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Activities Designation Regulations
made under Section 66 of the
Environment Act
S.N.S. 1994-95, c. 1
O.I.C. 95-286 (April 11, 1995), N.S. Reg. 47/95
as amended up to O.I.C. 2007-417 (July 20, 2007), N.S. Reg. 352/2007

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Citation

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

Definitions

2 (1) In these regulations

- (a) "Act" means the Environment Act;
- (b) "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;
- (c) "Department" means the Department of Environment;
- (d) "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;
- (e) "Minister" means the Minister of Environment;
- (f) "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.

[Note: the Department name in clauses (c) and (e) has been updated in accordance with Order in Council 2008-161 under the *Public Service Act*, R.S.N.S. 1989, c. 376, effective April 1, 2008.]

- (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) Any activity designated in these regulations requires an approval from the Minister or an Administrator designated by the Minister.
- (2) Any modification or extension of an activity designated in these regulations requires an approval unless exempted by a regulation or by the Minister.
- (3) An activity which 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, does not require an approval from the Minister unless the activity causes or may cause an adverse effect beyond the boundaries of these lands.

Combined approvals

- 4 Where an operation or undertaking consists of or includes more than one activity designated under these regulations, the Minister or an Administrator may issue one approval that covers all of the activities and comprises all of the required approvals.

Division I - Water Approvals

- 5 (1) The use or alteration of a watercourse or a water resource for one or more of the following purposes:
- (a) the withdrawal or diversion of water in an amount greater than 23 000 L per day from a source of surface water or groundwater;
 - (b) the construction or maintenance of a dam;
 - (c) the storage of water in amounts of 25 000 m³ or greater;
 - (d) the construction or maintenance of a culvert in a manner consistent with current applicable guidelines and standards issued by the Department, excluding a culvert installed between June 1 and September 30 of any year;
 - (e) the construction or maintenance of a bridge where
 - (i) a portion of the structure of the bridge is in a watercourse, or
 - (ii) use of equipment in the watercourse or 3 m from the edge of the watercourse is required;
 - (f) the construction or maintenance of a causeway;
 - (g) the construction or maintenance of a wharf;
 - (h) the construction or maintenance of a weir, fishway or other instream structure;
 - (i) the removal of material from a surface watercourse;
 - (j) the diversion of a watercourse from its natural channel;
 - (k) the installation or maintenance of fishing equipment, a fishway, a counting fence, a

fish habitat improvement structure, an aquaculture cage or any similar structure in a watercourse;

- (l) the dredging or any other modification of a surface watercourse;
- (m) the installation or maintenance of a pipeline, cable or other equipment in a surface watercourse;
- (n) the placement of rock or other erosion protection material in a surface watercourse;
- (na) the alteration of a wetland; or

Clause 5(1)(na) added: O.I.C. 2007-417, N.S. Reg. 352/2007.

- (o) any other alteration of a surface watercourse or the flow of the water therein, is designated as an activity.
- (2) Despite Section 3, an approval is not required for an activity designated in subsection (1) where the activity is
- (a) a non-recurring use of water from the same watercourse for less than 2 weeks;
 - (b) a continuous use of water less than 23 000 L per day;
 - (c) use of seawater;
 - (d) use of brackish water from an intertidal zone of a river estuary;
 - (e) maintenance of lands and structures incorporated by marsh bodies under the Marshland Reclamation Act; or
 - (f) such other use as may be exempted in writing by the Minister or an Administrator.

Division II - Pesticide Approvals

- 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) The construction of a new pesticide storage facility or the extension or modification of an existing pesticide storage facility to store commercial or restricted class pesticides for sale, resale, or wholesale distribution is designated as an activity.

Division III - Municipal Waste Approvals
Part 1: Sewage/Storm Drainage/Septage

- 7 (1) For the purpose of Part 1 of Division III,
- (a) "septage" means any liquid or solid materials pumped from a septic tank or cesspool;
 - (b) "sewage" includes domestic, commercial, institutional and industrial wastes.
- (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.

Part 2: Solid Waste

- 8 (1) For the purpose of Part 2 of Division III,
- (a) “municipal solid waste” means garbage, refuse, sludges, wastes and other discarded materials resulting from residential and non-industrial operations and activities, but excludes inert demolition debris;
 - (b) “inert demolition debris” means construction or demolition debris which is not at risk of degradation or leachate generation and does not contain asbestos;
 - (c) “solid waste management facility” includes
 - (i) a resource recovery facility which is a facility to treat or process solid waste into useable secondary materials or products, including fuel or energy,
 - (ii) a composting facility which processes more than 60 m³ of solid wastes per year, and
 - (iii) a facility to transfer, store, mix, process, treat or dispose of a solid waste.
- (2) The construction, operation or reclamation of a municipal solid waste management facility is designated as an activity.

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; or
 - (c) water distribution facilities or works,
- is designated as an activity.

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

- 10 (1) The construction, operation or reclamation of
- (a) a facility for the handling of dangerous goods or waste dangerous goods as defined in the Dangerous Goods Management Regulations;
 - (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, an approval is not required for an activity designated in subsection (1)

where the activity is the construction, operation or reclamation of

- (a) a propane bulk facility regulated by the Fire Marshal; or
- (b) a facility for storing explosives regulated by the Department of Energy, Mines and Resources (Canada).

Division V - Industrial Approvals

11 An activity designated in Division V does not require an approval if it generates only a liquid effluent which is discharged

- (a) to a municipal wastewater treatment facility approved by the Minister or an Administrator; and
- (b) in accordance with any applicable municipal sewer use by-law.

Part 1: Chemical

12 The construction, operation or reclamation of

- (a) a chemical manufacturing plant in which organic or inorganic chemicals are manufactured;
- (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;

Clause 13(e) amended: O.I.C. 2005-257, N.S. Reg. 128/2005.

- (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) a poultry integrated plant in which poultry is slaughtered and dressed in preparation for sale or distribution to the public;
- (c) a red meat integrated plant in which animals, other than poultry, are slaughtered and dressed in preparation for sale or distribution to the public;
- (d) an inland fish processing plant in which fish is processed and wastewater is discharged to a watercourse, land or an on-site sewage disposal system;
- (e) a tannery in which animal hides or skins are received and processed into leather or leather products;
- (f) a vegetable processing plant in which vegetables are received and processed by slicing, cooking, dehydrating or freezing in preparation for sale or distribution;
- (g) a fruit processing plant in which fruit is received and processed by slicing, cooking, canning, juicing or freezing in preparation for sale or distribution;
- (h) a distillery for the extraction of alcoholic liquors for commercial purposes;
- (i) a beer or wine processing plant in which alcoholic beverages are produced by the process of fermentation;

- (j) a fish meal plant in which fish meal is processed from fish wastes, with or without oil recovery;
- (k) a fish silage operation in which ground up fish waste is digested;
- (l) a dairy or dairy products plant in which milk and milk products are processed including, but not limited to, ice cream, butter, cheese, sour cream, cottage cheese and yogurt for sale and distribution; or
- (m) a food additive or supplement manufacturing plant in which materials are produced for the addition to food or as a food supplement,

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

17 (1) For the purpose of Part 6 of Division V,

- (a) "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;

Clause 17(1)(e) added: O.I.C. 2007-417, N.S. Reg. 352/2007.

- (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.

Clause 17(1)(f) added: O.I.C. 2007-417, N.S. Reg. 352/2007.

(2) The construction, operation or reclamation of

- (a) an oil refinery used for manufacturing hydrocarbon products from condensate, crude oil, synthetic crude oil 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) a bio-remediation treatment operation for the removal or reduction of hydrocarbon products in soils and sludges including landfarms;
- (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;

Clause 17(2)(j) added: O.I.C. 2007-417, N.S. Reg. 352/2007.

- (k) a petroleum or natural gas operation utilizing deep well injection for disposal of liquid production wastes;

Clause 17(2)(k) added: O.I.C. 2007-417, N.S. Reg. 352/2007.

- (l) a liquified natural gas plant,

Clause 17(2)(l) added: O.I.C. 2007-417, N.S. Reg. 352/2007.

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; or
 - (c) a wallpaper manufacturing plant in which wallpaper is manufactured,
- 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 The construction or operation of a cemetery is designated as an activity.
- 28A Reclaiming, remediating, managing, monitoring or disposing of contaminated material generated from an industrial steel or coke production facility is designated as an activity.
Section 28A added: O.I.C. 2007-417, N.S. Reg. 352/2007.

Division VI - Other Approvals

- 29 (1) Any other activity or class of activity which the Minister believes on reasonable and probable grounds causes or will cause a significant adverse effect because of any one or more of the following circumstances:
- (a) the size or magnitude of the proposed activity;
 - (b) the sensitivity of the site where the proposed activity is to be located;
 - (c) the proximity of the proposed activity to buildings or other structures;

- (d) the use of new technology in a proposed activity; or
 - (e) the fair allocation of water resources or air resources will be affected by the proposed activity.
- (2) The Minister shall designate an activity under subsection (1) by issuing a formal written document outlining which matters in subsection (1) are applicable.
- (3) A copy of the designation issued under subsection (2) shall be sent to the proponent and a copy filed in the environmental registry established under the Act.

Effective date

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

Last updated: 28-10-2011