

Royal



Gazette

Part II Regulations under the Regulations Act

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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. 184/2005

Made: September 23, 2005

Filed: September 27, 2005

Proclamation, S. 4, S.N.S. 2005, c. 33

Order in Council 2005-422 dated September 23, 2005
Proclamation made by the Governor in Council
pursuant to Section 4
of the *Yarmouth Marketing and Promotions Levy Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 19, 2005, pursuant to Section 4 of Chapter 33 of the Acts of 2005, the *Yarmouth Marketing and Promotions Levy Act*, is pleased to order and declare by proclamation that Chapter 33 of the Acts of 2005, the *Yarmouth Marketing and Promotions Levy Act*, come into force on and not before September 23, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: Myra A. Freeman

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE
CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 4 of Chapter 33 of the Acts of 2005, the *Yarmouth Marketing and Promotions Levy Act*, it is enacted as follows:

- 4 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 33 of the Acts of 2005, the *Yarmouth Marketing and Promotions Levy Act*, come into force on and not before September 23, 2005;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 33 of the Acts of 2005, the *Yarmouth Marketing and Promotions Levy Act*, come into force on and not before September 23, 2005, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved Her Honour
the Honourable Myra A. Freeman, Lieutenant
Governor of the Province of Nova Scotia.

AT Our Government House in the Halifax Regional Municipality, this 23rd day of September, in the year of Our Lord two thousand and five and in the fifty-fourth year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 185/2005

Made: September 30, 2005

Filed: October 3, 2005

Proclamation, S. 20, S.N.S. 2005, c. 5

Order in Council 2005-425 dated September 30, 2005
Proclamation made by the Governor in Council
pursuant to Section 20
of the *Emergency Health Services Act*

The Governor in Council on the report and recommendation of the Minister of Health dated August 10, 2005, pursuant to Section 20 of Chapter 5 of the Acts of 2005, the *Emergency Health Services Act*, is pleased to order and declare by proclamation that Chapter 5 of the Acts of 2005, the *Emergency Health Services Act*, come into force on and not before September 30, 2005.

PROVINCE OF NOVA SCOTIA

Sgd: *J. Michael MacDonald*

G/S

ELIZABETH THE SECOND, by the Grace of God,
of the United Kingdom, Canada and Her Other
Realms and Territories, Queen, Head of the
Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, OR WHOM THE SAME MAY IN ANY WISE CONCERN,

GREETING:

A PROCLAMATION

WHEREAS in and by Section 20 of Chapter 5 of the Acts of 2005, the *Emergency Health Services Act*, it is enacted as follows:

20 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.

AND WHEREAS it is deemed expedient that Chapter 5 of the Acts of 2005, the *Emergency Health Services Act*, come into force on and not before September 30, 2005;

NOW KNOW YE THAT WE, by and with the advice of the Executive Council of Nova Scotia, do by this Our Proclamation order and declare that Chapter 5 of the Acts of 2005, the *Emergency Health Services Act*, come

into force on and not before September 30, 2005, of which all persons concerned are to take notice and govern themselves accordingly.

IN TESTIMONY WHEREOF We have caused these
our Letters to be made Patent and the
Great Seal of Nova Scotia to be
hereunto affixed.

WITNESS, Our Trusty and Well Beloved His Honour
the Honourable J. Michael MacDonald,
Administrator of the Government of the Province
of Nova Scotia.

AT Our Law Courts in the Halifax Regional
Municipality, this 30th day of September, in the
year of Our Lord two thousand and five and in
the fifty-fourth year of Our Reign.

BY COMMAND:

Sgd: *Michael G. Baker*
Provincial Secretary
Minister of Justice and Attorney General

N.S. Reg. 186/2005

Made: September 30, 2005

Filed: October 3, 2005

Water and Wastewater Facilities and Public Drinking Water Supplies Regulations

Order in Council 2005-426 dated September 30, 2005
Regulations made by the Governor in Council
pursuant to Sections 66 and 110 of the *Environment Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated August 4, 2005, and pursuant to Sections 66 and 110 of Chapter 1 of the Acts of 1994-95, the *Environment Act*, is pleased, effective on and after September 30, 2005, to

- (a) repeal the *Water and Wastewater Facility Regulations*, N.S. Reg 60/95, made by the Governor in Council by Order in Council 95-229 dated April 11, 1995; and
- (b) make new regulations respecting water and wastewater facilities and public drinking water supplies in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

Schedule "A"**Regulations Respecting Water and Wastewater Facilities
and Public Drinking Water Supplies
made by the Governor in Council
under Sections 66 and 110 of Chapter 1 of the Acts of 1994-95,
the *Environment Act*****Interpretation****Citation**

1 These regulations may be cited as the *Water and Wastewater Facilities and Public Drinking Water Supplies Regulations*.

Definitions

2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "Department" means the Department of Environment and Labour;
- (c) "facility" means a water treatment facility, a wastewater treatment facility, a water distribution facility or a wastewater collection facility that must be classified under these regulations;
- (d) "Minister" means the Minister of Environment and Labour.

Part 1 - Facility Classification and Operator Certification**Definitions for Part 1**

3 In this Part,

- (a) "administrator" means, as defined in the Act, a person appointed by the Minister for the purpose of the Act, and includes an acting administrator;
- (b) "ABC" means the Association of Boards of Certification, an organization that facilitates communication and co-operation between environmental certifying authorities in the United States and Canada and that is recognized by the Province for recommending standards and guidelines for the classification of water systems and wastewater systems and for the certification of operators;
- (c) "Atlantic Canada Water and Wastewater Voluntary Certification Board" means the board established by the constitution of the Atlantic Canada Water and Wastewater Voluntary Certification Program;
- (d) "CEU" means a continuing education unit granted for 10 hours of participation in a continuing education program that is relevant to the operation of a facility;
- (e) "direct responsible charge" means direct responsibility for a process that controls the effectiveness or efficiency of a facility;

- (f) “extension” means an increase in
 - (i) the size of a facility, or
 - (ii) the volume of water or wastewater treated or received by a facility;
- (g) “facility classification certificate” means a certificate issued in accordance with these regulations that states the classification type and class of each facility listed on the certificate;
- (h) “*Facility Classification Standards*” means the most recent version of the standards for classifying water and wastewater facilities published by the Department;
- (i) “modification” means an alteration to a facility that does one of the following, but does not change the purpose or function of the facility:
 - (i) adds a new structure, equipment or process,
 - (ii) eliminates an existing structure, equipment or process;
- (j) “operator” means a person who directs, adjusts, inspects, tests or evaluates an operation or a process that controls the effectiveness or efficiency of a facility;
- (k) “operator certification certificate” means a certificate of qualification issued or held under these regulations to an operator for a type of facility that states the class of the operator;
- (l) “operating experience” means experience as an operator that is acceptable to an administrator and includes experience being in direct responsible charge or overall direct responsible charge;
- (m) “overall direct responsible charge” means direct responsibility designated by an owner for the overall operation, repair and maintenance of a facility;
- (n) “*Transition Plan Guide*” means the most recent version of the guide published by the Department for preparing a plan under Section 30 for a facility without a designated operator;
- (o) “wastewater” means sewage derived principally from a residential or non-industrial operation, but does not include industrial process wastewater from an activity designated under the *Activities Designation Regulations* made under the Act.

Administrator

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

Amendment of *Facility Classification Standards* and *Transition Plan Guide*

5 The Department must consult with stakeholders before amending the *Facility Classification Standards* or the *Transition Plan Guide*.

Facility Classifications**Types and classes of facilities**

6 (1) The 4 facility types are as follows:

- (a) water treatment facility;

- (b) water distribution facility;
 - (c) wastewater treatment facility;
 - (d) wastewater collection facility.
- (2) The 4 classes of water treatment facilities and wastewater treatment facilities are Class I, Class II, Class III and Class IV.
- (3) The 3 classes of water distribution facilities and wastewater collection facilities are Class I, Class II and Class III.

Facility must have facility classification certificate

- 7 (1) An owner of a new or non-operational facility must obtain a facility classification certificate for the facility under these regulations before the facility begins operating.
- (2) A facility is deemed to have a facility classification certificate issued under these regulations at an equivalent class level if, on the date these regulations come into force, it has an unexpired classification certificate issued
- (a) by the Atlantic Canada Water and Wastewater Voluntary Certification Board; or
 - (b) under the *Water and Wastewater Facility Classification Regulations*, N.S. Reg. 60/95, made by the Governor in Council by Order in Council 95-299 dated April 11, 1995.
- (3) Except for an owner of a facility that is deemed to have a facility classification certificate under subsection (2), an owner of a facility that is operational on the date these regulations come into force must obtain a facility classification certificate under these regulations for the facility no later than 1 year after the date these regulations come into force.

Application and issuance of facility classification certificate

- 8 (1) An owner of a facility must apply for a facility classification certificate by submitting all of the following to an administrator:
- (a) a properly completed application on a form approved by the Minister or an administrator;
 - (b) the fee established by the Minister.
- (2) If a facility must be classified and meets the requirements of these regulations, an administrator must classify the applicant's facility as to both type and class in accordance with these regulations and issue the facility an appropriate facility classification certificate.
- (3) If an owner has more than one facility, an administrator may issue one facility classification certificate for all the facilities.

Classification of water treatment facility

- 9 (1) A publicly or privately owned system for treating potable water must be classified under these regulations as a water treatment facility.
- (2) Despite subsection (1), the following systems are not required to be classified under these regulations:
- (a) a bottled water treatment facility;

- (b) a publicly or privately owned system for treating potable water that is a transient public drinking water supply, as defined in Part 2;
 - (c) water treatment equipment used in private residences.
- (3) Despite subsection (1), a groundwater supply that only disinfects must be classified as required by Section 10.
- (4) Once an administrator has classified a facility as a water treatment facility under subsection (1), an administrator must assign points in accordance with Table 1 of the *Facility Classification Standards* to the facility and must classify the facility as a Class I, II, III or IV facility in accordance with the points assigned and as shown in the following table:

Points Received	Class of Facility
30 points or less	Class I
31-55 points	Class II
56-75 points	Class III
76 points or more	Class IV

Classification of water distribution facility

- 10 (1) A publicly or privately owned system for producing, collecting, storing or transmitting potable water must be classified under these regulations as a water distribution facility.
- (2) A groundwater supply that only disinfects must be classified under these regulations as a water distribution facility.
- (3) Despite subsections (1) and (2), the following systems are not required to be classified under these regulations:
- (a) a publicly or privately owned system for producing, collecting, storing or transmitting potable water that serves less than 500 persons;
 - (b) a publicly or privately owned system for producing, collecting, storing or transmitting potable water that is a transient public drinking water supply, as defined in Part 2.
- (4) Once an administrator has classified a facility as a water distribution facility under subsection (1) or (2), an administrator must classify the facility as a Class I, II or III facility in accordance with the population it serves and as shown in the following table:

Population Served	Class of Facility
500 - 1500	Class I
1501 - 15 000	Class II
15 001 or more	Class III

Classification of wastewater treatment facility

- 11 (1) A publicly or privately owned system for treating and disposing of wastewater must be classified under these regulations as a wastewater treatment facility.
- (2) Despite subsection (1), an on-site sewage disposal system as defined in the *On-site Sewage Disposal Systems Regulations* made under the Act is not required to be classified under these regulations.
- (3) Despite subsection (1), a wastewater system with only collection pipes, lift stations or disinfection must be classified as required by Section 12.
- (4) Once an administrator has classified a facility as a wastewater treatment facility under subsection (1), an administrator must assign points in accordance with Table 2 of the *Facility Classification Standards* to the facility and must classify the facility as a Class I, II, III or IV facility in accordance with the points assigned and as shown in the following table:

Points Received	Class of Facility
30 points or less	Class I
31-55 points	Class II
56-75 points	Class III
76 points or more	Class IV

Classification of wastewater collection facility

- 12 (1) A publicly or privately owned system for collecting or transmitting wastewater must be classified under these regulations as a wastewater collection facility.
- (2) A wastewater system with only collection pipes, lift stations or disinfection must be classified under these regulations as a wastewater collection facility.
- (3) Despite subsections (1) and (2), the following systems are not required to be classified under these regulations:
- (a) a publicly or privately owned system for collecting or transmitting wastewater that serves less than 500 persons;
- (b) an on-site sewage disposal system, as defined in the *On-site Sewage Disposal Systems Regulations* made under the Act.
- (4) Once an administrator has classified a facility as a wastewater collection facility under subsection (1) or (2), an administrator must classify the facility as a Class I, II or III facility in accordance with the population it serves and as shown in the following table:

Population Served	Class of Facility
500 - 1500	Class I
1501 - 15 000	Class II
15 001 or more	Class III

Re-classification of facility after modification or extension

- 13** (1) If a facility is or will be modified or extended after a facility classification certificate is issued for the facility, the owner of the facility must notify an administrator and provide complete details of the modifications or extensions.
- (2) No later than the 30th day after receiving a notice of a modification or extension, an administrator must advise the owner of the facility in writing whether the facility's current classification must be changed.
- (3) If a facility's classification must be changed because of a modification or extension,
- (a) no later than the 90th day after being advised by an administrator, the owner of the facility must pay a fee established by the Minister for a new facility classification certificate; and
- (b) no later than the 30th day after receiving the required fee, an administrator must classify the facility in accordance with these regulations and issue the facility an appropriate new facility classification certificate.

Operator Certification**Types and classes of operator certification certificates**

- 14** (1) An administrator may issue the following types of operator certification certificates:
- (a) water treatment operator certification certificate;
- (b) water distribution operator certification certificate;
- (c) wastewater treatment operator certification certificate;
- (d) wastewater collection operator certification certificate.
- (2) Each type of operator certification certificate must be issued in one of the following classes:
- (a) Operator-in-training;
- (b) Class I;
- (c) Class II;
- (d) Class III;
- (e) Class IV.

Deemed certification of operator

- 15** An operator who holds a certificate qualifying them to be an operator issued by one of the following is deemed to hold an operator certification certificate, for the equivalent type of facility and at an equivalent class level, for 2 years after the date these regulations come into force, unless the certificate is sooner replaced, suspended or cancelled by the Minister:
- (a) the Atlantic Canada Water and Wastewater Voluntary Certification Board;
- (b) an administrator.

Reciprocal certification of operator

16 An operator who is certified by the ABC or by a certification agency recognized by the Department as equivalent to the ABC may be issued an operator certification certificate by an administrator for an equivalent type of facility at a class level at the discretion of an administrator, if the person applies and provides the information requested by an administrator.

Deemed certification of operator with water or wastewater treatment certificate

- 17 (1)** Unless the water treatment operator certification certificate states otherwise, an operator who holds a valid Class I, Class II, Class III or Class IV water treatment operator certification certificate is deemed to also hold a Class I water distribution operator certification certificate for the purposes of operating components in a water distribution facility that affect a water treatment facility.
- (2)** Unless the wastewater treatment operator certification certificate states otherwise, a person who holds a Class I, Class II, Class III or Class IV wastewater treatment operator certification certificate is deemed to also hold a Class I wastewater collection operator certification certificate for the purposes of operating components in a wastewater collection facility that affect a wastewater treatment facility.

Operator certification certificate application

18 To apply for an operator certification certificate, an applicant must submit all of the following to the Minister:

- (a) a properly completed application, on a form approved by the Minister or an administrator;
- (b) proof that they have met the education requirements of Section 19;
- (c) proof that they have met the operating experience requirements of Section 19;
- (d) before their certificate is issued, proof that they have passed the exam as required by Section 20;
- (e) before their certificate is issued, the fee established by the Minister.

Education and operating experience requirements for operator certification certificate

19 (1) An applicant for an operator certification certificate must meet the education and operating experience requirements for the class of certificate applied for as set out in the following table:

Education and Operating Experience Requirements for Classes of Operator Certification Certificates	
Operator-in-training certificate	
Education	Operating experience
grade 12 high school diploma, or general equivalency diploma (GED), or equivalent education	none
Class I operator certification certificate	
Education	Operating experience
grade 12 high school diploma, or general equivalency diploma (GED), or equivalent education	1 year of operating experience at a Class I or higher facility

Education and Operating Experience Requirements for Classes of Operator Certification Certificates	
Class II operator certification certificate	
Education	Operating experience
grade 12 high school diploma, or general equivalency diploma (GED), or equivalent education	3 years of operating experience at a Class I or higher facility
Class III operator certification certificate	
Education	Operating experience
grade 12 high school diploma, or general equivalency diploma (GED), or equivalent education and 2 years of post-secondary education, or 90 CEUs of acceptable training	4 years of operating experience at a Class II or higher facility, including 2 years of direct responsible charge experience
Class IV operator certification certificate	
Education	Operating experience
grade 12 high school diploma, or general equivalency diploma (GED), or equivalent education and 4 years of post-secondary education, or 180 CEUs of acceptable training	4 years of operating experience at a Class III or higher facility, including 2 years of direct responsible charge experience

- (2) Post-secondary education or CEUs required for an operator certification certificate must be
- (a) in engineering, the water or wastewater field or in a related science; or
 - (b) acceptable to an administrator.
- (3) Operating experience required for an operator certification certificate must be
- (a) acquired through actual operating experience at the same type of facility as the type of certificate that is applied for; and
 - (b) acceptable to an administrator.
- (4) Direct responsible charge experience required for an operator certification certificate must be experience acquired while in direct responsible charge or overall direct responsible charge.

Exam requirements for operator certification certificate

- 20 (1) An applicant for a operator certification certificate must write and pass an exam for the type and class of certificate applied for.

- (2) An exam for an operator certification certificate must be approved by the Minister or an administrator and the pass mark for the exam must be set by the Minister or an administrator.
- (3) An applicant for a Class I, II, III or IV operator certification certificate may write an exam only if all of the following apply:
- (a) they already hold the same type of operator certification certificate in the next lower class;
 - (b) their operator certification certificate is valid;
 - (c) they have the operating experience and education required by Section 19.
- (4) An applicant for an Operator-in-training operator certification certificate may write an exam only for an Operator-in-training certification certificate.
- (5) Despite clause (3)(a), an applicant who is deemed to hold a Class I water distribution or Class I wastewater collection operator certification certificate under Section 17 must write and pass an exam for a Class I operator certification certificate before they are permitted to write an exam for a Class II operator certification certificate.
- (6) Despite clause (3)(c), an administrator may, in accordance with guidelines and policies established by the Department, allow an applicant to write an exam before the applicant has the operating experience required for the type and class of operator certification certificate applied for if the applicant already holds an operator certification certificate that is valid, of the same type and in the next lower class.

Substituting surplus education for operating experience

- 21 (1) An applicant for a Class II, III or IV operator certification certificate who does not have the operating experience for the class of certificate applied for as set out in Section 19 may substitute surplus education for the required operating experience in accordance with, and up to the maximums set out in the following table:

Surplus Education that may be Substituted for Required Operating Experience			
Class of Certificate	Surplus Education	May be Substituted for	Maximum Substitution
Class I	—	—	no substitution permitted
Class II	1 year of post-secondary education or 45 CEUs of acceptable training	1 year of operating experience	Up to 50% of operating experience
Class III or Class IV	1 year of post-secondary education or 45 CEUs of acceptable training	1 year of operating experience or 1 year of direct responsible charge experience	Up to 50% of operating experience or Up to 50% of direct responsible charge experience

- (2) Surplus education that is substituted in accordance with subsection (1) for required operating experience
- (a) must meet the requirements of subsection 19(2); and
- (b) cannot be used as education required for an operator certification certificate.

Substituting surplus operating experience for education

- 22 (1) An applicant for an operator certification certificate who does not have the education for the class of certificate applied for as set out in Section 19 may substitute surplus operating experience for the required education in accordance with, and up to the limits set out in the following table:

Surplus Operating Experience that may be Substituted for Required Education			
Class of Certificate	Surplus Operating Experience	May be Substituted for	Maximum Substitution
All Classes	1 year of operating experience	2 years of grade school (grades 1 to 8)	no limit
All Classes	1 year of operating experience	1 year of high school (grades 9 to 12)	no limit
Class III	1 year of direct responsible charge experience in a Class II or higher facility	1 year of post-secondary education	1 year of post-secondary education
Class IV	1 year of direct responsible charge experience in a Class III or higher facility	1 year of post-secondary education	2 years of post-secondary education

- (2) Surplus operating experience that is substituted in accordance with subsection (1) for required education
- (a) must meet the requirements of subsections 19(3) and (4); and
- (b) cannot be used as operating experience required for an operator certification certificate.

Operator certification certificate

- 23 (1) An applicant who satisfies the requirements of these regulations for the type and class of operator certification certificate applied for may be issued a certificate under subsection 64(1) of the Act.
- (2) An operator certification certificate must be in a form approved by the Minister or an administrator.
- (3) An operator certification certificates expires 4 years after the date it is issued.
- (4) An operator certification certificate is not transferable.
- (5) An operator must produce their operator certification certificate to an administrator or inspector on request.

Renewal of operator certification certificate

- 24 (1)** A certified operator may renew their operator certification certificate by submitting all of the following to the Minister at least 60 days before the date their certificate expires:
- (a) a properly completed renewal application, on a form approved by the Minister or an administrator;
 - (b) the renewal fee established by the Minister;
 - (c) for a Class I or II operator,
 - (i) if the operator has not been designated in overall direct responsible charge, proof satisfactory to an administrator that the operator completed at least 2.4 CEUs of acceptable training during the term of their current certificate, or
 - (ii) if the operator has been designated in overall direct responsible charge, proof satisfactory to an administrator that the operator completed at least 4.8 CEUs of acceptable training during the term of their current certificate;
 - (d) for a Class III or Class IV operator, proof satisfactory to an administrator that the operator completed at least 4.8 CEUs of acceptable training during the term of their current certificate.
- (2)** An Operator-in-training operator certification certificate is not renewable.

Expired operator certification certificates

- 25 (1)** An operator certification certificate that has expired and has not been renewed under Section 24 may be re-issued for the same type and class of operator certification certificate if the holder submits all of the following to the Minister:
- (a) a properly completed renewal application, on a form approved by the Minister or an administrator;
 - (b) the fee established by the Minister;
 - (c) proof satisfactory to an administrator that the operator has obtained the CEUs of acceptable training required by clause 24(1)(c) or (d).
- (2)** An operator who applies to renew an operator certification certificate that has been expired for 3 years or longer must re-write and pass the exam for the type and class of certificate applied for.

Owner must provide resources to get required CEUs

- 26** An owner of a facility must provide the resources necessary for an operator to get the CEUs of acceptable training required to renew their operator certification certificate.

Facility Operation**Facility must have qualified operator in overall direct responsible charge**

- 27 (1)** An owner of a new or non-operational facility must designate an operator who meets the requirements of Section 28 to be in overall direct responsible charge before the facility begins operating.
- (2)** An owner of a facility that is operational on the date these regulations come into force and that has a facility classification certificate must designate an operator who meets the requirements of Section 28

to be in overall direct responsible charge no later than the 30th day after the date these regulations come into force.

- (3) Despite subsections (1) and (2), an owner of
- (a) a non-transient public drinking water supply, as defined in Part 2, that must be classified under Section 9 or 10 as a water treatment facility or a water distribution facility; or
 - (b) a facility that under subsection 7(3) must obtain a facility classification certificate no later than 1 year after the date these regulations come into force,

must designate an operator who meets the requirements of Section 28 to be in overall direct responsible charge before the applicable date as set out in the following table and in accordance with the facility's required class:

Class of Facility	Deadline for Designating Operator who Meets Section 28 Requirements
Class I	October 1, 2008
Class II	October 1, 2009
Class III	October 1, 2010
Class IV	October 1, 2011

- (4) Once a facility is required to have an operator designated to be in overall direct responsible charge, the owner of the facility must ensure that there is always an operator who meets the requirements of Section 28 designated and in overall direct responsible charge.

Qualifications of operator in overall direct responsible charge

- 28** (1) An operator who is in overall direct responsible charge must hold a valid operator certification certificate that is
- (a) applicable to the type of facility; and
 - (b) at a class level that is equal to or greater than the class of the facility.
- (2) An owner must not designate an operator-in-training to be in overall direct responsible charge.

Absence of operator in overall direct responsible charge

- 29** (1) If the operator in overall direct responsible charge is absent or unable to act, an owner must
- (a) designate another operator who meets the requirements of Section 28 to be in overall direct responsible charge; or
 - (b) despite subsection 27(4), assign temporary overall direct responsible charge to an operator who holds a valid operator certification certificate that is
 - (i) applicable to the type of facility, and
 - (ii) at a class level that is no more than one class lower than the class of the facility.

- (2) Temporary overall direct responsible charge for a facility must not be assigned under clause (1)(b) for more than 150 days in any consecutive 12 months.
- (3) An owner must not assign temporary overall direct responsible charge under clause (1)(b) to an operator who holds an Operator-in-training operator certification certificate.

Transition plan for facility without designated operator

- 30** (1) An owner must submit a transition plan to an administrator if
- (a) despite subsection 27(4), they cannot designate an operator who meets the requirements of Section 28 to be in overall direct responsible charge; and
 - (b) they cannot assign temporary overall direct responsible charge to an operator who meets the requirements of clause 29(1)(b).
- (2) A transition plan must be
- (a) acceptable to an administrator and in accordance with the *Transition Plan Guide*; and
 - (b) submitted to an administrator no later than 90 days after the first day that the facility is without an operator who meets the requirements of Section 28 designated and in overall direct responsible charge as required by Section 27.

Part 2 - Monitoring of Public Drinking Water Supplies

Definitions for Part 2

31 In this Part,

- (a) “*Guidelines*” means the most recent version of the *Guidelines for Monitoring Public Drinking Water Supplies* published by the Department of Environment and Labour;
- (b) “*Guidelines for Canadian Drinking Water Quality*” means the most recent version of the drinking water quality guidelines published by the federal Department of Health;
- (c) “non-transient public drinking water supply” means a public drinking water supply that provides water to at least 25 of the same persons at least 6 months of the year;
- (d) “owner” means a person who owns, operates or maintains a public drinking water supply;
- (e) “public drinking water supply” means a water supply system, including any source, intake, treatment, storage, transmission or distribution, that is intended to provide the public with potable, piped water and that
 - (i) has at least 15 service connections, or
 - (ii) regularly serves 25 or more persons per day for at least 60 days of the year;
- (f) “transient public drinking water supply” means a public drinking water supply that regularly provides water in a place where persons do not remain for long periods of time.

Registration of public drinking water supply

- 32 (1) A person must not own, operate or maintain a public drinking water supply unless they register the public drinking water supply with the Department on a form approved by the Minister or an administrator.
- (2) A public drinking water supply that has a municipal water works approval issued under the *Activities Designation Regulations* made under the Act is deemed to be registered with the Department.

Regular testing and monitoring

- 33 (1) An owner must regularly sample, test and monitor their public drinking water supply for all of the following:
- (a) microbiological quality;
 - (b) general chemical and physical quality;
 - (c) disinfection residual, if the owner is using a disinfection system;
 - (d) source and treated water turbidity, if the owner is using chemically assisted filtration;
 - (e) fluoride concentrations, if the owner is using fluoridation;
 - (f) any substances required by the Minister or an administrator.
- (2) An owner must ensure that samples collected under subsection (1) are tested in the manner and with the frequency set out in the *Guidelines* or as otherwise required by the Minister or an administrator.
- (3) An owner must record the results of tests performed under subsection (2) and forward them to an administrator in accordance with the *Guidelines* or as otherwise required by the Minister or an administrator.

Immediate notification and corrective action

- 34 (1) An owner must immediately notify the Minister or an administrator as soon as they are aware of any of the following:
- (a) the public drinking water supply does not meet the microbiological, chemical or physical criteria set out in the *Guidelines for Canadian Drinking Water Quality*;
 - (b) an incident of raw water contamination;
 - (c) evidence of an outbreak of waterborne illness;
 - (d) suspected cross-connection or negative pressure;
 - (e) ineffective disinfection due to high turbidity, equipment malfunctions or high chlorine demand.
- (2) If an owner knows of an event listed in subsection (1), the owner must take corrective action as set out in the *Guidelines* or as otherwise required by the Minister or an administrator.

Duty to provide safe drinking water

35 An owner must ensure that the microbiological, chemical and physical characteristics of their public drinking water supply do not exceed the maximum acceptable concentration or interim maximum acceptable concentration for substances as set out in the *Guidelines for Canadian Drinking Water Quality*.

Classification of public drinking water supplies

- 36** (1) A non-transient public drinking water supply must be classified under Part 1 and must comply with Part 1.
- (2) A transient public drinking water supply is not required to be classified under Part 1 or to comply with Part 1.
-

N.S. Reg. 187/2005

Made: September 30, 2005

Filed: October 3, 2005

General Civil Service Regulations

Order in Council 2005-441 dated September 30, 2005
Amendment to regulations made by the Public Service Commission and
approved 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 and the Minister of Finance dated September 1, 2005 is pleased, effective on and after April 1, 2005,

- (a) pursuant to Sections 32 and 33 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, to
- (i) approve the Liability Management and Treasury Services Pay Plan, containing recommended rates of compensation, in the form set out in Schedule "A" attached to and forming part of the report and recommendation, and
- (ii) approve "at risk" pay for performance, subject to policies established by the Public Service Commission, for Liability Management and Treasury Services Classification and Pay Plan employees who are at the top of their salary range; and

[Clause (a) not filed as a regulation.]

- (b) pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, to approve of amendments made by the Public Service Commission to the general regulations respecting the civil service, N.S. Reg. 20/81, made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, to permit an increment to be paid to certain Liability Management and Treasury Services employees and to establish their vacation leave, in the manner set forth in Schedule "B" attached to and forming part of the report and recommendation. **[N.S. Reg. 187/2005]**

Schedule "B"

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

The general regulations respecting the civil service, N.S. Reg. 20/81, made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, are amended by the Public Service Commission under Section 45 of the *Civil Service Act*, as set out below.

Dated at Halifax, Nova Scotia, September 1, 2005.

Sgd: *Carolyn Bolivar-Getson*
Honourable Carolyn Bolivar-Getson
Minister of the Public Service Commission

- 1 The general regulations respecting the civil service, N.S. Reg. 20/81 made by the Civil Service Commission and approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981, are amended by adding the following Section immediately after Section 24A:
 - 24B (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 paid under the Liability Management and Treasury Services Classification and Pay Plan.
 - (2)** The annual increment shall be determined in accordance with policies established by the Commission.
- 2 The regulations are further amended by adding the following subsection immediately after subsection 48(9):
 - (10)** Employees paid under the Liability Management and Treasury Services Classification and Pay Plan are entitled to receive vacation leave with pay effective April 1, 2005,
 - (a) during the first 72 months of service, at the rate of 1 1/4 days for each month of service;
 - (b) after 72 months of service, at the rate of 1 2/3 days for each month of service;
 - (c) after 192 months of service, at the rate of 2 1/12 days for each month of service; and
 - (d) after 300 months of service, at the rate of 2 1/2 days for each month of service.

N.S. Reg. 188/2005

Made: September 30, 2005

Filed: October 3, 2005

Personal Services Contract Regulations

Order in Council 2005-443 dated September 30, 2005
Regulations made by the Governor in Council
pursuant to Section 15 of the *Public Service Act*

The Governor in Council on the report and recommendation of the Chair of the Treasury and Policy Board and the Minister responsible for the Public Service Commission dated September 8, 2005, and pursuant to Section 15 of Chapter 376 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Act*, is pleased to make regulations respecting personal services contracts in the form set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after January 1, 2006.

Schedule "A"

**Regulations Respecting Personal Services Contracts
made by the Governor in Council pursuant to Section 15 of
Chapter 376 of the Revised Statutes of Nova Scotia, 1989,
the *Public Service Act***

Citation

1 These regulations may be cited as the *Personal Services Contract Regulations*.

Definitions

2 In these regulations,

- (a) "Civil Service" has the same meaning as in the *Civil Service Act*;
- (b) "compensation" means the annualized base salary and any other payments, contributions or benefits required or potentially required to be made, paid or provided by the employer to or on behalf of an employee under a personal services contract;
- (c) "department" means a government department listed in Section 2 of the *Public Service Act*;
- (d) "government agency" has the same meaning as in subsection 10(1) of the *Public Service Act*;
- (e) "office" means an office of the public service created under Section 4B of the *Public Service Act*;
- (f) "personal services contract" means an agreement that establishes an employment relationship between an individual and a department, office or government agency, whether or not the terms are in writing, and includes an amendment of or extension to the agreement;
- (g) "routine access policy" means the policy of routinely or automatically releasing in full or in part certain types of administrative or operational records in response to a request, without the need for a formal application for the records under the *Freedom of Information and Protection of Privacy Act*.

Personal services contracts with departments and offices

- 3 (1) A personal services contract between an individual and a department or office must be approved based on the amount of annualized compensation payable under the contract, in accordance with the following table:

Approval of Personal Services Contract with Department or Office	
Annualized Compensation	Required Approvals
\$75 000 or less	Deputy Minister of department or Deputy Head of office
More than \$75 000 but less than \$120 000	All of the following: <ul style="list-style-type: none"> - Deputy Minister of department or Deputy Head of office - Deputy Minister of the Treasury and Policy Board - Public Service Commissioner
\$120 000 or more	One of the following: <ul style="list-style-type: none"> - Executive Council - Treasury and Policy Board

- (2) A personal services contract between an individual and a department or office
- (a) must be in writing; and
- (b) except as provided in subsection (3), must be in the form set out in Schedule A.
- (3) A department or office may enter into a personal services contract that is not in the form set out in Schedule A if the form used for the contract is approved in accordance with the following table:

Personal Services Contract with Department or Office – Approval of Alternate Form of Contract	
Annualized Compensation	Required Approvals
Less than \$120 000	All of the following: <ul style="list-style-type: none"> - Deputy Minister of department or Deputy Head of office - Deputy Minister of Treasury and Policy Board - Public Service Commissioner
\$120 000 or more	One of the following: <ul style="list-style-type: none"> - Executive Council - Treasury and Policy Board

- (4) A personal services contract between an individual and a department or office that is not approved in accordance with this Section is of no force and effect.
- (5) A copy of every executed personal services contract between an individual and a department or office must be filed with the Public Service Commission.

Personal services contracts with government agencies

- 4 (1) A personal services contract between an individual and a government agency under which the annualized compensation is more than \$75 000 is of no force or effect unless its terms are approved in accordance with this Section.

- (2) A government agency must not begin recruiting an individual to enter into a personal services contract with annualized compensation of more than \$75 000 unless the proposed terms of the personal services contract, including compensation, are approved in accordance with the following table:

Approval of Terms of Personal Services Contract with Government Agency	
Annualized Compensation	Required Approvals
More than \$75 000 but less than \$120 000	Both of the following: - Deputy Minister of Treasury and Policy Board - Public Service Commissioner
\$120 000 or more	One of the following: - Executive Council - Treasury and Policy Board

- (3) A personal services contract may be entered into on the same terms that were approved under subsection (2) without any further approval.
- (4) A government agency negotiating a personal services contract must not agree to a term that deviates from the original terms approved under subsection (2) unless the new term is approved by the same authorities who approved the original terms under subsection (2).
- (5) The final terms of a personal services contract between an individual and a government agency must be in writing, and copies must be filed with the Public Service Commission and the Treasury and Policy Board.

Routine access

- 5 The terms contained in a personal services contract, other than personal information, must be released under the routine access policy of a department, office or government agency.

Exemptions to these regulations

- 6 These regulations do not apply to any of the following:
- (a) a personal services contract that is approved by the Minister of Education in accordance with subsection 64(3A) of the *Education Act*;
 - (b) an employment relationship with an individual appointed to the Civil Service who is not part of a bargaining unit;
 - (c) an employment relationship governed by a collective agreement;
 - (d) a personal services contract under which the compensation payable to the individual is governed by a compensation framework approved by the Executive Council;
 - (e) a personal services contract to employ an individual in a particular occupation, if the terms of the contract do not deviate from the contract template approved by the Executive Council for employment in the particular occupation;

- (f) an employment relationship with an individual employed by a department or office on a casual basis for less than 12 continuous months, if the terms and conditions of employment do not exceed those available under the *Labour Standards Code*.

Application of regulations

- 7 (1) These regulations apply to all personal services contracts that are entered into on or after the effective date of these regulations.
- (2) For greater certainty, these regulations apply to an amendment or extension that is made on or after the effective date of these regulations to a personal services contract that is in effect on the effective date of these regulations.

Schedule A Standard Employment Contract of Service

This Agreement, made _____, 20__.

Between

Her Majesty the Queen in right of the Province of Nova Scotia, as represented by **(name), Deputy Minister, (Department)** (hereinafter called the "Employer")

And

(Name)
(hereinafter called the "Employee")

In consideration of the mutual promises herein contained, the Parties covenant and agree as follows:

1. The Employee agrees
 - (a) to provide services as _____ in the _____ under the direction of the _____ ;
 - (b) to work at least the minimum number of hours per week required of full-time civil servants;
 - (c) to treat as confidential and to keep private and not to make public or to divulge, except in the course of performing duties or providing services under this Agreement, during or after the term of this Agreement, any information or materials of a confidential character relating to the affairs of the Province of Nova Scotia to which the Employee becomes privy acting under this Agreement, unless consent in writing of the Employer is first obtained; and
 - (d) to be bound by the principles and purposes of both the Code of Conduct for Civil Servants established in the Management Manual 500 and the *Members and Public Employees Disclosure Act*, S.N.S., 1991, Chapter 4.
2. The Employer agrees
 - (a) to pay a salary to the Employee of \$ _____ per year, before any deductions required by law or this Agreement;

- (b) to grant the Employee vacation days earned at a rate of 1.25 days for each month of employment, to be taken in the year they are earned;
 - (c) to reimburse the Employee for all expenses incurred that would be reimbursed if incurred by a civil servant;
 - (d) to grant the Employee the same holiday benefits given to civil servants;
 - (e) to allow the Employee
 - (i) to enroll in the Province of Nova Scotia Group Life Insurance Policy,
 - (ii) to receive insured health benefits under the Province of Nova Scotia Consolidated Health Plan;
 - (f) to grant the Employee sick leave benefits at the rate of 1.5 days per month for each month of service to a maximum of 18 days per year; and
 - (g) to indemnify the Employee and extend to the Employee the same protection against liability from suits or claims brought against the Employee in respect of work performed on behalf of the Province as the Employer would provide to a civil servant.
3. The Employee is not entitled to enroll in the Province of Nova Scotia Public Service Long Term Disability Plan and is not, by this Agreement or otherwise, a civil servant.
4. The term of this Agreement is ___ months, from _____ 20___, to _____ 20___, unless terminated earlier under this Agreement or extended by mutual agreement in writing.
5. (a) Despite any other provision herein, this Agreement may be terminated, without notice or compensation in lieu of notice, for just cause, which the parties agree includes failure by the employee to carry out the terms of this Agreement. In the event of such termination, and subject to subsection (b), the Employee must be paid the sum or sums that have accrued under subsection 2(a) up to the date of termination, and such sum or sums must be received by the Employee in full satisfaction and discharge of all claims and demands unnecessary against the Employer in respect of this Agreement.
- (b) Despite subsection (a), this Agreement may be terminated at any time, for any reason, by either of the Parties giving to the other Party 30 days' written notice to that effect, and upon such termination the Employee must be paid the sum or sums that have accrued under subsection 2(a) up to the date of termination, and such sum or sums must be received by the Employee in full satisfaction and discharge of all claims and demands against the Employer in respect of this Agreement.
6. The Parties agree that any recourse or remedy arising with this Agreement arises from contract, and that neither Party has a claim or remedy, in damages or otherwise, in tort arising from performance or non-performance of this Agreement.
7. All materials and information produced from the performance of this Agreement and all rights therein belong to the Employer.
8. The Employer reserves the right to publish or release in whole or in part, to publish an amended version of or not to publish or release at all, or to use or not to use as the Employer considers fit, any research,

reports, material, audio-visual materials or information produced by the Employee in the performance of this Agreement.

9. This Agreement is not assignable.
10. Any discretionary authority or right under this Agreement is not subject to the expectations, reasonable or otherwise, of the Parties to the contract and any action taken under a discretionary provision is deemed to be an exercise in good faith.
11. No term or provision of this Agreement is deemed waived and no breach excused unless the waiver or consent to the breach is in writing, signed by the Party making the waiver or giving the consent. Any waiver of a term or provision or consent to a breach, whether express or implied, does not constitute a waiver of a different term or provision or consent to a different or subsequent breach or continuation of the same breach unless expressly stated.
12. If any term or provision of this Agreement is found to be unenforceable or illegal, the rest of the Agreement remains in full force and effect except that the offending term or provision is deemed to be removed from the Agreement.
13. Any notice required to be given under this Agreement is valid if given in writing by pre-paid registered letter addressed as follows:

to the Employer:

Commissioner, Public Service Commission
One Government Place, 4th Floor
P. O. Box 943
Halifax, NS B3J 2V9

to the Employee:

Employee's name
Employee's address

or to an other address that is communicated in writing to the Parties, and is deemed to have been given 2 business days after the day the letter is posted. Nothing in this Agreement precludes the delivery of notices by means other than mailing.

14. Time is of the essence in this Agreement.
15. The Parties acknowledge that this Agreement is of no force and effect unless approved as required by the *Public Service Act* and regulations.
16. The Employee hereby certifies that he/she has reviewed and fully understands the terms of this Agreement, and agrees that this Agreement constitutes the whole agreement and replaces any previous agreements between the Parties, that no representation or statement not expressly contained survives this Agreement or is binding upon either Party, and that this Agreement can only be modified by written instrument.
17. This Agreement must be construed in accordance with the laws of the Province of Nova Scotia.

In Witness Whereof the Parties have executed this Agreement on the day and year first above written:

Signed, Sealed and Delivered)	
in the presence of)	
)	
)	
_____)	Employee
Witness)	
)	
)	Her Majesty the Queen in
)	Right of the Province of Nova Scotia
)	
)	
_____)	Per: _____
Witness)	Deputy Minister, Treasury and Policy Board
)	
)	
_____)	_____
Witness)	Commissioner, Public Service Commission
)	
)	
_____)	_____
Witness)	Deputy Minister, Originating Department
)	
)	

N.S. Reg. 189/2005

Made: September 30, 2005

Filed: October 3, 2005

Purchase of Public Service Regulations

Order in Council 2005-444 dated September 30, 2005
 Repeal of regulations made by the Governor in Council
 pursuant to Section 20 of the *Public Service Superannuation Act*

The Governor in Council on the report and recommendation of the Minister responsible for the *Public Service Superannuation Act* dated September 26, 2005, and pursuant to Section 20 of Chapter 377 of the Revised Statutes of Nova Scotia, 1989, the *Public Service Superannuation Act*, is pleased to repeal the *Purchase of Public Service Regulations*, N.S. Reg. 20/95, made by the Governor in Council by Order in Council 95-134 dated February 21, 1995, effective on and after September 30, 2005.