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In force date of regulations: As of March 4, 2005*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

N.S. Reg. 115/2017

Made: July 27, 2017

Filed: July 28, 2017

Prescribed Petroleum Products Prices

Order dated July 27, 2017
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08201**

In the matter of the *Petroleum Products Pricing Act*

- and -

**In the matter of prescribing prices for petroleum products
pursuant to Section 14 of the *Petroleum Products Pricing Act* and
Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

Before: Richard J. Melanson, Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended July 26, 2017, are:

Grade 1 Regular gasoline	52.7¢ per litre
Ultra-low-sulfur diesel oil	51.2¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	52.7¢ per litre
Grade 2	55.7¢ per litre
Grade 3	58.7¢ per litre
Ultra-low-sulfur diesel oil	51.2¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	nil ¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.3¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., July 28, 2017.

Dated at Halifax, Nova Scotia, this 27th day of July, 2017.

sgd: *Doreen Friis*
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on July 28, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	59.9	10.0	15.5	85.4	104.1	106.3	104.1	999.9
Mid-Grade Unleaded	62.9	10.0	15.5	88.4	107.5	109.7	107.5	999.9
Premium Unleaded	65.9	10.0	15.5	91.4	111.0	113.2	111.0	999.9
Ultra-Low-Sulfur Diesel	58.8	4.0	15.4	78.2	95.8	98.0	95.8	999.9
Zone 2								
Regular Unleaded	60.4	10.0	15.5	85.9	104.6	106.8	104.6	999.9
Mid-Grade Unleaded	63.4	10.0	15.5	88.9	108.1	110.3	108.1	999.9
Premium Unleaded	66.4	10.0	15.5	91.9	111.6	113.7	111.6	999.9
Ultra-Low-Sulfur Diesel	59.3	4.0	15.4	78.7	96.4	98.6	96.4	999.9
Zone 3								
Regular Unleaded	60.8	10.0	15.5	86.3	105.1	107.3	105.1	999.9
Mid-Grade Unleaded	63.8	10.0	15.5	89.3	108.6	110.7	108.6	999.9
Premium Unleaded	66.8	10.0	15.5	92.3	112.0	114.2	112.0	999.9
Ultra-Low-Sulfur Diesel	59.7	4.0	15.4	79.1	96.8	99.0	96.8	999.9
Zone 4								
Regular Unleaded	60.9	10.0	15.5	86.4	105.2	107.4	105.2	999.9
Mid-Grade Unleaded	63.9	10.0	15.5	89.4	108.7	110.9	108.7	999.9
Premium Unleaded	66.9	10.0	15.5	92.4	112.1	114.3	112.1	999.9
Ultra-Low-Sulfur Diesel	59.8	4.0	15.4	79.2	96.9	99.1	96.9	999.9
Zone 5								
Regular Unleaded	60.9	10.0	15.5	86.4	105.2	107.4	105.2	999.9
Mid-Grade Unleaded	63.9	10.0	15.5	89.4	108.7	110.9	108.7	999.9
Premium Unleaded	66.9	10.0	15.5	92.4	112.1	114.3	112.1	999.9
Ultra-Low-Sulfur Diesel	59.8	4.0	15.4	79.2	96.9	99.1	96.9	999.9
Zone 6								
Regular Unleaded	61.6	10.0	15.5	87.1	106.0	108.2	106.0	999.9
Mid-Grade Unleaded	64.6	10.0	15.5	90.1	109.5	111.7	109.5	999.9
Premium Unleaded	67.6	10.0	15.5	93.1	112.9	115.1	112.9	999.9
Ultra-Low-Sulfur Diesel	60.5	4.0	15.4	79.9	97.8	99.9	97.8	999.9

N.S. Reg. 116/2017

Made: August 3, 2017

Filed: August 4, 2017

Prescribed Petroleum Products Prices

Order dated August 3, 2017
made by the Nova Scotia Utility and Review Board
pursuant to Section 14 of the *Petroleum Products Pricing Act*
and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*

Order**M08220****In the matter of the *Petroleum Products Pricing Act*****- and -****In the matter of prescribing prices for petroleum products pursuant to Section 14 of the *Petroleum Products Pricing Act* and Sections 16 to 19 of the *Petroleum Products Pricing Regulations*****Before:** Roberta J. Clarke, Q.C., Member

Whereas the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

And whereas the Nova Scotia Utility and Review Board (“Board”) considered the manner in which it would proceed to set petroleum product prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

And whereas the Board revised the wholesale margin effective January 4, 2013, in its decision, 2012 NSUARB 213, issued on December 12, 2012;

And whereas the Board revised the retail margin and the transportation allowance effective October 28, 2016, in its decision, 2016 NSUARB 168, issued on September 26, 2016;

And whereas the average of the average of the daily high and low reported product prices (in Canadian cents) for the week ended August 3, 2017, are:

Grade 1 Regular gasoline	55.1¢ per litre
Ultra-low-sulfur diesel oil	54.1¢ per litre

Now therefore the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:	
Grade 1	55.1¢ per litre
Grade 2	58.1¢ per litre
Grade 3	61.1¢ per litre
Ultra-low-sulfur diesel oil	54.1¢ per litre

And now therefore the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

Gasoline:	plus 0.7¢ per litre
Ultra-low-sulfur diesel oil:	plus 0.8¢ per litre

And now therefore the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., August 4, 2017.

Dated at Halifax, Nova Scotia, this 3rd day of August, 2017.

sgd: Lisa Wallace
Clerk of the Board

Schedule "A"

**Prices Prescribed for Petroleum Products
under the *Petroleum Products Pricing Act* and the
Petroleum Products Pricing Regulations
effective on and after 12:01 a.m. on August 4, 2017**

Nova Scotia Petroleum Price Schedule								
Petroleum Prices in Cents/Litre					Self-Service Pump Prices (Pump Prices includes 15% HST)		Full-Service Pump Prices	
	Base Wholesale Price	Fed. Excise Tax	Prov. Tax	Wholesale Selling Price	Min	Max	Min	Max
Zone 1								
Regular Unleaded	63.1	10.0	15.5	88.6	107.8	109.9	107.8	999.9
Mid-Grade Unleaded	66.1	10.0	15.5	91.6	111.2	113.4	111.2	999.9
Premium Unleaded	69.1	10.0	15.5	94.6	114.7	116.8	114.7	999.9
Ultra-Low-Sulfur Diesel	62.2	4.0	15.4	81.6	99.7	101.9	99.7	999.9
Zone 2								
Regular Unleaded	63.6	10.0	15.5	89.1	108.3	110.5	108.3	999.9
Mid-Grade Unleaded	66.6	10.0	15.5	92.1	111.8	114.0	111.8	999.9
Premium Unleaded	69.6	10.0	15.5	95.1	115.2	117.4	115.2	999.9
Ultra-Low-Sulfur Diesel	62.7	4.0	15.4	82.1	100.3	102.5	100.3	999.9
Zone 3								
Regular Unleaded	64.0	10.0	15.5	89.5	108.8	111.0	108.8	999.9
Mid-Grade Unleaded	67.0	10.0	15.5	92.5	112.2	114.4	112.2	999.9
Premium Unleaded	70.0	10.0	15.5	95.5	115.7	117.9	115.7	999.9
Ultra-Low-Sulfur Diesel	63.1	4.0	15.4	82.5	100.7	102.9	100.7	999.9
Zone 4								
Regular Unleaded	64.1	10.0	15.5	89.6	108.9	111.1	108.9	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Ultra-Low-Sulfur Diesel	63.2	4.0	15.4	82.6	100.9	103.0	100.9	999.9
Zone 5								
Regular Unleaded	64.1	10.0	15.5	89.6	108.9	111.1	108.9	999.9
Mid-Grade Unleaded	67.1	10.0	15.5	92.6	112.4	114.5	112.4	999.9
Premium Unleaded	70.1	10.0	15.5	95.6	115.8	118.0	115.8	999.9
Ultra-Low-Sulfur Diesel	63.2	4.0	15.4	82.6	100.9	103.0	100.9	999.9
Zone 6								
Regular Unleaded	64.8	10.0	15.5	90.3	109.7	111.9	109.7	999.9
Mid-Grade Unleaded	67.8	10.0	15.5	93.3	113.2	115.3	113.2	999.9
Premium Unleaded	70.8	10.0	15.5	96.3	116.6	118.8	116.6	999.9
Ultra-Low-Sulfur Diesel	63.9	4.0	15.4	83.3	101.7	103.8	101.7	999.9

N.S. Reg. 117/2017

Made: August 8, 2017

Filed: August 9, 2017

Pension Benefits Regulations—amendment

Order in Council 2017-199 dated August 8, 2017
Amendment to regulations made by the Governor in Council
pursuant to Section 139 of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Finance and Treasury Board dated July 6, 2017, and pursuant to Section 139 of Chapter 41 of the Acts of 2011, the *Pension Benefits Act*, is pleased to amend the *Pension Benefits Regulations*, N.S. Reg. 200/2015, made by the Governor in Council by Order in Council 2015-133 dated April 21, 2015, to provide for a solvency deficiency funding extension, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and after August 8, 2017.

Schedule “A”

**Amendments to the *Pension Benefits Regulations*
made by the Governor in Council under Section 139 of Chapter 41
of the Acts of 2011, the *Pension Benefits Act***

- 1 Section 2 of the *Pension Benefits Regulations*, N.S. Reg. 200/2015, made by the Governor in Council by Order in Council 2015-133 dated April 21, 2015, is amended by
 - (a) adding “or, for a solvency asset adjustment in relation to a solvency relief report, Section 107A” immediately after “Section 6” in the definition of “[“]solvency asset adjustment[”]”; and
 - (b) adding the following definition immediately after the definition of “solvency liability adjustment”:

“solvency relief report” means a solvency relief report as defined in Section 106;
- 2
 - (1) Section 6 of the regulations is amended by adding “other than for a solvency relief report” immediately after “adjustment” in the heading to the Section.
 - (2) Subsection 6(1) of the regulations is amended by adding “, other than a solvency relief report” immediately after “in relation to a valuation report”.
 - (3) Subsection 6(1) of the regulations is further amended by repealing clause (b) and substituting the following clause:
 - (b) the present value of any of the following special payments, other than special payments that are required to liquidate any solvency deficiency determined in the valuation report in relation to which the solvency asset adjustment is being calculated:
 - (i) except as provided in subclause (ii), special payments referred to in clause 99(1)(a) or subsection 104(1) to liquidate a going concern unfunded liability that are scheduled for payment within the 5-year period beginning on a date that is no later than 12 months after the valuation date,
 - (ii) if special payments are being made under clause 6A(3)(a) of the former regulations, subsection 7(4) of the former regulations or subsection 107(1) to liquidate a solvency

deficiency, special payments referred to in clause 99(1)(a) or subsection 104(1) to liquidate a going concern unfunded liability determined as at a valuation date that is earlier than the date that the solvency deficiency is determined that are scheduled for payment within the longer of the following periods:

- (A) the 5-year period beginning on a date that is no later than 12 months after the valuation date,
 - (B) the remainder of the amortization period for liquidating the solvency deficiency specified in each of those provisions under which the schedule of payments was established,
- (iii) special payments referred to in clause 99(1)(b) to liquidate a solvency deficiency that are scheduled for payment within the remainder of the 5-year amortization period specified in clause 99(1)(b),
 - (iv) special payments referred to in subsection 105(1) to liquidate a solvency deficiency in accordance with clause 6A(3)(a) of the former regulations that are scheduled for payment within the remainder of the 10-year amortization period specified in clause 6A(3)(a),
 - (v) special payments referred to in subsection 105(2) to liquidate a solvency deficiency in accordance with subsection 7(4) of the former regulations that are scheduled for payment within the remainder of the 15-year amortization period specified in subsection 7(4) of the former regulations,
 - (vi) special payments referred to in subsection 107(1) to liquidate a new solvency deficiency that are scheduled for payment within the remainder of the 15-year amortization period specified in subsection 107(1);
- (2) Subsection 6(2) of the regulations is amended by adding “under subsection (1)” immediately after “adjustment”.
- 2* (1) Subsection 32(1) of the regulations is amended by
- (a) striking out “under Section 105,” and substituting “under subsection 105(1)”; and
 - (b) striking out “under subsection 107(3)” and substituting “under subsection 105(2) or 107(3)”.
- (2) Subsection 32(2) of the regulations is amended by adding “, other than clause 85(2)(c),” immediately after “subsection 85(2)”.
- 3* Subsection 53(4) of the regulations is amended by adding “, if the previous year credit balance is greater than zero” immediately after “the report”.
- 4* (1) Subsection 59(1) of the regulations is amended by striking out “Except as provided in subsection (2), an” and substituting “An”.
- (2) Subsection 59(2) of the regulations is repealed.
- 5* (1) Section 105 of the regulations is redesignated as subsection 105(1) and amended by
- (a) striking out “between” and substituting “on or after”; and

- (b) adding “no later than” immediately before “January 2, 2011”.
- (2) Section 105 of the regulations is further amended by adding the following subsection immediately after subsection (1):
- (2) If an election to make special payments to liquidate a solvency deficiency over 15 years has been made under Section 7 of the former regulations,
- (a) the special payments may continue in accordance with subsection 7(4) of the former regulations instead of as required for payments that are required to liquidate a solvency deficiency under clause 99(1)(b), but the pension plan must otherwise meet the requirements of subsection 32(1) when the plan is amended; and
- (b) the obligation to send progress reports continues in accordance with Section 7 of the former regulations while special payments are being made in accordance with that Section.
- 6* (1) The definition of “eligible valuation date” in Section 106 of the regulations is amended by striking out “January 3, 2011, and no later than January 2, 2014” and substituting “December 30, 2016, and no later than January 2, 2019”.
- (2) Section 106 of the regulations is further amended by
- (a) adding the following definitions immediately after the definition of “eligible valuation date”:
- “eligible existing solvency deficiency” means a solvency deficiency that
- (i) was determined in a valuation report other than the solvency relief report, and
- (ii) as of the date of filing the solvency relief report, is being liquidated in accordance with clause 99(1)(b) over a 5-year period;
- “new solvency deficiency” means a solvency deficiency that is determined in the solvency relief report;
- (b) repealing the definition of “solvency relief report” and substituting the following definition:
- “solvency relief report” means a valuation report, other than an initial valuation report under Section 52, in relation to an eligible valuation date, in which the administrator of the pension plan proposes to make an election to extend the amortization period under Section 107;
- 7* (1) Subsection 107(1) of the regulations is repealed and the following subsection substituted:
- (1) Subject to subsection (2), an administrator of a pension plan that provides defined benefits may elect to liquidate the following solvency deficiencies for the defined benefits in the pension plan under this Section instead of making special payments as required under clause 99(1)(b):
- (a) a new solvency deficiency; and
- (b) an eligible existing solvency deficiency.

- (2) Clause 107(2)(a) of the regulations is repealed and the following clauses substituted:
- (a) all employer contributions and employee contributions due and payable under the pension plan have been made in accordance with Part 3: Funding of Pension Plans—Payment of Contributions;
 - (aa) a solvency relief report is filed under these regulations that sets out all of the following, in addition to the information required for a valuation report by subsections 53(2), (3) and (4):
 - (i) a statement that the administrator of the pension plan proposes to make an election to extend the amortization period under Section 107,
 - (ii) the special payments that will be required if an election is made to extend the amortization period to liquidate, in accordance with Sections 107 to 116, a new solvency deficiency and any eligible existing solvency deficiency,
 - (iii) the special payments that will be required if an election is not made to extend the amortization period to liquidate, in accordance with Sections 107 to 116, a new solvency deficiency and any eligible existing solvency deficiency;
- (3) Clause 107(3)(b) of the regulations is amended by adding “eligible” immediately before “existing”.

9* The regulations are amended by adding the following Section immediately after Section 107:

Calculation of solvency asset adjustment for solvency relief report

107A (1) Subject to subsection (2), the solvency asset adjustment in relation to a solvency relief report for a pension plan that provides defined benefits is the sum of all of the following:

- (a) the amount, positive or negative, by which the value of the solvency assets is adjusted by applying an averaging method that stabilizes short-term fluctuations in the market value of the plan assets, calculated over a period of no longer than 5 years;
- (b) the present value of any of the following special payments, other than special payments that are required to liquidate any new solvency deficiency determined in the solvency relief report:
 - (i) special payments referred to in clause 99(1)(a) or subsection 104(1) to liquidate a going concern unfunded liability that are scheduled for payment within the longer of the following periods:
 - (A) the 5-year period beginning on a date that is no later than 12 months after the valuation date, and
 - (B) if special payments are being made to liquidate a solvency deficiency under clause 6A(3)(a) of the former regulations, subsection 7(4) of the former regulations or subsection 107(1), the remainder of the amortization period specified in each of those provisions under which payments are scheduled,
 - (ii) special payments referred to in subsection 105(1) to liquidate a solvency deficiency in accordance with clause 6A(3)(a) of the former regulations that are scheduled for payment within the remainder of the 10-year amortization period specified in clause 6A(3)(a),

- (iii) special payments referred to in subsection 105(2) to liquidate a solvency deficiency in accordance with subsection 7(4) of the former regulations that are scheduled for payment within the remainder of the 15-year amortization period specified in subsection 7(4) of the former regulations;
 - (c) the amount that is the lesser of the following:
 - (i) the total amount of all letters of credit held in trust for the pension fund as of the eligible valuation date, excluding the value of any special payments to which the letter of credit relates that are due after the eligible valuation date,
 - (ii) 15% of the amount of the solvency liabilities, determined in accordance with Section 120.
 - (2) The present value of special payments, required contributions and the normal cost used to calculate the solvency asset adjustment must be calculated as of the eligible valuation date and must be calculated using the following:
 - (a) if the solvency liability adjustment is zero, the solvency valuation interest rates;
 - (b) if the solvency liability adjustment is not zero, the average of the solvency valuation interest rates used in the solvency relief report to calculate the solvency liability adjustment.
- 10* Subsection 108(2) of the regulations is amended by striking out “and” immediately before “amortization” and substituting “an”.
- 11* (1) Clause 109(1)(c) of the regulations is amended by adding “the” immediately after “that” the second time it appears.
- (2) Clause 109(2)(e) of the regulations is repealed and the following clause substituted:
- (e) that the administrator is seeking the consent of eligible members, eligible former members and eligible retired members to extend the amortization period for liquidating the plan’s new solvency deficiency and any eligible existing solvency deficiency, plus interest at the solvency valuation interest rate, from 5 years to a period of no longer than 15 years beginning on a date that is no later than 12 months after the eligible valuation date, specifying the beginning and end dates for each of the amortization periods;
- (3) Clause 109(2)(h) of the regulations is amended by striking out “solvency deficiency” and substituting “new solvency deficiency and any eligible existing solvency deficiency”.
- (4) Clause 109(4)(e) of the regulations is repealed and the following clause substituted:
- (e) a statement objecting to the extension of the amortization period for liquidating the pension plan’s new solvency deficiency and any eligible existing solvency deficiency, plus interest at the solvency valuation interest rate, from 5 years to a period of no longer than 15 years beginning on a date that is no later than 12 months after the eligible valuation date, specifying the beginning and end dates for each of the amortization periods;
- 12* Section 111 of the regulations is amended by striking out “until at least the date that the solvency deficiency is liquidated” and substituting “for at least 15 years from the date the last notice of objection is received”.

- 13* Subsection 114(1) of the regulations is amended by striking out “60” and substituting “90”.
- 14* (1) Clause 115(2)(c) of the regulations is amended by adding “new” immediately after “in which the”.
- (2) Clause 115(2)(d) of the regulations is amended by striking out “solvency deficiency” and substituting “new solvency deficiency and any eligible existing solvency deficiency”.
- 15* (1) Subsection 223(4) of the regulations is amended by striking out “subsection (4)” and substituting “subsection (5)”.
- (2) Subsection 223(5) of the regulations is amended by striking out “subsection (3)” and substituting “subsection (4)”.

[*Numbering of amending instructions as in original.]

N.S. Reg. 118/2017 to 119/2017

Made: August 8, 2017

Filed: August 9, 2017

Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations—amendment;

Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations—amendment

Order in Council 2017-202 dated August 8, 2017

Amendment to regulations made by the Governor in Council

pursuant to Section 202DV of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*

The Governor in Council on the report and recommendation of the Minister of Labour and Advanced Education dated July 18, 2017, and pursuant to Section 202DV of Chapter 3 of the Acts of 1987, the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, is pleased, effective on and after August 23, 2017, to

- (a) amend the *Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations*, N.S. Reg. 229/2014, made by the Governor in Council by Order in Council 2014-532 dated December 22, 2014, to provide greater flexibility in the regulatory requirements in order to facilitate compliance by offshore workplaces while ensuring an equivalent level of protection of employee health and safety, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and
- (b) amend the *Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations*, N.S. Reg. [Reg]. 228/2014, made by the Governor in Council by Order in Council 2014-532 dated December 22, 2014, to provide greater flexibility in the regulatory requirements in order to facilitate compliance by offshore workplaces while ensuring an equivalent level of protection of employee health and safety, in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation.

N.S. Reg. 118/2017

Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations—amendment

Schedule “A”

**Amendment to the *Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations*
made by the Governor in Council under
Section 202DV of Chapter 3 of the Acts of 1987,
the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act***

- 1 (1) Section 2 of the *Canada-Nova Scotia Offshore Marine Installations and Structures Occupational Health and Safety Transitional Regulations*, N.S. Reg. 229/2014, made by the Governor in Council by Order in Council 2014-532, dated December 22, 2014, is amended by repealing the definitions of all of the following terms:
- (a) “Canadian Electrical Code”;
 - (b) “CCBFC”;
 - (c) “National Building Code of Canada”;
 - (d) “National Fire Code of Canada”;
 - (e) “National Plumbing Code of Canada”;
 - (f) “ULC Standard”.
- (2) Section 2 of the regulations is further amended by repealing the definition of “CPR course” and substituting the following definition:
- “CPR course” means a training course in cardiopulmonary resuscitation based on the publication of the *Journal of the American Medical Association* entitled *Standards and Guidelines for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiac Care (ECC)* as reprinted by the American Heart Association;
- (3) Section 2 of the regulations is further amended by adding the following definition where it belongs in alphabetical order:
- “ULC” means the Underwriters’ Laboratories of Canada.

- 2 The regulations are further amended by adding the following Section immediately after Section 2:

References to standards, codes and guidelines

2A In these regulations, any reference to a standard, code or guideline is to be read as a reference to the most recent version of that standard, code or guideline.

- 3 Subsection 18(3) of the regulations is repealed and the following subsection substituted:

- (3) A portable fire extinguisher that has not less than a 10B rating as defined in the ULC standard ULC S508, *Rating and Fire Testing of Fire Extinguishers*, must be readily accessible from the location of the heating device when the device is in use.

4 Subsection 30(1) of the regulations is repealed and the following subsection substituted:

- (1) Commercially manufactured portable ladders must meet CSA standard CSA Z11, *Portable Ladders*.

5 Subsection 32(2) of the regulations is repealed and the following subsection substituted:

- (2) The design, construction and installation of a safety net referred to in subsection (1) must meet ANSI standard ANSI/ASSE A10.11, *Safety Requirements for Personnel and Debris Nets*.

6 Subsection 35(2) is repealed and the following subsection substituted:

- (2) For the purposes of subsection (1), the applicable CSA standard for
- (a) elevators, dumbwaiters, escalators and moving walks is CSA B44/ASME A17.1, *Safety Code for Elevators and Escalators* (binational standard, with ASME A17.1);
 - (b) manlifts is CAN/CSA B311, *Safety Code for Manlifts*; and
 - (c) elevating devices for persons with physical disabilities is CAN/CSA B355, *Lifts for Persons with Physical Disabilities*.

7 Section 42 of the regulations is amended by repealing the definition of “inspector” and substituting the following definition:

“inspector” means a person recognized under the laws of Canada or a province as qualified to inspect boilers, pressure vessels or piping systems or a representative of one of the organizations referred to in the definition of “certifying authority” in Section 2 of the *Nova Scotia Offshore Area Certificate of Fitness Regulations* who is qualified to perform that function;

8 Section 51 of the regulations is repealed and the following Section substituted:

- 51** In addition to the requirements of Sections 48 to 50, every boiler, pressure vessel and piping system in use at a workplace must be inspected by an inspector as frequently as is necessary to ensure that the boiler, pressure vessel or piping system is safe for its intended use.

9 (1) Subsection 52(1) of the regulations is amended by striking out “by the inspector or qualified person who carried out the inspection”.

- (2) Subsection 52(1) of the regulations is further amended by repealing clause (a) and substituting the following clause:

- (a) must be signed by the inspector; and

- (3) Clause 52(1)(b) of the regulations is amended by repealing subclauses (v) to (vii) and substituting the following subclauses:

- (v) a declaration as to whether, in the inspector’s opinion, the boiler, pressure vessel or piping system is safe for its intended use,

- (vi) if appropriate in the inspector’s opinion, recommendations regarding the need for more frequent inspections or tests than are required by Section 48, 49 or 50, and

- (vii) any other observation that the inspector considers relevant to the safety of employees.

- 10 Section 53 of the regulations is repealed and the following Section substituted:
- 53** This Part does not apply to the lighting of the bridge of a mobile offshore drilling unit, or of any ship used for construction, production, diving, geotechnical or seismic work.
- 11 Section 59 of the regulations is repealed and the following Section substituted:
- [59]** In this Part, “sound level meter” means an instrument for measuring levels of sound and impulse sound that meets ANSI/ASA standard ANSI S1.4, *American National Standard Specification for Sound Level Meters*, and is referred to in that standard as type 0, 1 or 2.
- 12 Clause 60(3)(b) of the regulations is amended by repealing subclause (i) and substituting the following subclause:
- (i) meets CSA standard CSA Z94.2, *Hearing Protection Devices - Performance, Selection, Care, and Use*, and
- 13 Section 62 of the regulations is amended by repealing clause (a) and substituting the following clause:
- (a) meets CSA standard CSA Z94.2, *Hearing Protective Devices - Performance, Selection, Care and Use*; and
- 14 Section 75 of the regulations is repealed and the following Section substituted:
- 75** (1) All electrical equipment in a hazardous location, as defined in the *Canadian Electrical Code*, published by the CSA, must be constructed, certified and marked in accordance with that standard.
- (2) Despite subsection (1), if the hazardous location is on any ship used for construction, production, diving, geotechnical or seismic work, the equipment must be constructed, certified and marked in accordance with the standards established by the American Bureau of Shipping, Bureau Veritas, DNV GL or Lloyd’s Register.
- (3) Each extension cord of the electrical equipment must be equipped with a terminal that provides an interruption of the circuit before a connecting device is withdrawn.
- 15 Section 93 of the regulations is amended by repealing subsection (4) and substituting the following subsection:
- (4) For the purpose of subsection (3), the minimum capacity of a wash basin must be determined by reference to the applicable municipal bylaws or provincial regulations, or, if there are no such bylaws or regulations, by reference to the *National Plumbing Code of Canada* issued by the Canadian Commission on Building and Fire Codes.
- 16 Section 98 of the regulations is repealed and the following Section substituted:
- 98** Every employer must provide potable water for drinking, personal washing and food preparation that meets the standards set out in the *Guidelines for Canadian Drinking Water Quality* published by Health Canada.
- 17 Section 103 of the regulations is repealed and the following Section substituted:
- 103** If drinking water is supplied by a drinking fountain, the fountain must meet ARI standard ARI 1010,

Self-Contained, Mechanically-Refrigerated Drinking-Water Coolers.

18 Section 107 of the regulations is repealed and the following Section substituted:

107 If food is served in a workplace, the employer must adopt and implement a food safety program that is in accordance with the Canadian Food Inspection Agency's *Guide to Food Safety*.

19 Section 130 of the regulations is repealed and the following Section substituted:

130 If a hazardous substance is capable of combining with another substance to form an ignitable combination and a hazard of ignition of the combination by static electricity exists, the employer must adopt and implement the standards set out in the United States National Fire Protection Association publication NFPA 77, *Recommended Practice on Static Electricity*.

20 (1) Subsection 136(1) of the regulations is amended by repealing clause (a) and substituting the following clause:

(a) an airborne chemical agent, other than grain dust, in excess of the value for that chemical agent adopted by the American Conference of Governmental Industrial Hygienists in its publication entitled *Threshold Limit Values and Biological Exposure Indices*;

(2) Subsection 136(2) of the regulations is amended by repealing clause (a) and substituting the following clause:

(a) the standards set out by the United States National Institute for Occupational Safety and Health in the *NIOSH Manual of Analytical Methods*; or

21 Subsection 137(3) of the regulations is amended by repealing clause (a) and substituting the following clause:

(a) the workplace is a hazardous location as defined in the *Canadian Electrical Code*, published by the CSA;

22 (1) Subsection 141(2) of the regulations is amended by repealing clauses (a) and (b) and substituting the following clauses:

(a) in respect of radiofrequency and microwave devices in the frequency range 10 MHz to 300 GHz, *Safety Code 6*;

(b) in respect of X-ray equipment in medical diagnosis, *Safety Code 35*;

(2) Subsection 141(2) of the regulations is further amended by repealing clauses (e) and (f) and substituting the following clauses:

(e) in respect of ultrasound, *Guidelines for the Safe Use of Diagnostic Ultrasound* and *Safety Code 24*; and

(f) in respect of short-wave diathermy, *Safety Code 25*.

23 Section 162 of the regulations is amended by striking out "subclause 161(1)(a)(i) and clauses 161(1)(c), (e) and (f)" in the text before clause (a) and substituting "clauses 161(1)(a), (c), (e) and (f)".

24 Section 171 of the regulations is repealed and following Section substituted:

171 If there is a hazard of head injury in a workplace, the employer must provide to every person granted access protective headwear that meets CSA standard CSA Z94.1, *Industrial Protective Headwear - Performance, Selection, Care and Use*.

25 Subsection 172(1) of the regulations is repealed and the following subsection substituted:

(1) If there is a hazard of a foot injury or electric shock through footwear in a workplace, the employer must provide to every person granted access protective footwear that meets 1 of the following standards:

- (a) CSA Z195, *Protective Footwear*;
- (b) ASTM International F2413, *Specification for Performance Requirements for Protective (Safety) Toe Cap Footwear*;
- (c) ANSI Z41, *Personal Protection - Protective Footwear*;
- (d) ISO 20345, *Personal protective equipment - Safety footwear*.

26 Section 173 of the regulations is repealed and the following Section substituted:

173 If there is a hazard of injury to the eyes, face, ears or front of the neck of an employee in a workplace, the employer must provide to every person granted access eye or face protectors that meet CSA standard CSA Z94.3, *Eye and Face Protectors*.

27 Section 174 of the regulations is amended by repealing subsections (1) to (3) and substituting the following subsections:

- (1)** Subject to subsection (4), if there is a hazard of an airborne hazardous substance or an oxygen-deficient atmosphere in the workplace, the employer must provide to every person granted access a respiratory protective device that is listed in the *NIOSH Certified Equipment List*, published by the United States National Institute for Occupational Safety and Health.
- (2)** A respiratory protective device referred to in subsection (1) must be selected, fitted, cared for, used and maintained in accordance with CSA standard CSA Z94.4, *Selection, Use and Care of Respirators*.
- (3)** If air is provided for the purpose of a respiratory protective device, the air must meet CSA standard CSA Z180.1, *Compressed Breathing Air and Systems* and the system that supplies the air must be constructed, tested, operated and maintained in accordance with that standard.

28 Subsection 177(2) of the regulations is repealed and the following subsection substituted:

- (2)** The components of a fall-protection system must meet the following applicable standards:
 - (a) CSA Z259.1, *Body Belts and Saddles For Work Positioning and Travel Restraint*;
 - (b) CAN/CSA Z259.2.2, *Self-Retracting Devices*;
 - (c) CSA Z259.2.3, *Descent Devices*;
 - (d) CSA Z259.2.4, *Fall Arresters and Vertical Rigid Rails*;

- (e) CAN/CSA Z259.2.5, *Fall Arresters and Vertical Lifelines*;
- (f) CAN/CSA Z259.10, *Full Body Harnesses*;
- (g) CSA Z259.11, *Energy Absorbers and Lanyards*;
- (h) CSA Z259.12, *Connecting Components for Personal Fall Arrest Systems (PFAS)*;
- (i) CSA Z259.13, *Manufactured Horizontal Lifeline Systems*; and
- (j) CSA Z259.16, *Design of Active Fall-protection Systems*.

29 Subsection 179(1) of the regulations is amended by repealing clause (a) and substituting the following clause:

- (a) a life jacket or personal flotation device that meets
 - (i) the Canadian General Standards Board standard CAN/CGSB 65.7, *Life Jackets*, or, if the workplace is a ship used for diving, construction, geotechnical or seismic work, the International Maritime Organization's Resolution MSC.81(70), *Revised Recommendations on Testing of Life-Saving Appliances*, or
 - (ii) the Canadian General Standards Board standard CAN/CGSB 65.11, *Personal Flotation Devices*; or

30 Section 183 of the regulations is amended by repealing subsections (1) to (3) and substituting the following subsections:

- (1) Every marine installation or structure must be equipped with the fire protection equipment that is appropriate for fighting any class of fire that may occur.
- (2) Fire protection equipment must be installed, inspected and maintained in every workplace in accordance with Parts 6 and 7 of the *National Fire Code of Canada*, issued by the Canadian Commission on Building and Fire Codes.
- (3) Despite subsection (2), if the marine installation or structure is a ship used for diving, construction, geotechnical or seismic work, fire protection equipment may instead be installed, inspected and maintained in accordance with the following standards:
 - (a) regulation 10 of Chapter II-2 of the *International Convention for the Safety of Life at Sea (SOLAS), 1974, Fire fighting*;
 - (b) those standards set out in the International Maritime Organization's *International Code for Fire Safety Systems*; and
 - (c) the standards of the American Bureau of Shipping, Bureau Veritas, DNV GL or Lloyd's Register.

31 Section 191 of the regulations is repealed and the following Section substituted:

- 191** All portable electric tools used by employees must meet the standards applicable to the particular tool that are set out in CSA standard CSA C22.2 No. 60745-2, ULC standard ULC 60745-2 and International Electrotechnical Commission Standard 60745-2.

- 32 (1) Section 192 of the regulations is amended by striking out “, except if they” in the text before clause (a) and substituting “unless they”.
- (2) Section 192 of the regulations is further amended by repealing clause (c) and substituting the following clause:
- (c) are used in a location where reliable grounding cannot be obtained, and in that case the tools must be supplied from a double-insulated portable ground fault circuit interrupter of the class A type that meets the standards set out in CAN/CSA standard CSA C22.2 No. 144, *Ground Fault Circuit Interrupters*.
- 33 Section 195 of the regulations is amended by repealing subsection (1) and substituting the following subsection:
- (1) All explosive actuated fastening tools that are used by employees must meet ANSI/ASSE standard ANSI A10.3, *Safety Requirements for Powder-Actuated Systems*.
- 34 Section 196 of the regulations is repealed and the following Section substituted:
- 196** All chainsaws that are used by employees must the standards set out in CSA standard Z62.1, *Chain Saws*.
- 35 Sections 205 to 208 of the regulations are repealed and the following Sections substituted:
- 205** (1) Abrasive wheels must be inspected by a qualified person for defects, cracks or other problems before their installation.
- (2) Abrasive wheels may be used only on machines that are equipped with machine guards, and must be mounted between flanges and operated and maintained in accordance with the manufacturer’s specifications.
- (3) A bench grinder must be equipped with a work rest or other device that prevents the work piece from jamming between the abrasive wheel and the wheel guard and that does not make contact with the abrasive wheel at any time.

Grinders

- 206** A grinder may be used with an abrasive wheel only if the grinder is rated to provide a number of revolutions per minute that is no more than the rating of the abrasive wheel.

Mechanical power transmission equipment

- 207** All equipment that is used in the mechanical transmission of power must be guarded in accordance with 1 of the following standards:
- (a) CSA Z432, *Safeguarding of Machinery*;
- (b) ANSI B11 B15.1, *Safety Standard for Mechanical Power Transmission Apparatus*;
- (c) International Organization for Standardization standard ISO 14120, *Safety of machinery - Guards - General requirements for the design and construction of fixed and movable guards*.

Punch presses

- 208** Punch presses must meet CSA standard CSA Z142, *Code for the Power Press Operation: Health, Safety and Safeguarding Requirements*.

36 Section 210 of the regulations is amended by repealing subsection (2) and substituting the following subsection:

- (2) The design and construction of offshore cranes must meet API standard API Spec 2C, *Offshore Pedestal-mounted Cranes*.

37 Section 219 of the regulations is repealed and the following Section substituted:

- 219** Mobile equipment that is used or operated for transporting or handling combustible or flammable substances must be equipped with a portable dry chemical fire extinguisher that has not less than a 5B rating, as defined in CAN/ULC Standard S508, *Rating and Fire Testing of Fire Extinguishers*, and must be so located that it is readily accessible to the operator while the operator is in the operating position of the equipment.

38 Section 229 of the regulations is repealed and the following Section substituted:

- 229** The design, construction, installation, operation and maintenance of each conveyor, cableway or other similar materials-handling equipment must meet ASME standard ASME B20.1, *Safety Standards for Conveyors and Related Equipment*.

39 Sections 232 to 234 of the regulations are repealed and the following Sections substituted:

- 232 (1)** The operation, maintenance and inspection of all draw works and associated equipment must meet the following standards:
- (a) API RP 8B, *Inspections, Maintenance, Repair and Remanufacture of Hoisting Equipment*; and
 - (b) API Spec 8C, *Specification for Drilling and Production Hoisting Equipment (PSL 1 and PSL 2)*.
- (2) The operation, maintenance and inspection of offshore cranes must meet API standard API RP 2D, *Operation and Maintenance of Offshore Cranes*.

Slings

233 The use and maintenance of any sling must meet ASME standard ASME B30.9, *Slings*.

Rigging hardware

234 The use and maintenance of any rigging hardware and other attachments used with materials-handling equipment must meet ASME standard ASME B30.26, *Rigging Hardware*.

40 Section 274 of the regulations is repealed and the following Section substituted:

- 274 (1)** At a workplace in which the total number of employees as set out in column 1 of the table in Schedule 5 is normally working, the total number of first aid attendants required is as set out in columns 2, 3 and 4 for that total number of employees.
- (2) If a physician is available in a workplace, the requirements respecting the presence of a medic do not apply.

N.S. Reg. 119/2017

Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations—amendment

Schedule “B”

**Amendment to the *Canada-Nova Scotia Offshore Marine Installations
and Structures Transitional Regulations*
made by the Governor in Council under
Section 202DV of Chapter 3 of the Acts of 1987,
the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act***

- 1 The *Canada-Nova Scotia Offshore Marine Installations and Structures Transitional Regulations*, N.S. Reg. 228/2014, made by the Governor in Council by Order in Council 2014-532, dated December 22, 2014, are amended by adding the following heading and Section immediately after Section 2:

References to standards, codes and guidelines

2A In these regulations, any reference to a standard, code or guideline is to be read as a reference to the most recent version of that standard, code or guideline.

- 2 Section 3 of the regulations is repealed and the following Section substituted:

Immersion suits

3 (1) The operator must provide immersion suits that conform to the Canadian General Standards Board standard CAN/CGSB-65.16, *Immersion Suit Systems*, as follows:

- (a) in the case of a workplace that is a manned installation, a number of immersion suits equal to twice the total number of persons on board at any one time, stowed so that they are readily available adjacent to each bed, with the remaining suits equally distributed among evacuation stations; and
- (b) in the case of a workplace that is an unmanned installation, a number of immersion suits equal to the total number of persons on board at any one time, equally distributed among evacuation stations.

(2) Despite subsection (1), in the case of a workplace that is a ship used for construction, geotechnical or seismic work, the immersion suits that must be provided in the workplace under that subsection may, instead of conforming to the standard required by that subsection, conform to the standards set out in

- (a) the International Maritime Organization’s *International Life-Saving Appliance (LSA) Code* and Resolution MSC.81(70), *Revised Recommendation on Testing of Life-Saving Appliances*; and
- (b) Part I, Chapter I, Section 1.2.1 and Part II, Section 15 of the *Canadian Life Saving Appliance Standard - TP 14475*, published by Transport Canada.

- 3 (1) The regulations are further amended by striking out the heading immediately before Section 4 and substituting “**Firefighting equipment**”.

(2) Clause 4(1)(b) of the regulations is repealed and the following clause substituted:

- (b) a firefighter’s helmet with visor that meets the National Fire Protection Association standard NFPA 1971, *Standard on Protective Ensembles for Structural Fire Fighting and Proximity*

Fire Fighting.

- (3) Subsection 4(2) of the regulations is amended by striking out “at which employees workplace” in the text before clause (a).
- (4) Clause 4(2)(a) of the regulations is amended by repealing subclause (ii) and substituting the following subclause:
 - (ii) meets the Canadian Standards Association standards CAN/CSA Z94.4, *Selection, Use, and Care of Respirators*, and Z180.1, *Compressed Breathing Air and Systems*, and
- (5) Subsections 4(3) and (4) of the regulations are repealed and the following subsections substituted:
 - (3) Despite subsection (2), in the case of a workplace that is a ship used for construction, geotechnical or seismic work, at least 4 sets of the required firefighting equipment must be provided, and this equipment must conform to the standards set out in
 - (a) regulation 10, *Fire fighting*, of Chapter II-2 of the *International Convention for the Safety of Life at Sea (SOLAS), 1974*;
 - (b) the International Maritime Organization’s *International Code for Fire Safety Systems*; and
 - (c) the Council of the European Union’s *Directive 96/98/EC - Marine equipment*, as adopted by domestic law of member states.
 - (4) Each set of equipment required by subsections (1) to (3) must be kept ready for use and stored in a place that is easily accessible, and at least 1 set must be easily accessible from the helicopter deck.

N.S. Reg. 120/2017 to 121/2017

Made: August 8, 2017

Filed: August 9, 2017

Environmental Assessment Regulations—amendment;
Asbestos Waste Management Regulations—amendment

Order in Council 2017-203 dated August 8, 2017
Amendment to regulations made by the Governor in Council
pursuant to Sections 49 and 84 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment dated July 6, 2017, and pursuant to Chapter 1 of the Acts of 1994-95, the *Environment Act* (the “Act”), is pleased, effective on and after August 8, 2017, to

- (a) pursuant to Section 49 of the Act, amend the *Environmental Assessment Regulations*, N.S. Reg. 26/95, made by the Governor in Council by Order in Council 95-220 dated March 21, 1995, to reduce the regulatory burden on facilities that store lead-acid battery waste and asbestos waste by removing the requirement for an environmental assessment in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation; and

- (b) pursuant to Section 84 of the Act, amend the *Asbestos Waste Management Regulations*, N.S. Reg. 53/95, made by the Governor in Council by Order in Council 95-292 dated April 11, 1995, to clarify the regulatory requirements for storage of asbestos waste in the manner set forth in Schedule “B” attached to and forming part of the report and recommendation.

N.S. Reg. 120/2017

Environmental Assessment Regulations—amendment

Schedule “A”**Amendment to the *Environmental Assessment Regulations*
made by the Governor in Council under Section 49 of
Chapter 1 of the Acts of 1994-95, the *Environment Act***

Schedule “A” to the *Environmental Assessment Regulations*, N.S. Reg. 26/95, made by the Governor in Council by Order in Council 95-220 dated March 21, 1995, is amended under the heading Class I Undertakings by repealing item E.1 and substituting the following item:

1. A facility for storing, processing, treating or disposing of waste dangerous goods that were not produced at that facility, except all of the following facilities:
 - (a) a facility operated by, or on behalf of, a municipality or Provincial agency for waste dangerous goods collected only from residential premises;
 - (b) a facility in which asbestos waste is stored, if waste dangerous goods are not otherwise processed, treated or disposed of at that facility;
 - (c) a facility in which lead acid battery waste is stored, if waste dangerous goods are not otherwise processed, treated or disposed of at that facility.

N.S. Reg. 121/2017

Asbestos Waste Management Regulations—amendment

Schedule “B”**Amendment to the *Asbestos Waste Management Regulations*
made by the Governor in Council under Section 84 of
Chapter 1 of the Acts of 1994-95, the *Environment Act***

The *Asbestos Waste Management Regulations*, N.S. Reg. 53/95[,], made by the Governor in Council by Order in Council 95-292 dated April 11, 1995, are amended by repealing Section 5 and substituting the following Section:

Asbestos waste storage

- 5** (1) No person shall store asbestos waste generated by another person except at an approved asbestos waste storage facility.
- (2) An Administrator may limit the time that asbestos waste may be stored at an approved asbestos waste storage facility.