



N.S. Reg. 92/2002
 Made: July 11, 2002
 Filed: July 18, 2002

Ministerial Order re: Evelyn Bessie Alders and Joanne Edith Fry

Order dated July 11, 2002
 made under subsection 125(1) of the
Environment Act

9-02

Part II
Regulations under the Regulations Act

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IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the *Environment Act*

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the said Act to **Evelyn Bessie Alders** of the Head of St. Margaret's Bay, Halifax County, Nova Scotia and **Joanne Edith Fry**, of Bayside, Halifax County, Nova Scotia

MINISTERIAL ORDER

- I. **WHEREAS** Evelyn Bessie Alders and Joanne Edith Fry own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: an apartment building located at or near 2775/2777 Windsor Street (PID 00004887), Halifax, Halifax County, Nova Scotia, hereafter called the "Site";
- II. **AND WHEREAS** the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act*, including Sections [subsection] 67(2) and [Section] 71;

Environment Act

- 67 (2)** No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.
- 71** Any person responsible for the release of a substance under this Part shall, at that person's own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,
- (a) take all reasonable measures to
 - (i) prevent, reduce and remedy the adverse effects of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
 - (b) take any other measures required by an inspector or an administrator; and

- (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia, on July 11, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

Schedule "A"
Terms and Conditions

Evelyn Bessie Alders and Joanne Edith Fry

1. Remediation Plan

On or before July 29, 2002, the persons named in this Ministerial Order shall submit to the Nova Scotia Department of Environment and Labour for approval, a Remediation Plan prepared by an independent, qualified site professional which addresses the following items:

- (a) a complete site assessment in compliance with "Guidelines for Management of Contaminated Sites in Nova Scotia" dated March 27, 1996, to define the extent and level of BTEX and total petroleum hydrocarbon contamination both on and off the Site;
- (b) a description of the remediation technologies and methodologies to be used to remediate the soil and groundwater both on and off the Site, if the assessment results in unacceptable contamination levels;

- (c) a time schedule to implement the Remediation Plan, including the removal or disposal of contaminants or waste, if there are unacceptable contamination levels.

2. Implementation

Upon receipt of approval of the Remediation Plan by the Nova Scotia Department of Environment and Labour, the persons named in this Ministerial Order shall immediately retain the services of a qualified site professional to commence the work set out in the Remediation Plan and to complete the work within the approved time periods.

3. Final Report

Once remediation has been completed pursuant to the Remediation Plan, the persons named in this Ministerial Order shall submit to the Department of Environment and Labour a closure report prepared by a qualified site professional confirming, through the provision of quantitative and qualitative information, that the objectives of the Remediation Plan have been met.

4. Department Contact

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of Environment and Labour under this Ministerial Order to receive any reports and to issue any approvals is:

Darlene Fenton, District Manager
Central Regional Office
Nova Scotia Department
of Environment and Labour
Suite 224, 1595 Bedford highway
Bedford, Nova Scotia
B4A 3Y4

Telephone: (902) 424-2382
Fax: (902) 424-0597

N.S. Reg. 93/2002
Made: March 7, 2002
Filed: July 18, 2002

Ministerial Order re: Balwant Rai Batra and Geeta Batra

Order dated March 7, 2002
made under subsection 125(1) of the
Environment Act

2-02

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia
1994-95, the *Environment Act* (the "*Act*")

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the
provisions of the said *Act* to **Balwant Rai Batra and Geeta Batra**,
located at or near Halifax, Halifax County, Nova Scotia.

MINISTERIAL ORDER

- I. **WHEREAS** Balwant Rai Batra and Geeta Batra own, occupy, operate or are the persons responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a residential apartment complex, which is located at or near 3343 Dutch Village Road, in Halifax, Halifax County, Province of Nova Scotia, hereafter called the "Site";
- II. **AND WHEREAS** the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened subsection 67(2) and Section 71 of the *Environment Act* and [sub]section 24(4) of the *Petroleum Storage Regulations* made pursuant to the *Environment Act*;

Environment Act

- 67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.
- 71 Any person responsible for the release of a substance under this Part shall, at that person's own cost, and as soon as that person knows or ought to have known of the release into the environment that has caused, is causing or may cause an adverse effect,

- (a) take all reasonable measures to
 - (i) prevent, reduce and remedy the adverse effect of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;

- (iii) take any other measures required by an inspector or an administrator; and
- (iv) rehabilitate the environment to a standard prescribed or adopted by the environment.

Petroleum Storage Regulations

24 (4) Tank Removals:

Any contamination caused or detected during a removal shall be remediated to standards prescribed or adopted by the Minister.

- III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* and the *Petroleum Storage Regulations* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the person to whom this Ministerial Order is directed fails to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to subsection 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms and conditions of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia, on March 7, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

**Schedule "A"
Terms and Conditions**

Balwant Rai Batra and Geeta Batra

1. Environmental Site Assessment

- (a) **On or before April 19, 2002** the persons named in this Ministerial Order shall provide to the Department of Environment and Labour for review an ***Environmental Site Assessment Report***, hereinafter "the Report", prepared by an independent environmental site professional experienced and knowledgeable in contaminated site assessment and

remediation. The site assessment must be conducted and the Report prepared in accordance with current policies, procedures and guidelines administered and endorsed by the Nova Scotia Department of Environment and Labour, including, but not limited to, the following:

- Atlantic Risk Based Corrective Action (RBCA) program for contaminated sites, including Reference Documentation dated April, 1999. The minimum site assessment requirements detailed in Appendix 3 of this reference documentation must be used as a basis for conducting the site assessment work.
- Guidelines for the Management of Contaminated Sites in Nova Scotia issued by the Department of the Environment, March 27, 1996.

Minimum information Required within the Report

- (b) The Report will include the following:
- (i) interpretation of all site testing results;
 - (ii) discussion on extent, migration and potential risk and impacts of contamination both on site and off site;
 - (iii) evaluation of remedial and management options, including risk assessment approaches;
 - (iv) conclusions, recommendations and a **Remedial Action and Management Plan, to be approved by the Department**, which will include a plan for the removal and disposal of contaminated soils, groundwater and any necessary on and off-site monitoring for the duration of the required site remedial and management work;
 - (v) a time schedule and plan to implement the Remedial Action and Management Plan to achieve full compliance and the issuance of a Certificate of Compliance from the site professional;
 - (vi) a description of the monitoring program for soil and groundwater both on and off the Site.

2. Implementation

Upon receiving approval of the Remedial Action and Management Plan by the Nova Scotia Department of Environment and Labour, the persons named in this Ministerial Order shall commence work under the Remedial Action and Management Plan and complete the work within the approved time periods.

3. Progress Reports

Once work has commenced pursuant to paragraph 2, the persons named in this Ministerial Order shall submit a written progress report to the Nova Scotia Department of Environment and Labour on a bi-weekly basis or at more frequent intervals if required by the Department.

4. Departmental Review

- (a) Following review of the Report submitted pursuant to paragraph 1 of this Order, but prior to the Department approving the Remedial Action and Management Plan, the Department may direct the persons named

in this ministerial order to conduct additional tests, work and other such technical matters as necessary to attain adherence to departmental policy and procedure pertaining to contaminated sites. The persons named in this Ministerial Order shall comply with any time requirements imposed by the Department as a result of this review.

- (b) Following review of documentation filed by the site professional for the purpose of obtaining a Certificate of Compliance, including risk assessment reports, the Department may require the persons named in this ministerial order to conduct additional site testing, site works, and re-submission of such reports. The persons named in this ministerial order shall comply with any time requirements imposed by the Department as a result of this review.

5. Department Contact

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of the Environment and Labour under this Ministerial Order to receive any reports and to issue any directives is:

Darlene Fenton, District Manager
Central Regional Office
Nova Scotia Department of the Environment [and Labour]
Suite 224, 1595 Bedford Highway
Bedford, Nova Scotia
B4A 3Y4

Telephone: (902) 424-2382
Fax: (902) 424-0597

N.S. Reg. 94/2002
Made: March 7, 2002
Filed: July 18, 2002

Ministerial Order re: James Earl Bouchie

Order dated March 7, 2002
made under subsection 125(1) of the
Environment Act

4-02

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95,
the *Environment Act*

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the
Environment Act to **James Earl Bouchie**, of Yellow Marsh, Guysborough
County, Nova Scotia

MINISTERIAL ORDER

- I. **WHEREAS James Earl Bouchie** owns, occupies, operates or is responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: James Earl Bouchie's Salvage Yard which is located at or near Yellow Marsh, in Guysborough County, Nova Scotia, hereafter called the "Site";
- II. **AND WHEREAS** the Minister of ~~the~~ Environment [and Labour] believes on reasonable and probable grounds that the person named in this Ministerial Order has contravened the *Environment Act*, including the following Sections:

Environment Act

67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

71 Any person responsible for the release of a substance under this Part shall, at that person's own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,

- (a) take all reasonable measures to
 - (i) prevent, reduce and remedy the adverse effects of the substance, and
 - (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (b) take any other measures required by an inspector or an administrator; and

- (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the person named in this Ministerial Order shall, at the person's own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the person to whom this Ministerial Order is directed fails to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia on March 7, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

**Schedule "A"
Terms and Conditions**

James Earl Bouchie

1. Remediation Plan

On or before March 29, 2002, the person named in this Ministerial Order shall submit to the Nova Scotia Department of Environment and Labour for approval a Remediation Plan prepared by a independent professional consultant which addresses the following items:

- (a) a complete assessment in compliance with "Guidelines for Management of Contaminated Sites in Nova Scotia" dated March 27, 1996, to define the extent and level of contamination including, but not limited to, substances such [as] gasoline, oil, antifreeze, transmission fluid and battery acid both on and off the Site;
- (b) a description of the remediation technologies and methodologies to be used to remediate the soil and groundwater both on and off the Site;

- (c) a description of a program to monitor the soil and groundwater both on and off the Site for the duration of the remediation and to report the results to the Nova Scotia Department of Environment and Labour;
- (d) a description of a long term groundwater monitoring program for the established perimeter wells, both on and off site;
- (e) a description of a program for the removal of salvaged vehicles and other materials from the site; and
- (f) a time schedule to implement the remediation plan, including the removal or disposal of contaminants or waste.

2. Implementation

Upon receipt of approval of the Remediation Plan by the Nova Scotia Department of Environment and Labour, the person named in this Ministerial Order shall commence work under the remedial action plan and complete the same within the approved time periods.

3. Progress Reports

Once remediation has commenced under Item 2, the person named in this Ministerial Order shall submit a written progress report to the Nova Scotia Department of Environment and Labour on a bi-weekly basis or at more frequent intervals if required by the Department.

4. Department Contact

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of Environment and Labour under this Ministerial Order to receive any reports and to issue any approvals is:

Don Feldman
District Manager
Antigonish District Office
Nova Scotia Department
of Environment and Labour
Kirk Place
Suite 205, 219 Main Street
Antigonish, Nova Scotia
B2G 2C1

Telephone: (902) 863-7389
Fax: (902) 863-4765

N.S. Reg. 95/2002
Made: March 7, 2002
Filed: July 18, 2002

Ministerial Order re: The Britex Group Limited, Britex Narrow Fabrics Limited, Britex Wide Fabrics Limited, Malcolm Inglis, Sanford L. Archibald, Ian Archibald and Edwin Logan

Order dated March 7, 2002
made under subsection 125(1) of the
Environment Act

3-02

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia
1994-95, the *Environment Act*

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the *Environment Act* to **The Britex Group Limited, Britex Narrow Fabrics Limited, Britex Wide Fabrics Limited**, individual bodies corporate, located at or near Centrelea, Annapolis County, Nova Scotia, **Malcolm Inglis** of Bridgetown, Annapolis County, Nova Scotia, **Sanford L. Archibald** of Bridgetown, Annapolis County, Nova Scotia, **Ian Archibald** of Annapolis County, Nova Scotia, and **Edwin Logan** of Whites Lake, Halifax County, Nova Scotia.

MINISTERIAL ORDER

- I. **WHEREAS** The Britex Group Limited, Britex Narrow Fabrics Limited, Britex Wide Fabrics Limited, Malcolm Inglis, Sanford L. Archibald, Ian Archibald, and Edwin Logan own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a textile manufacturing plant which is located in Centrelea, Annapolis County, Nova Scotia, hereafter called the "Site";
- II. **AND WHEREAS** the Minister of ~~the~~ Environment [and Labour] believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act*, including the following subsections;
 - 67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.
 - 68 (2) No person shall release or permit the release of a substance into the environment in an amount, concentration or level or at a rate of release that is in excess of that expressly authorized by an approval or the regulations.
- III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to [sub]section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia on March 7, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

Schedule "A"**Terms and Conditions**

The Britex Group Limited, Britex Narrow Fabrics Limited, Britex Wide Fabrics Limited, Malcolm Inglis, Sanford L. Archibald, Ian Archibald, and Edwin Logan

1. Effluent Treatment Technology Report

On or before April 5, 2002, the persons named in this Ministerial Order shall submit to the Nova Scotia Department of Environment and Labour (the "Department"), for approval, a written Report prepared by a qualified professional consultant, including

- (i) a description of a suitable technology for treating the effluent from the Site;
- (ii) a Schedule for the installation of the treatment technology;
- (iii) a description of a monitoring program designed to evaluate the effectiveness of the treatment technology;
- (iii) an evaluation by a qualified consultant that the proposed treatment technology is capable of treating the effluent from the Site such that it meets the Terms and Conditions of the Approval and applicable standards established by the Department, which includes passing the non-acutely lethal fish toxicity testing as determined by the LC₅₀ test;
- (iv) an assessment of alternative treatment options should the chosen treatment technology fail.

2. Implementation

Upon receipt of written approval of the Report and implementation Schedule from the Department, the persons named in this Ministerial Order shall commence work pursuant to the Schedule and complete the same within the time periods identified in the Schedule.

3. Progress Reports

Once the installation of the treatment technology has commenced under paragraph 2, the persons named in this Ministerial Order shall submit a written progress report to the Department on a bi-weekly basis or at more frequent intervals if required by the Department.

4. Alternate Treatment Technology

Should the treatment technology fail to treat the effluent from the Site such that it meets the Terms and Conditions of the Approval and applicable standards established by the Department, which includes passing the non-acutely lethal fish toxicity testing as determined by the LC₅₀ test, the persons named in this Ministerial Order shall implement an alternate treatment technology identified in the Report to treat effluent from the Site within a time frame approved by the Department.

5. Department Contact

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of Environment and Labour is:

Mr. Jeff Garnhum
District Manager
Nova Scotia Department of Environment and Labour
Western Regional Office
136 Exhibition Street,
Kentville, N.S. B4N 4E5
(902) 679-6086 - phone
(902) 679-6186 - fax

N.S. Reg. 96/2002
Made: December 18, 2001
Filed: July 18, 2002

Revocation Order re: Cape Breton Development Corporation

Order dated December 18, 2001
made under clause 131(1)(b) of the
Environment Act

23-01

IN THE MATTER OF Clause 131(1)(b) of Chapter 1 of the Acts of 1994-95,
the *Environment Act*

- and -

IN THE MATTER OF the revocation of a Ministerial Order issued pursuant
to the provisions of the *Environment Act* to Cape Breton Development
Corporation, a body corporate

REVOCATION ORDER

WHEREAS by Ministerial Order issued pursuant to subsection 125(1) of the
Environment Act dated the December 8, 1998, signed by the Minister of the
Environment, the Honourable Don Downe, and duly filed in the Office of the
Registrar of Regulations on December 15, 1998, (Reg. 96/98) and published in the
Royal Gazette, Part II, Volume 23, Number 1 on January 1, 1999, on pages 3-10, the
person named in the Ministerial Order was ordered to comply with the conditions set
forth in Schedule "A" attached to the Ministerial Order respecting a coal shipping
facility at its International Pier Site located at or near Whitney Pier, Cape Breton
Regional Municipality, Province of Nova Scotia;

AND WHEREAS the Honourable Minister of Environment and Labour wishes to
revoke the aforesaid Ministerial Order while maintaining the authority to issue
further Ministerial Orders in future against the person named in the said Ministerial
Order if the circumstances so merit;

IT IS HEREBY ORDERED that upon service of this Order of Revocation, the
Ministerial Order dated December 8, 1998, is revoked and of no further force or
effect.

DATED at Halifax, Halifax County, Nova Scotia, December 18, 2001.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

N.S. Reg. 97/2002
Made: January 17, 2002
Filed: July 18, 2002

Revocation Order re: 3010526 Nova Scotia Limited
and Suzanne Kushner

Order dated January 17, 2002
made under clause 131(1)(b) of the
Environment Act

IN THE MATTER OF clause 131(1)(b) [of] Chapter 1 of the Statutes of
Nova Scotia 1994-95, the *Environment Act*

- and -

IN THE MATTER OF the revocation of a Ministerial Order issued
pursuant to the provisions of the *Environment Act* to **3010526 Nova
Scotia Limited**, a body corporate, located at or near Halifax, in Halifax
County, and **Suzanne Kushner** of Halifax, Province of Nova Scotia

REVOCATION ORDER

WHEREAS by Ministerial Order issued pursuant to subsection 125(1) of the
Environment Act, S.N.S. 1994-95, c.1, dated the 11th day of May, 2000, signed by the
Acting Minister of the Environment, the Honourable Michael G. Baker, Q.C. and
duly filed in the Office of the Registrar of Regulations on May 12, 2000 (N.S.
Regulation 89/2000) and published in the Royal Gazette, Part II, Volume 24,
Number 11 on June 2, 2000, from page 329 to 330, the persons named in the
Ministerial Order were ordered to comply with the conditions set forth in Schedule
"A" attached to the Ministerial Order respecting the assessment of a contaminated
site in accordance with guidelines, procedures and programs utilized and endorsed by
the Department of the Environment at the time, the Site being located at or near
221/221A Waverley Road, Dartmouth, Halifax County, Nova Scotia;

AND WHEREAS the Honourable Minister of Environment and Labour wishes to
revoke the Ministerial Order while maintaining the authority to issue further
Ministerial Orders in future against the persons named in the Order if the
circumstances so merit;

IT IS HEREBY ORDERED that upon service of this Revocation Order, the
Ministerial Order dated May 11, 2000 is revoked and of no further force or effect.

DATED at Halifax, in the County of Halifax, Province of Nova Scotia on January
17, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

N.S. Reg. 98/2002
Made: June 11, 2002
Filed: July 18, 2002

Ministerial Order re: Mid Valley Construction (1997) Limited,
Craig Parsons, John Parsons, Bruce Parsons, Raymond Parsons
and Michael Yahnke

Order dated June 11, 2002
made under subsection 125(1) of the
Environment Act

8-02

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia
1994-95, the *Environment Act*

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the
said Act to **Mid Valley Construction (1997) Limited**, a body corporate,
located at or near Wilmot, Annapolis County, Nova Scotia, **Craig
Parsons** of Middleton, Annapolis County, Nova Scotia, **John Parsons** of
Kingston, Kings County, Nova Scotia, **Bruce Parsons** of Kingston, Kings
County, Nova Scotia, **Raymond Parsons** of Kingston, Kings County,
Nova Scotia and **Michael Yahnke** of Greenwood Square, Kings County,
Nova Scotia

MINISTERIAL ORDER

- I. **WHEREAS** Mid Valley Construction (1997) Limited, Craig Parsons, John Parsons, Bruce Parsons, Raymond Parsons and Michael Yahnke own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a construction and demolition debris disposal site located at or near River Drive (PID 55137962), Greenwood Square, Kings County, Nova Scotia, hereafter called the "Site";
- II. **AND WHEREAS** the Minister of ~~the~~ Environment [and Labour] believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act* and the *Solid Waste-Resource Management Regulations*;

Environment Act
67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

Solid Waste-Resource Management Regulations
31 (2) (a) No person shall own, construct, manage, operate, alter or modify a disposal site for construction and demolition debris landfill without obtaining approval from the Minister.
- III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment*

Act or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to subsection 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia on June 11, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

Schedule "A"

Terms And Conditions

Mid Valley Construction (1997) Limited, Craig Parsons, John Parsons, Bruce Parsons, Raymond Parsons and Michael Yahnke

- 1. On or before July 1, 2002, the persons named in this Ministerial Order shall remove all construction and demolition debris that has been buried at the Site.
- 2. All construction and demolition debris removed from the Site shall be disposed of at a facility that has been approved by the Nova Scotia Department of Environment and Labour for operation as a construction and demolition debris disposal site.
- 3. The Site shall be returned to the original grade that existed prior to the placement of the construction and demolition debris.
- 4. The persons named in this Ministerial Order shall provide written notification, one week in advance of the projected completion date, to the contact person identified below to enable an inspection of the site by the Department of Environment and Labour.

- 5. Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of Environment and Labour for this Ministerial Order is:

Jeff Garnhum
District Manager
Kentville District Office
136 Exhibition Street
Kentville, Nova Scotia, B4N 4E5
phone: (902) 679-6086
fax: (902) 679-6186

N.S. Reg. 99/2002
Made: April 16, 2002
Filed: July 18, 2002
Ministerial Order re: Northridge Farms N.S. Ltd., Eric A. Horsnell, Dorothy D. Horsnell and Dwight A. Horsnell

Order dated April 16, 2002
made under subsection 125(1) of the
Environment Act

6-02

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia
1994-95, the Environment Act

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the
said Act to Northridge Farms N.S. Ltd., a body corporate, located at or
near 2608 HWY 221 Dempsey Corner, Aylesford, Kings County, Nova
Scotia; Eric A. Horsnell, Dorothy D. Horsnell, and Dwight A.
Horsnell, of Dempsey Corner, Aylesford, Kings County, Nova Scotia

MINISTERIAL ORDER

- I. WHEREAS Northridge Farms N.S. Ltd., Eric A. Horsnell, Dorothy D. Horsnell, Dwight A. Horsnell, own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: a composting facility which is located at or near 2608 HWY 221, Dempsey Corner, Aylesford, County of Kings, Province of Nova Scotia, hereafter called the "Site";
II. AND WHEREAS the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened subsection 67(2), Section 71 and clauses 158(b), (c) and (f) of the Environment Act;

Environment Act

67 (2) No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause a significant adverse effect, unless authorized by an approval or the regulations.

71 Any person responsible for the release of a substance under this Part shall, at that person's own cost, and as soon as that person knows or ought to have known of the release of a substance into the environment that has caused, is causing or may cause an adverse effect,

- (a) take all reasonable measures to
(i) prevent, reduce, and remedy the adverse effects of the substance, and

- (ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;
- (b) take any other measures required by an inspector or an administrator; and
- (c) rehabilitate the environment to a standard prescribed or adopted by the Department.

158 A person who

- (b) provides false or misleading information pursuant to a requirement under this Act to provide information;
- (c) does not provide information as required pursuant to this Act;
- (f) contravenes a term or condition of an approval, a certificate of variance or a certificate of qualification;

is guilty of an offence.

III. **AND WHEREAS** the Minister is of the opinion that it is in the public interest to do all things and take all steps necessary to comply with the *Environment Act* or to repair any injury or damage, or to control, eliminate or manage an adverse effect;

IT IS HEREBY ORDERED:

That pursuant to subsection 125(1) of the *Environment Act*, the persons named in this Ministerial Order shall, at their own cost, comply with the terms and conditions, including compliance times, set forth in Schedule "A" attached to and forming part of this Ministerial Order.

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to subsection 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

AND FURTHER TAKE NOTICE that the appeal provisions respecting the issuance of a Ministerial Order are more fully outlined in Section 138 of the *Environment Act*, including a 30 day time period from the date of the issuance of the Ministerial Order to file an appeal.

DATED at Halifax, Halifax County, Nova Scotia, on April 16, 2002.

Sgd: *David Morse*
The Honourable David Morse
Minister of Environment and Labour

Schedule "A"
Terms and Conditions

**Northridge Farms N.S. Ltd., Eric A. Horsnell, Dorothy D. Horsnell,
Dwight A. Horsnell**

1. The Report

On or before May 10, 2002, the persons named in this Ministerial Order shall submit to the Nova Scotia Department of Environment and Labour (the "Department"), for review and comment, a written Report prepared by a qualified professional consultant. The Report shall include the following information:

- (a) a description of the overall operation at the facility;
- (b) a Plan
 - (i) describing how Northridge Farms N.S. Ltd. will comply with the Separation Distances set out in Section 5.9 of the "Nova Scotia Department of Environment Composting Facility Guidelines, March 1998" and referenced in term and condition 3(iv) of Approval Number 99-IAW-057 to operate a windrow composting facility at the Site; and
 - (ii) identifying the potential sources of odour generation on the Site and the mitigative measures which will be used to reduce odours, up to and including the removal of compost to an approved composting facility; and
- (c) a Time Schedule to implement the Plan.

2. Implementation

Upon receipt of the Department's written approval of the Plan and the Time Schedule submitted pursuant to Paragraph 1, the persons named in this Ministerial Order shall commence work pursuant to the Plan and the Time Schedule, and complete the work within the approved time periods.

3. Survey Plan

On or before May 10, 2002, the persons named in this Ministerial Order shall submit to the Department, a survey plan stamped by a licensed surveyor, including, but not limited to, the following:

- (i) the delineation of all buildings on the Site;
- (ii) the delineation of the active area on the Site;
- (iii) all residential, commercial, industrial and institutional buildings and structures within a 1000 metre radius of the active area;
- (iii) all groundwater monitoring well locations;
- (iv) all surface runoff collection sites; and
- (v) all surface water sampling locations.

4. Overs

If the Report required under Paragraph 1 of this Ministerial Order indicates that compost overs are contributing to the odour or leachate generation on Site, then the persons named in this Ministerial Order shall ensure that the overs are removed from the Site within thirty (30) days of the approval of the Report by the Department. The persons named in this Ministerial Order must obtain the written approval of the Department for the method of disposal of the overs.

5. Removal of Compost from the Site

No compost is to be removed from the site which has not been tested for maturity, pathogens, trace elements, foreign matter, and been categorized in accordance with the terms and conditions of Approval Number 99-IAW-057 and the protocols in the CCME document "Guidelines for Compost Quality", dated March 1996 or the latest edition. The test results shall be forwarded to the Department and no material is to be moved from the Site without the Department's approval. The persons named in this Ministerial Order shall ensure that the following requirements are met:

- (i) all compost which is in the testing process must be maintained in the curing building on Site until such time as the testing is completed;
- (ii) if the compost cannot be maintained in the curing building on Site during the testing process, the persons named in this Ministerial Order shall remove it to an approved composting facility; and
- (iii) all compost which is deemed to be improperly cured or classified through these analysis shall immediately be managed to achieve proper maturity, pathogen reduction, trace element and foreign matter content.

6. Groundwater and Surface Water Sampling

On or before May 31, 2002, the persons named in this Ministerial Order shall have a qualified professional consultant prepare an interpretation report, including sample results, outlining the results of the groundwater sampling and surface water sampling programs that have been conducted at the site. The groundwater sampling and surface water sampling programs are to be conducted in accordance with the requirements of the "Nova Scotia Department of Environment Composting Facility Guidelines, March 1998". All testing results shall be compared against background sampling data.

7. Department Contact

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of Environment and Labour is:

Mr. Jeff Garnhum
District Manager
Western Regional Office
136 Exhibition Street,
Kentville, N.S. B4N 4E5
(902) 679-6086 - phone
(902) 679-6186 - fax

N.S. Reg. 100/2002

Made: July 18, 2002

Filed: July 22, 2002

Civil Service General Regulations

Order in Council 2002-333 made July 18, 2002
Amendment to regulations made by the Governor in Council
pursuant to Section 45
of the *Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated July 11, 2002, and pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased, effective July 18, 2002, to:

- (a) amend the regulations under the *Civil Service Act* made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation; and
- (b) approve "at risk" pay for performance for Management Classification and Pay Plan employees who are at the top of their salary range.

Schedule "A"

**Amendments to the Regulations under the *Civil Service Act*
made pursuant to Section 45 of Chapter 70 of the
Revised Statutes of Nova Scotia, 1989, the *Civil Service Act***

The regulations under the *Civil Service Act* approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, are amended by adding the following Section immediately following Section 24:

- 24A (1)** Despite Sections 17 to 22, the Commission, on the recommendation of the Head or Deputy Head of a Department may, on April 1 of each year, grant an increment for meritorious service to an employee.
- (2) The annual increment shall be determined in accordance with policies established by the Commission.
 - (3) This Section does not apply to
 - (a) solicitors employed in the Department of Justice Legal Services Division or with the Public Prosecution Service and civil service government lawyers in positions located outside of the Legal Services Division and the Public Prosecution Service who have been identified by the Public Service Commission to receive the same rates of compensation as the solicitors in the Legal Services Division; and
 - (b) persons employed in positions designated by the Governor in Council as being eligible for "at risk" performance pay for senior officials.