological, paleontological or architectural significance, and

(ii) any change to the undertaking that may be caused by the environment,

whether the change occurs inside or outside the Province;

(m) "environmental health" means those aspects of human health that are or can be affected by contaminants or changes in the environment;

(n) "extension" means an increase in size, volume or other dimension of an undertaking such that the increase may cause adverse effects or significant environmental effects if not properly mitigated;

(o) "focus report" means a report that presents the results of an environmental assessment of a limited range of adverse effects that may be caused by the undertaking;

(p) "mineral" means a mineral as defined in the Mineral Resources Act;

(q) "Minister" means the Minister of Environment and Labour;

(r) "mitigation" means, with respect to an undertaking, the elimination, reduction or control of the adverse effects or the significant environmental effects of the undertaking, and may include restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means;

(s) "modification" means a change to an undertaking that may cause adverse effects or significant environmental effects 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;

(t) "proponent" means a person who

(i) carries out or proposes to carry out an undertaking,

(ii) is the owner or person having care, management or control of an undertaking;

(u) "significant" means, with respect to an environmental effect, an adverse impact in the context of its magnitude, geographic extent, duration, frequency, degree of reversibility, possibility of occurrence or any combination of the foregoing;

(v) "trade secret" means information, including a formula, pattern, compilation, program, device, product, method, technique or process, that

(i) is used, or may be used, in business or for any commercial advantage,

(ii) derives independent economic value, actual or potential, from not being generally known to the public or to other persons who can obtain economic value from its disclosure or use,

(iii) is the subject of reasonable efforts to prevent it from becoming generally known, and

(iv) the disclosure of which would result in harm or improper benefit;

(w) "undertaking" means an enterprise, activity, project, structure, work or proposal and may include, in the opinion of the Minister, a policy, plan or program that has an adverse effect or an environmental effect and may include, in the opinion of the Minister, a modification, extension, abandonment, demolition or rehabilitation, as the case may be, of an undertaking;

(x) "waste dangerous goods" means any substance defined as such in the Dangerous Goods Management Regulations;

(y) "wetland" means lands commonly referred to as marshes, swamps, fens, bogs, and shallow water areas that are saturated with water long enough to promote wetland or aquatic processes which are indicated by poorly drained soil, vegetation and various kinds of biological activity which are adapted to a wet environment.

Application of the regulations

3 (1) Undertakings and classes of undertakings listed in Schedule "A" to these regulations are designated as undertakings or classes of undertakings, as the case may be, to which Part IV of the Act applies.

(2) The Act and these regulations may apply to a modification, extension, abandonment, demolition or rehabilitation of an undertaking listed in Schedule "A" which was established either before or after March 17, 1995.

Exemptions

4 The Act and these regulations do not apply to

- (a) routine maintenance or repair of existing facilities;
- (b) policies, plans or programs developed after March 17, 1995, which will not directly or indirectly cause an adverse effect or a significant environmental effect; or
- (c) an undertaking that was registered pursuant to Section 149 of the Revised Statutes of Nova Scotia, 1989, the Environmental Assessment Act, and regulations made thereunder.

Administrator

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

Confidential business information

6 (1) This Section is subject to the Freedom of Information and Protection of Privacy Act and regulations made thereto.

(2) Subject to subsection (1), all information which is filed with the Department, including information filed under Part IV of the Act, shall be public information.

(3) Information which a proponent considers to be protected under the Freedom of Information and Protection of Privacy Act, including confidential business information, shall be clearly identified to an Administrator.

(4) Where a proponent claims information to be confidential business information, an Administrator shall review the claim and, until a decision is made pursuant to subsection (6), shall take adequate precautions to prevent disclosure of the information.

(5) When reviewing a claim pursuant to subsection (4), an Administrator may request additional information to support the claim, including what steps the applicant has taken to maintain the confidentiality of the information.

(6) Within 14 days following the date of receipt of the claim filed pursuant to subsection (4) or within such further time as may be agreed upon by the proponent and the Administrator, the Administrator shall accept or reject the claim in whole or in part and shall so advise the proponent in writing.

(7) An appeal from a decision under subsection (6) shall be to the Minister or a person designated by the Minister.

(8) Information accepted to be confidential business information pursuant to subsection (6) shall not be disclosed by the Administrator to the public and an Administrator shall take adequate precautions to prevent the disclosure of the information.

(9) Where the Administrator rejects a claim, the proponent shall notify the Administrator in writing that

(a) the proponent waives the claim and wishes to continue the assessment process under the Act and these regulations; or

(b) the proponent wishes to withdraw the registration of the undertaking, in which case the Administrator shall forthwith return to the proponent all of the information submitted with the registration.

Alternate dispute resolution

7 (1) At any stage of the assessment process, an undertaking may be referred to an alternate dispute resolution procedure in accordance with the provisions of the Act and regulations where the Minister believes an alternate dispute resolution technique is appropriate for the resolution of a dispute or an issue.

(2) Where an undertaking is referred to an alternate dispute resolution procedure, the Minister may

(a) require the results of the alternate dispute resolution procedure to be reported to the Minister by a time to be specified in the referral; or

(b) adjust the time limits in these regulations to accommodate the alternate dispute resolution procedure.

(3) Where time limits are adjusted in accordance with subsection (2), the Minister or the Administrator shall notify the proponent in writing.

Joint assessments/single hearings

8 Where an undertaking is subject to the environmental assessment or other review requirements of a municipality, the Government of Canada, another province or another review process of the Government, the Minister may enter into an agreement for a joint assessment, in whole or in part, with the other department or jurisdiction as provided in Section 47 of the Act or provide for a single hearing under Section 48 of the Act.

Registration

9 (1) Before proceeding with the final design of an undertaking or commencing work on an undertaking, the proponent shall register the undertaking and submit to the Department, in the format provided by the Administrator, the following information concerning the proposed undertaking:

- (a) the name of the undertaking;
- (b) the location of the undertaking;
- (c) the name, address and identification of the proponent including the name of the Chief Executive Officer and contact persons;
- (d) the nature of the undertaking;
- (e) the purpose and need for the undertaking;
- (f) the proposed construction and operation schedules;
- (g) a description of the undertaking;
- (h) a list of approvals which will be required and other forms of authorization; and
- (i) sources of any public funding.

(2) To assist in the assessment of the undertaking, the proponent may provide information in addition to that required under subsection (1).

(3) The proponent may be required by the Administrator to provide additional copies of information included with a registration.

Notification

10 (1) Within 7 days following registration of an undertaking, the proponent shall publish a notice in 1 newspaper having general circulation in the locality in which the undertaking is to be located and in 1 newspaper having Province-wide circulation.

(2) Where there is no newspaper having general circulation in the locality in which the undertaking is to be located, the notice shall be posted in the manner provided in subsection 29(2) of these regulations.

(3) A notice referred to in subsection (1) shall include the following information:

- (a) the name and address of the proponent;
- (b) the proposed location of the proposed undertaking;
- (c) the nature of the proposed undertaking;
- (d) the date of registration pursuant to the Act and regulations;
- (e) the proposed commencement date and project schedule where applicable; and
- (f) locations where registration information may be viewed by the public.

(4) Copies of the published notice shall be filed with the Administrator within 14 days following publication.

Class I and Class II undertakings

11 (1) With respect to a Class I undertaking listed in Schedule "A" or an undertaking which the Minister determines to be a Class I undertaking, the environmental assessment process

- (a) shall include registration;
- (b) may include a focus report, terms of reference, and an environmental-assessment report;
- (c) may include alternate dispute resolution; and
- (d) may include referral to the Board where an environmental-assessment report is required.

(2) With respect to a Class II undertaking listed in Schedule "A" or an undertaking which the Minister determines to be a Class II undertaking, the environmental assessment process

- (a) shall include registration, terms of reference, and an environmental-assessment report;
- (b) may include alternate dispute resolution; and
- (c) shall include referral to the Board.

(3) Where the proposed undertaking includes

- (a) a policy, plan or program, or
- (b) a modification, extension, abandonment, demolition or rehabilitation of an undertaking established either before or after March 17, 1995,

the Minister shall determine whether the proposed undertaking is to be classed as a Class I or Class II undertaking and shall advise the proponent in writing of the decision.

Factors relevant to the Minister's decision

12 The following information shall be considered by the Minister in formulating a decision following review of the registration documents for a Class I undertaking:

- (a) the location of the proposed undertaking and the nature and sensitivity of the surrounding area;
- (b) the size and scope of the proposed undertaking;
- (c) concerns expressed by the public about the adverse effects or the environmental effects of the proposed undertaking;
- (d) steps taken by the proponent to address environmental concerns expressed by the public;
- (e) potential and known adverse effects or environmental effects of the technology to be used in the proposed undertaking;
- (f) project schedules where applicable;
- (g) planned or existing land use in the area of the undertaking;
- (h) other undertakings in the area; and
- (i) such other information as the Minister may require.

Minister's decision upon registration of Class I undertaking

13 (1) No later than 25 days following the date of registration, the Administrator shall advise the proponent in writing of the decision of the Minister

- (a) that the registration information is insufficient to allow the Minister to make a decision and additional information is required;
 - (b) that a review of the information indicates that there are no adverse effects or significant environmental effects which may be caused by the undertaking or that such effects are mitigable and the undertaking is approved subject to specified terms and conditions and any other approvals required by statute or regulation;
 - (c) that a review of the information indicates that the adverse effects or significant environmental effects which may be caused by the undertaking are limited and that a focus report is required;
 - (d) that a review of the information indicates that there may be adverse effects or significant environmental effects caused by the undertaking and an environmental-assessment report is required; or
 - (e) that a review of the information indicates that there is a likelihood that the undertaking will cause adverse effects or significant environmental effects which are unacceptable and the undertaking is rejected.
- (2)** Where additional information is required pursuant to clause (1)(a), the proponent
- (a) shall submit the required information as an addendum to the original registration information and Section 12 and subsection 13(1) shall apply; and
 - (b) shall not commence the undertaking or any part thereof until the undertaking has been approved under Part IV of the Act.

Focus report required

14 Where the Minister decides that a focus report or an environmental-assessment report is required, the proponent shall not commence the undertaking or any part thereof until the undertaking has been approved under Part IV of the Act.

Focus report

15 (1) Where a focus report is required under clause 13(1)(c), the Administrator shall provide the proponent with written terms of reference for the preparation of the focus report within 25 days following the decision made by the Minister.

- (2) Within 1 year following the date that the Administrator provides the written terms of reference under subsection (1), the proponent shall prepare the focus report and shall provide
 - (a) the focus report in printed form and in such other format [as] requested by the Administrator; and
 - (b) the number of copies of the focus report required by the Administrator.
- (3) Where, in the opinion of the Minister, the time period prescribed in subsection (2) is insufficient, the Minister may extend the time for preparation of the focus report and shall advise the proponent in writing.

(4) If the supply of copies of the focus report required pursuant to subsection (2) is exhausted during the assessment process, the proponent shall, if requested by the Administrator, provide additional copies of the focus report within 7 days following the request by the Administrator.

Public comment on focus report

16 (1) Within 12 days following receipt of the copies referred to in Section 15, the Administrator shall publish, in the manner provided in Section 29, a notice to announce the release of the focus report to the public and shall invite written comments to be submitted to the Administrator within 30 days following the date of publication of the notice.

(2) Where, in the opinion of the Minister, the 30 day review period is insufficient, the Minister may extend the review period and shall advise the proponent in writing.

Review of focus report

17 (1) The Administrator shall, within 25 days following the final date for public comments, submit to the Minister a summary of comments provided by provincial, federal and municipal departments and agencies and the public together with a recommendation respecting the approval or rejection of the undertaking.

(2) Where, in the opinion of the Minister, the time period prescribed in subsection (1) is insufficient, the Minister may extend the review period and shall advise the proponent in writing.

Minister's decision on focus report

18 Within 14 days following the date of the summary and recommendation provided under Section 17, the Administrator shall advise the proponent in writing of the decision of the Minister

(a) that a review of the focus report indicates that, within the limits of the focus report terms of reference, there are no adverse effects or significant environmental effects which may be caused by the undertaking or that such effects are mitigable and the undertaking is approved subject to specified terms and conditions and any other approvals required by statute or regulation;

(b) that a review of the focus report indicates that there may be adverse effects or significant environmental effects which may be caused by the undertaking and an environmental-assessment report is required; or

(c) that a review of the focus report indicates that there is a likelihood that the undertaking will cause adverse effects or significant environmental effects which are unacceptable and the undertaking is rejected.

Terms of reference

19 (1) Where an environmental-assessment report is required, the Administrator shall prepare terms of reference for the preparation of the environmental-assessment report which shall include, but not be limited to, the following information:

(a) a description of the proposed undertaking;

(b) the reason for the undertaking;

(c) other methods of carrying out the undertaking;

(d) a description of alternatives to the undertaking;

(e) a description of the environment that might reasonably be affected by the undertaking;

(f) the environmental effects of the undertaking;

(g) an evaluation of advantages and disadvantages to the environment of the undertaking;

(h) measures that may be taken to prevent, mitigate or remedy negative environmental effects and maximize the positive environmental effects on the environment;

(i) a discussion of adverse effects or significant environmental effects which cannot or will not be avoided or mitigated through the application of environmental control technology;

(j) a program to monitor environmental effects produced by the undertaking during its construction, operation and abandonment stages;

(k) a program of public information to explain the undertaking;

(l) information obtained under subsection (2) which the Administrator considers relevant.

(2) The terms of reference specified under subsection (1) shall be prepared taking into consideration comments from

(a) the public;

(b) departments of Government;

- (c) the Government of Canada and its agencies;
 - (d) municipalities in the vicinity of the undertaking or in which the undertaking is located;
 - (e) any affected cultural community; and
 - (f) neighbouring jurisdictions to Nova Scotia in the vicinity of the undertaking.
- (3) Within 12 days after
- (a) advising the proponent of the need for an environmental-assessment report for a Class I undertaking; and
 - (b) registration of a Class II undertaking,

the Administrator shall publish a notice in the manner provided in Section 29 inviting the public to submit written comments for consideration in preparation of terms of reference for the environmental-assessment report.

- (4) Written comments must be submitted to the Administrator within 40 days following the publication of the notice.
- (5) Within 5 days following the expiry of the period specified in subsection (4), the Administrator shall
- (a) advise the proponent of any comments received in response to invitations under subsections (2) and (3), and
 - (b) advise the proponent that the proponent has 21 days to respond in writing to the comments.
- (6) Within 14 days following the final date for written response from the proponent, the Administrator shall provide the proponent with final written terms of reference for the environmental-assessment report.

Environmental-assessment report

20 (1) Within 2 years following the date of the final written terms of reference, the proponent shall provide

- (a) the draft environmental-assessment report in printed form and in such other format requested by the Administrator; and
- (b) the number of copies of the draft environmental-assessment report required by the Administrator.

(2) Where required studies would cause the preparation of the environmental-assessment report to exceed the 2 year period prescribed in subsection (1), the Minister may extend the time period by 1 year and shall advise the proponent in writing.

Review of environmental-assessment report

21 (1) The proponent may submit a preliminary draft of the environmental-assessment report to the Administrator.

(2) The Administrator shall examine any preliminary draft or the final draft of the environmental-assessment report to determine whether it addresses the items specified in the terms of reference.

(3) Within 12 days following receipt of the final draft of the environmental-assessment report, the Administrator shall advise the proponent in writing that

- (a) the final draft of the environmental-assessment report does not address the items specified in the terms of reference or is deficient in any respect and additional information is required to complete the final draft of the environmental-assessment report; or
- (b) the final draft of the environmental-assessment report addresses the items specified in the terms of reference and is accepted.

(4) The proponent shall submit the additional information required under clause (3)(a) and the procedures and requirements of subsections (1), (2) and (3) apply.

Environmental-assessment report accepted

22 (1) Where the proponent is advised in writing that the final draft of the environmental-assessment report is accepted under clause 21(3)(b), the proponent shall provide

- (a) the environmental-assessment report in printed form and in such other format requested by the Administrator; and
- (b) the number of copies of the environmental-assessment report required by the Administrator.

(2) Copies of the environmental-assessment report required by subsection (1) shall be submitted within 30 days following the date of the acceptance by the Administrator of the final draft of the environmental-

assessment report under clause 21(3)(b) unless the time limit has been extended in writing by the Administrator.

(3) If the supply of copies of the environmental-assessment report required pursuant to subsection (1) is exhausted, the proponent shall, if requested by the Minister or the Administrator, provide additional copies of the environmental-assessment report to the Administrator.

Public consultation

23 (1) (a) For a Class I undertaking not referred to the Board, the Administrator shall, within 12 days following receipt of the copies of the environmental-assessment report referred to in Section 22, publish a notice in the manner provided in Section 29 announcing the release of the environmental-assessment report to the public and shall invite the public to provide written comments to the Administrator within 48 days following publication of the notice.

(b) Where in the opinion of the Minister the 48 day review period prescribed in clause (a) is insufficient, the Minister may extend the review period and shall advise the proponent in writing.

(2) For a Class I undertaking which has been referred to the Board and for all Class II undertakings, public notice and consultation shall be in accordance with the requirements of the Environmental Assessment Board Regulations.

Referral to board

24 (1) Within 10 days following receipt of the copies referred to in subsection 22(2) with respect to a Class I undertaking, the Minister may refer the environmental-assessment report to the Board.

(2) Within 10 days following receipt of the copies referred to in subsection 22(2) with respect to a Class II undertaking, the Minister shall refer the environmental-assessment report to the Board.

Administrator's summary of comments/recommendation

25 (1) For a Class I undertaking not referred to the Board, the Administrator shall within 25 days following the final date for public comments on the environmental-assessment report, submit to the Minister a summary of comments provided by provincial, federal and municipal departments and agencies and the public together with recommendations respecting the approval or rejection of the undertaking.

(2) Where, in the opinion of the Minister, the time period prescribed in subsection (1) is insufficient, the Minister may extend the time period and shall advise the proponent in writing.

Ministerial decision

26 (1) Within 21 days following receipt by the Minister of

(a) a summary of comments or recommendations respecting the undertaking by the Administrator;

(b) the results of an alternate dispute resolution where an undertaking is referred to an alternate dispute resolution procedure; or

(c) a report and recommendation by the Board where an environmental-assessment report is referred to the Board;

whichever occurs later, the Minister shall advise the proponent in writing whether the undertaking is approved subject to any other approval required by an enactment, is approved subject to such conditions as the Minister deems appropriate and any other approval required by an enactment, or is rejected.

(2) The proponent shall be provided reasons, in writing, by the Minister when an undertaking is rejected.

Commence work on approved undertaking

27 (1) Where an undertaking is approved by the Minister under Section 26, the proponent shall within 2 years of the approval commence work on the undertaking.

(2) The Minister may extend the time period provided in subsection (1) in writing if a request is made by the proponent in writing and the Minister considers the request to be valid and reasonable.

Offence

28 Unless an extension is granted in writing by the Minister or the Administrator, failure of the proponent to publish a notice, provide information, submit documents or commence work on the undertaking following approval in the prescribed manner and within the prescribed time limits, is an offence and renders the registration of the undertaking pursuant to subsection 9(1) null and void.

Notice

29 (1) Where the Minister or the Administrator is required by the Act or these regulations to publish a notice, the notice shall be published in the Royal Gazette, in 1 newspaper having general circulation in the locality in which the undertaking concerned is to be located and in 1 newspaper with Province-wide circulation.

(2) Where there is no newspaper having general circulation in the locality in which the undertaking concerned is to be located, the notice shall be posted in the municipal building, post office or other public building in that locality.

Transition

30 Chapter 149 of the Revised Statutes of Nova Scotia, 1989, the Environmental Assessment Act and the Environmental Assessment Regulations made on July 14, 1989, by Order in Council 89-747 shall continue to apply with respect to any undertaking that was registered prior to March 17, 1995.

Effective date

31 These regulations shall come into force on, from and after March 17, 1995.

Schedule "A" - Class I and Class II Undertakings

Class I

A. Industrial facilities

1 A facility engaged in the production, wholesale storage or wholesale distribution of dangerous goods.

2 A storage facility with a total capacity of over 5000 m³ intended to hold liquid or gaseous substances including, but not limited to, hydrocarbons or chemicals, but excluding water.

3 A facility for the manufacture of wood products that are pressure treated with chemical products.

4 A facility engaged in producing fish meal.

5 A rendering plant.

6 An onshore pipeline 5 km or more in length excluding a pipeline of any length carrying natural gas with a maximum operating pressure below 500 psig (3450 kPa), water, steam or domestic wastewater.

Section A, Item 6 replaced: O.I.C. 2000-227, N.S. Reg. 71/2000.

B. Mining

1 A facility engaged in the extraction or processing of metallic and non-metallic minerals, coal, peat moss, gypsum, limestone, bituminous shale or oil shale.

2 (1) Subject to subsection (2), a pit or quarry in excess of 4 ha in area primarily engaged in the extraction of ordinary stone, building or construction stone, sand, gravel or ordinary soil.

(2) (a) The Nova Scotia Department of Transportation and Communications shall ensure that all pits and quarries established solely to provide fill or aggregate for road building or maintenance contracts with the Nova Scotia Department of Transportation and Communications are operated in accordance with all applicable guidelines and regulations.

(b) Pits and quarries described by and operated in accordance with clause (2)(a) are not subject to the requirements of this regulation.

C. Transportation

1 The construction of a common and public highway or associated structures which is more than 2 km and less than 10 km in length and is designed for 4 or more lanes of traffic.

D. Energy

1 A transformer station having an energy capacity greater than 230 kilovolts.

E. Waste management

1 A permanent commercial facility for the handling of waste dangerous goods.

F. Other

1 A project which involves the transfer of water between drainage basins where the drainage area to be diverted is greater than 1 km².

2 An enterprise, activity, project, structure or work which disrupts a total of 2 ha or more of any wetland.

3 Such other undertaking as the Minister may from time to time determine.

Class II

A. Industrial facilities

1 A facility for the manufacture, processing or reprocessing of radioactive materials.

2 A heavy water plant, pulp mill, paper mill, pulp and paper mill, petrochemical plant, cement plant, oil refinery, metal smelter, lead and battery plant, ferro-alloy plant or non-ferrous metal smelter.

B. Transportation

1 The construction of a common or public highway, or associated structures, which is 10 km or more in length and is designed for 4 or more lanes of traffic.

C. Energy

1 An electric generating facility with a production rating of 10 megawatts or more, including a hydroelectric generating facility when the cumulative power generation capacity on any single river system equals or exceeds 10 megawatts.

2 A water reservoir where the designed storage capacity exceeds the mean volume of the natural water body by 10 000 000 m³ or more.

3 A corridor for one or more electric power transmission lines with a cumulative voltage rating which equals or exceeds 345 kilovolts.

D. Waste management

1 A facility for the incineration of municipal solid waste.

E. Other

1 Such other undertaking as the Minister may from time to time determine.

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