

Royal



Gazette

Part II

Regulations under the Regulations Act

Printed by the Queen's Printer

Halifax, Nova Scotia

Vol. 25, No. 18

September 7, 2001

Contents

Act	Reg. No.	Page
Costs and Fees Act		
Fees and Allowances - Amendment	107/2001	697
Crane Operators and Power Engineers Act		
Power Engineers Regulations	108/2001	698
Dairy Industry Act		
Total Production Quota Regulations - Amendment	106/2001	696
Environment Act		
Ministerial Order re: Irving Oil Company Limited and Irving Oil Limited	105/2001	693
Municipal Government Act		
Statements of Provincial Interest	101/2001	679
Occupational Health and Safety Act		
Occupational Health and Safety First Aid Regulations - Amendment	104/2001	689
Pension Benefits Act		
Pension Benefits Regulations - Amendment	102/2001	687
Provincial Parks Act		
West Mabou Beach Provincial Park Designation	109/2001	725

Revenue Act

Revenue Act Regulations - Amendment 103/2001 688

NOW AVAILABLE

The second issue for the 2001 subscription year of the Folio®-based Nova Scotia Regulations CD-ROM, containing the consolidated regulations of Nova Scotia and the quarterly sectional index of regulations, is now available from the Office of the Registrar of Regulations. For information or subscriptions please call (902) 424-6723 or visit our website at <www.gov.ns.ca/just/regulations/cd>.

N.S. Reg. 101/2001

Made: April 1, 1999

Filed: August 14, 2001

Statements of Provincial Interest

Regulations made April 1, 1999, under subsections 194(2) and (5)* of the
Municipal Government Act

[*See the enabling subsections of the *Municipal Government Act*, by virtue of which the statements of provincial interest set out in Schedule B of the Act and reproduced here are regulations within the meaning of the *Regulations Act*.]

Statements of Provincial Interest

Table of Contents

Introduction

Definition

Statement of Provincial Interest Regarding Drinking Water

Statement of Provincial Interest Regarding Flood Risk Areas

Statement of Provincial Interest Regarding Agricultural Land

Statement of Provincial Interest Regarding Infrastructure

Statement of Provincial Interest Regarding Housing

Implementation

INTRODUCTION

Nova Scotia's land and water resources are fundamental to our physical, social and economic well-being. But they are finite resources and using them in one way can mean the exclusion of other uses forever. Therefore, it is important that decisions about Nova Scotia's land and water be made carefully. Ill-advised land use can have serious consequences for the physical, economic and social well-being of all Nova Scotians.

These statements of Provincial interest recognize the importance of our land and water resources. The statements also address issues related to the future growth of our communities. They are intended to serve as guiding principles to help Provincial Government departments, municipalities and individuals in making decisions regarding land use. They are supportive of the principles of sustainable development.

Development undertaken by the Province and municipalities should be reasonably consistent with the statements.

As the statements are general in nature, they provide guidance rather than rigid standards. They reflect the diversity found in the Province and do not take into account all local situations. They must be applied with common sense. Thoughtful, innovative and creative application is encouraged.

DEFINITIONS

These definitions apply to the Statements of Provincial Interest.

Agricultural Land means active farmland and land with agricultural potential as defined by the Canada Land Inventory as Class 2, 3 and Class 4 land in active agricultural areas, speciality crop lands and dykelands suitable for commercial agricultural operations as identified by the Department of Agriculture and Marketing.

Floodplain means the low lying area adjoining a watercourse.

Floodproofed means a measure or combination of structural and non-structural measures incorporated into the design of a structure which reduces or eliminates the risk of flood damage, usually to a defined elevation.

Floodway means the inner portion of a flood risk area where the risk of flooding is greatest, on average once in twenty years, and where flood depths and velocities are greatest.

Floodway Fringe means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and floodwaters are shallower and slower flowing.

Groundwater Recharge Area means the area of land from which water flows to supply a well.

Hazardous Materials means dangerous goods, waste dangerous goods and pesticides as defined in the *Environment Act* C.1, S.N.S. 1994-95.

Municipal Water Supply Watershed means an area encompassing a surface watershed or recharge area, or a portion of it, serving as a water supply area for a municipal water system.

Off-site Fill means fill that has been imported from outside the floodplain or fill which is transported from the Floodway Fringe to the Floodway.

Planning Documents means a municipal planning strategy, land-use by-law, development agreement and subdivision by-law.

STATEMENT OF PROVINCIAL INTEREST REGARDING DRINKING WATER

GOAL

To protect the quality of drinking water within municipal water supply watersheds.

BASIS

A safe supply of drinking water is a basic requirement for all Nova Scotians.

Inappropriate development in municipal water supply watersheds may threaten the quality of drinking water.

Some water supply watersheds are located outside the municipality using the water. The municipality depending on the water therefore has no direct means of protecting its supply.

APPLICATION

This statement applies to all municipal water supply watersheds in the Province including surface watersheds and groundwater recharge areas.

PROVISIONS

1. Planning documents must identify all municipal water supply watersheds within the planning area.
2. Planning documents must address the protection of drinking water in municipal water supply watersheds. Measures that should be considered include
 - (a) restricting permitted uses to those that do not pose a threat to drinking water quality;
 - (b) balancing the expansion of existing uses against the risks posed to drinking water quality;
 - (c) limiting the number of lots. Too many lots may result in development which cumulatively affects drinking water quality. The minimum size of lots and density of development should be balanced against the risks posed to the quality of drinking water;
 - (d) setting out separation distances between new development and watercourses to provide protection from run-off;
 - (e) establishing measures to reduce erosion, sedimentation, run-off and vegetation removal associated with development.
3. Existing land use and the location, size and soil conditions of a municipal water supply watershed will determine the land-use controls that should be applied. Large surface watersheds, for example, may be able to sustain more development than a small groundwater recharge area.

It is recognized that in some situations the long-term protection of the drinking water supply may be impractical. In these cases planning documents must address the reasons why the water supply cannot be protected. Municipalities in this situation should consider locating an alternate source of drinking water where long-term protective measures can be applied.

4. The Province supports the preparation of watershed management strategies for all municipal water supply watersheds. These strategies should be prepared by the concerned municipalities and the municipal water utility, in consultation with all affected parties, including landowners.

STATEMENT OF PROVINCIAL INTEREST REGARDING FLOOD RISK AREAS

GOAL

To protect public safety and property and to reduce the requirement for flood control works and flood damage restoration in floodplains.

BASIS

Floodplains are nature's storage area for flood waters.

New development in a floodplain can increase flood levels and flows thereby increasing the threat to existing upstream and downstream development.

Five floodplains have been identified as *Flood Risk Areas* under the Canada-Nova Scotia Flood Damage Reduction Program.

APPLICATION

This statement applies to all *Flood Risk Areas* that are designated under the Canada-Nova Scotia Flood Damage Reduction Program. These are

- (1) **East River**, Pictou County,
- (2) **Little Sackville River**, Halifax County,
- (3) **Sackville River**, Halifax County,
- (4) **Salmon and North Rivers**, Colchester County, and
- (5) **West and Rights Rivers and Brierly Brook**, Antigonish County.

There are other areas in the Province that are subject to flooding which have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program. In these areas, the limits of potential flooding have not been scientifically determined. However, where local knowledge or information concerning these floodplains is available, planning documents should reflect this information and this statement.

PROVISIONS

1. Planning documents must identify *Flood Risk Areas* consistent with the Canada-Nova Scotia Flood Damage Reduction Program mapping and any locally known floodplain.
2. For *Flood Risk Areas* that have been mapped under the Canada-Nova Scotia Flood Damage Reduction Program planning documents must be reasonably consistent with the following:
 - (a) within the *Floodway*,
 - (i) development must be restricted to uses such as roads, open space uses, utility and service corridors, parking lots and temporary uses, and
 - (ii) the placement of off-site fill must be prohibited;

- (b) within the *Floodway Fringe*,
 - (i) development, provided it is flood proofed, may be permitted, except for
 - (1) residential institutions such as hospitals, senior citizen homes, homes for special care and similar facilities where flooding could pose a significant threat to the safety of residents if evacuation became necessary, and
 - (2) any use associated with the warehousing or the production of hazardous materials,
 - (ii) the placement of off-site fill must be limited to that required for flood proofing or flood risk management.
- 3. Expansion of existing uses must be balanced against risks to human safety, property and increased upstream and downstream flooding. Any expansion in the *Floodway* must not increase the area of the structure at or below the required flood proof elevation.
- 4. For known floodplains that have not been mapped under the Canada-Nova Scotia Flood Damage Reduction Program, planning documents should be, at a minimum, reasonably consistent with the provisions applicable to the *Floodway Fringe*.
- 5. Development contrary to this statement may be permitted provided a hydrotechnical study, carried out by a qualified person, shows that the proposed development will not contribute to upstream or downstream flooding or result in a change to flood water flow patterns.

STATEMENT OF PROVINCIAL INTEREST REGARDING AGRICULTURAL LAND

GOAL

To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

BASIS

The preservation of agricultural land is important to the future of Nova Scotians.
Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

APPLICATION

This statement applies to all active agricultural land and land with agricultural potential in the Province.

PROVISIONS

1. Planning documents must identify agricultural lands within the planning area.

2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
 - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
 - (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
 - (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
 - (d) measures to reduce topsoil removal on lands with the highest agricultural value.
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

STATEMENT OF PROVINCIAL INTEREST REGARDING INFRASTRUCTURE

GOAL

To make efficient use of municipal water supply and municipal wastewater disposal systems.

BASIS

All levels of government have made significant investment in providing municipal water supply and municipal wastewater disposal infrastructure systems.

Unplanned and uncoordinated development increases the demand for costly conventional infrastructure.

APPLICATION

All communities of the Province.

PROVISIONS

1. Planning documents must promote the efficient use of existing infrastructure and reduce the need for new municipal infrastructure. Measures that should be considered include:
 - (a) encouraging maximum use of existing infrastructure by enabling infill development on vacant land and higher density development;

- (b) discouraging development from leapfrogging over areas served by municipal infrastructure to unserved areas;
 - (c) directing community growth that will require the extension of infrastructure to areas where serving costs will be minimized. The use of practical alternatives to conventional wastewater disposal systems should be considered;
 - (d) identifying known environmental and health problems related to inadequate infrastructure and setting out short and long-term policies to address the problems including how they will be financed.
2. Where on-site disposal systems are experiencing problems, alternatives to the provision of conventional wastewater disposal systems should be considered. These include the replacement or repair of malfunctioning on-site systems, the use of cluster systems and establishing wastewater management districts.
 3. Installing municipal water systems without municipal wastewater disposal systems should be discouraged.
 4. Intermunicipal solutions to address problems and provide infrastructure should be considered.

STATEMENT OF PROVINCIAL INTEREST REGARDING HOUSING

GOAL

To provide housing opportunities to meet the needs of all Nova Scotians.

BASIS

Adequate shelter is a fundamental requirement for all Nova Scotians.

A wide range of housing types is necessary to meet the needs of Nova Scotians.

APPLICATION

All communities of the Province.

PROVISIONS

1. Planning documents must include housing policies addressing affordable housing, special-needs housing and rental accommodation. This includes assessing the need and supply of these housing types and developing solutions appropriate to the planning area. The definition of the terms affordable housing, special-needs housing and rental housing is left to the individual municipality to define in the context of its individual situation.
2. Depending upon the community and the housing supply and need, the measures that should be considered in planning documents include: enabling higher densities, smaller lot sizes and reduced yard requirements that encourage a range of housing types.

3. There are different types of group homes. Some are essentially single detached homes and planning documents must treat these homes consistent with their residential nature. Other group homes providing specialized services may require more specific locational criteria.
4. Municipal planning documents must provide for manufactured housing.

IMPLEMENTATION

1. These statements of provincial interest are issued under the *Municipal Government Act*. The Minister of Housing and Municipal Affairs, in cooperation with other provincial departments, is responsible for their interpretation.
2. Provincial Government departments must carry out their activities in a way that is reasonably consistent with these statements.
3. New municipal planning documents as well as amendments made after these statements come into effect must be reasonably consistent with them.
4. Councils are encouraged to amend existing planning documents to be reasonably consistent with the statements. Where appropriate, the preparation of intermunicipal planning strategies is encouraged.
5. Reasonably consistent is defined as taking reasonable steps to apply applicable statements to a local situation. Not all statements will apply equally to all situations. In some cases, it will be impractical because of physical conditions, existing development, economic factors or other reasons to fully apply a statement. It is also recognized that complete information is not always available to decision makers. These factors mean that common sense will dictate the application of the statements. Thoughtful innovation and creativity in their application is encouraged.
6. Conflicts among the statements must be considered and resolved in the context of the planning area and the needs of its citizens.
7. The Department of Housing and Municipal Affairs, with other Provincial departments, may prepare guidelines and other information to help municipalities in implementing the statements. Provincial staff are available for consultation on the reasonable application of the statements.

N.S. Reg. 102/2001

Made: August 16, 2001

Filed: August 17, 2001

Pension Benefits Regulations

Order in Council 2001-392 made August 16, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 105
of the *Pension Benefits Act*

The Governor in Council on the report and recommendation of the Minister of Finance and the Minister of Environment and Labour dated March 20, 2001, and pursuant to Section 105 of Chapter 340 of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act*, is pleased to amend the regulations respecting pension benefits made by the Governor in Council by Order in Council 87-1548 dated December 17, 1987, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after February 28, 2001.

Schedule "A"

**Amendments to the Regulations Respecting Pension Benefits
made by the Governor in Council pursuant to Section 105 of Chapter 340
of the Revised Statutes of Nova Scotia, 1989, the *Pension Benefits Act***

Section 39 of the regulations respecting pension benefits made by the Governor in Council by Order in Council 87-1548 dated December 17, 1987, is amended by adding the following subsection immediately after subsection (1):

- (1A)** The following pension plans are excepted from the application of the Act and the regulations as noted:
- (a) the Pension Plan for Salaried Employees of Sydney Steel Corporation;
 - (b) the Sydney Steel Corporation Non-Contributory Union Pension Plan 1968 (for Members of Locals 1064, 6537 and 6516 of the United Steelworkers of America and Local 2 of The Bricklayers and Allied Craftworkers); and
 - (c) the Sydney Steel Corporation Non-Contributory Union Pension Plan 1974 for Members of Local 1675 of the Canadian Union of Public Employees.

N.S. Reg. 103/2001

Made: August 16, 2001

Filed: August 17, 2001

Revenue Act Regulations

Order in Council 2001-393 made August 16, 2001
Amendment to regulations made by the Governor in Council
pursuant to Sections 12 and 92
of the *Revenue Act*

The Governor in Council on the report and recommendation of the Minister of Finance dated June 21, 2001, and pursuant to Sections 12 and 92 of the Acts of 1995-96, the *Revenue Act*, is pleased to amend the *Revenue Act Regulations* made by Order in Council 96-230 dated March 29, 1996, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after August 16, 2001.

Schedule "A"

**Amendments to the *Revenue Act Regulations*
made by the Governor in Council pursuant to Sections 12 and 92 of
Chapter 17 of the Acts of 1995-96,
the *Revenue Act***

- 1 Section 3B of the *Revenue Act Regulations* made by the Governor in Council by Order in Council 96-230 dated March 29, 1996, is
 - (a) renumbered as subsection 3B(1); and
 - (b) amended by repealing clause (f) and substituting the following clause:
 - (f) \$75 for issuing a Consumer's Exemption Permit;
- 2 Section 3B is further amended by adding the following subsection immediately after subsection (1):
 - (2) Despite subsection (1), the fee prescribed in clause (f) does not apply to consumers who had authorization to purchase marked gasoline or marked diesel oil prior to April 1, 1996.

N.S. Reg. 104/2001

Made: August 16, 2001

Filed: August 17, 2001

Occupational Health and Safety First Aid Regulations

Order in Council 2001-401 made August 16, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 82
of the *Occupational Health and Safety Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated June 15, 2001, and pursuant to Section 82 of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act*, is pleased to amend the *Occupational Health and Safety First Aid Regulations* made by the Governor in Council by Order in Council 96-697 dated September 10, 1996, in the manner set forth in Schedule “A” attached to and forming part of the report and recommendation, effective on and from September 3, 2001.

Schedule “A”

**Amendments to the *Occupational Health and Safety First Aid Regulations*
made by the Governor in Council pursuant to Section 82
of Chapter 7 of the Acts of 1996, the *Occupational Health and Safety Act***

- 1 Section 3 of the *Occupational Health and Safety First Aid Regulations* made by the Governor in Council by Order in Council 96-697 dated September 10, 1996, is amended by
 - (a) adding “issued by an approved organization” immediately after “document” in clause (a);
 - (b) adding the following clause immediately after clause (a):
 - (aa) “approved organization” means an organization approved to deliver courses in first aid under subsection 5(4);
 - (c) adding “issued by an approved organization” immediately after “document” in clause (d);
 - (d) adding “, a standard first aid certificate or an advanced first aid certificate” after “certificate” in clause (e);
 - (e) relettering clause (f) as clause (h) and relettering clauses (g) and (h) as clauses (f) and (g), respectively;
 - (f) adding the following clause immediately after clause (f):
 - (fa) “full time” means an average of 30 hours or more of work in a week averaged over a 4-week period;
 - (g) repealing clause (i);
 - (h) adding “issued by an approved organization” immediately after “course” in clause (m);

- (i) repealing clause (n) and substituting the following clause:
 - (n) “surface travel time” means the time required to transport an injured employee on a stretcher from the place where they are injured to an emergency care facility by land or water.
- 2 (1) Subsection 4(1) of the regulations is repealed and the following subsection substituted:
 - (1)** Every employer shall
 - (a) at the employer’s expense, provide and maintain at each of the employer’s worksites, the first aid supplies, services and first aid attendants required by these regulations;
 - (b) pay the cost of a first aid course for an employee for the purpose of the employee acting as a first aid attendant, as required by these regulations; and
 - (c) pay an employee who is taking a first aid course for the purpose of acting as a first aid attendant, as required by these regulations, the same wages and benefits that they would receive in the ordinary course of their employment.
 - (2) Subsection 4(2) of the regulations is repealed and the following subsection substituted:
 - (2)** Despite subsection (1), 2 or more employers may enter into a written agreement to collectively provide and maintain at each of their worksites the first aid supplies, services and first aid attendants required under these regulations, in which case a copy of the agreement shall be kept and made available at each worksite covered by the agreement.
- 3 (1) Subsection 5(1) of the regulations is amended by striking out “alone” and substituting “where there is no one available who could administer first aid or summon assistance within a reasonable length of time”.
- (2) Subsection 5(2) of the regulations is amended by adding “and the office is not part of a larger worksite where activities other than office-related activities are carried out” immediately after “office”.
- (3) Subsection 5(4) of the regulations is repealed and the following subsection substituted:
 - (4)** For the purposes of these regulations, an organization is approved to issue certificates and deliver courses in first aid if that organization has been approved to issue those certificates and deliver those courses under the *Canada Labour Code*.
- 4 Section 7 of the regulations is repealed and the following Section substituted:
 - 7 (1)** Subject to subsection (2), the first aid supplies and services required on any vehicle, boat or aircraft that is regularly used to transport employees shall be determined on the basis of the maximum seating capacity of the vehicle, boat or aircraft.

- (2) Where a vehicle, boat or aircraft is regularly used to transport only the driver of that vehicle, boat or aircraft, the employer of the driver shall ensure that the vehicle, boat or aircraft has at least a Number 1 First Aid Kit.
- 5 The portion of Section 8 of the regulations before clause (a) is struck out and the following substituted:
- “Where a first aid attendant administers first aid to an injured person at a worksite, the employer of the injured person shall, with respect to that person, maintain a written record for 5 years after the date of injury including the following:”
- 6 (1) Clause 11(a) of the regulations is amended by striking out “where required, a first aid room” and substituting “where a first aid room is required by these regulations, to the first aid room”.
- (2) Clause 11(c) of the regulations is amended by striking out “his or her” and substituting “their”.
- (3) Clause 11(e) of the regulations is amended by striking out “his or her” and substituting “their”.
- 7 The regulations are further amended by adding “, or instructions on how first aid treatment records are to be maintained” immediately after “book” in clauses 14(2)(b), 15(2)(b) and 16(2)(b) and subclause 17(2)(f)(xv).
- 8 Subsection 18(3) of the regulations is amended by striking out “joint occupational health and safety” and by striking out “or exists”.
- 9 Subsection 18(4) of the regulations is repealed and the following subsections substituted:
- (4) Despite subsection (1), where an employer has employees at a remote location and no employee spends more than 10% of their time measured over a 4-week period at that remote location, the employer is not required to have a first aid remote location plan.
- (4A) Where an employer has employees at a remote location and where any of the employees spend more than 10% but less than 25% of their time, measured over a 4-week period, at that remote location, the employer is not required to have a written first aid remote location plan where the safety of the remote location is adequately assured having regard to the following factors:
- (a) an injured person can be transported from the remote location to the closest emergency care facility within a reasonable time;
- (b) there is a means of transport at the remote location for an injured worker;
- (c) a means of summoning assistance is available at the remote location;
- (d) there are first aid facilities available at the remote location;

- (e) there are an appropriate number of first aid attendants at the remote location; and
 - (f) the risks or hazards of the job and likelihood of injury on the job are such that safety can be adequately assured.
- 10 Subsection 18(5) of the regulations is amended by adding “or at least 30% of the employees at the worksite shall hold emergency first aid certificates” immediately after “certificate”.
- 11 Section 20 of the regulations is repealed.

N.S. Reg. 105/2001

Made: August 22, 2001

Filed: August 23, 2001

Ministerial Order re: Irving Oil Company Limited
and Irving Oil Limited

Order dated August 22, 2001
made under subsection 125(1) of the
Environment Act

15-01

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

- and -

IN THE MATTER OF a Ministerial Order issued pursuant to the provisions of the said *Act* to
Irving Oil Company Limited, a body corporate, of Saint John, Province of New Brunswick and
Irving Oil Limited of Saint John, Province of Nova Scotia

MINISTERIAL ORDER

I. **WHEREAS** Irving Oil Company Limited and Irving Oil Limited own, occupy, operate or are the persons responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: Imlay’s Irving, located at or near Guysborough, in the County of Guysborough, Province of Nova Scotia, hereinafter called the “Site”;

II. **AND WHEREAS** the Minister of Environment and Labour believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act* and regulations, including subsection 67(2) and Section 71 of the *Act*, which follow:

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

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

(a) take all reasonable measures to

(i) prevent, reduce and remedy the adverse effects of the substance, and

(ii) remove or otherwise dispose of the substance in such a manner as to minimize adverse effects;

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

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

IT IS HEREBY ORDERED:

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

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

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

DATED at Halifax, Halifax County, Province of Nova Scotia, this 22 day of August, 2001.

(Sgd) *David Morse*
The Honourable David Morse
Minister of Environment and Labour

SCHEDULE "A"

TERMS AND CONDITIONS

Irving Oil Limited, Irving Oil Company Limited

1. **Remedial Action Plan**

On or before September 30, 2001, the persons named in this Ministerial Order shall submit for approval to the Nova Scotia Department of Environment and Labour a Remedial Action Plan prepared by an independent environmental site professional which will include and address the following:

- (a) a complete site assessment in accordance with current guidelines for the management of contaminated sites in Nova Scotia, including, but not limited to, the Guidelines for the Management of Contaminated sites in Nova Scotia dated March 27, 1996, and the Interim Procedure for the Implementation of Risk Based Corrective Action (RBCA) for the Management of Petroleum Hydrocarbon contaminated Sites dated October 8, 1999. Existing data and

additional information will be used in the site assessment as required, to define the extent and level of contaminant impacts, both on and off the Site;

- (b) a description of the methodologies, remedial techniques and corrective action strategies to be used for implementation of the remedial action plan;
- (c) a description of the monitoring program to be used for the duration of the remedial work;
- (d) a time schedule to implement the remedial action plan.

2. **Implementation**

Within 5 days of receipt of approval of the remedial action plan by the Department of Environment and Labour, the persons named in this Ministerial Order shall commence work under the remedial action plan and complete the work within the approved time periods.

3. **Progress Reports**

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

4. **Final Report**

Within 30 days of the completion of the work required pursuant to the remediation plan, the persons named in this Order shall submit to the Department of Environment and Labour a final report prepared by the environmental site professional. The final report shall address the issues of follow-up groundwater monitoring and a long term site management plan.

5. **Department Contact**

Unless otherwise notified in writing by the Minister, the contact person and the person to whom any reports shall be submitted and from whom any approvals shall be requested is:

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

Telephone: (902) 863-7389
Fax: (902) 863-7411

N.S. Reg. 106/2001

Made: August 22, 2001

Filed: August 23, 2001

Total Production Quota Regulations

Order dated August 22, 2001
Amendment to regulations made under clause 14[(1)](e) of the
Dairy Industry Act

Dairy Farmers of Nova Scotia - Seasonal Incentives

Amendment to Dairy Farmers of Nova Scotia Total Production Quotas Regulations respecting Seasonal Incentives, made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council, pursuant to clause 14[(1)](e) of the Dairy Industry Act, effective on **September 1, 2001**.

Seasonal Incentives

- 24 (1)** Producers shall receive an additional monthly allocation of TPQ, known as seasonal incentive quota, equaling 2 times their daily quota, during the months of September, October and November.
- (2)** Despite [sub]section 6(3) of these regulations, seasonal incentive quota which is not utilized in the month it is issued may not be carried forward for future use.
- (3)** For the purpose of calculating producer payment and quota utilization, each producer's monthly quota shall be calculated by multiplying that producer's daily quota by the number of days of milk production shipped during that month.

N.S. Reg. 107/2001

Made: August 23, 2001

Filed: August 24, 2001

Fees and Allowances

Order in Council 2001-411 made August 23, 2001
Amendment to regulations made by the Governor in Council
pursuant to Section 2
of the *Costs and Fees Act*

The Governor in Council on the report and recommendation of the Minister of Service Nova Scotia and Municipal Relations dated July 31, 2001, and pursuant to Section 2 of Chapter 104 of the Revised Statutes of Nova Scotia, 1989, the *Costs and Fees Act*, is pleased, effective on and after September 17, 2001, to:

- (a) repeal Order in Council 90-649 dated May 29, 1990, respecting the fee for a Registrar of Deeds to enter and register a release of mortgage; and
- (b) amend Schedule "A" to the regulations respecting fees and allowances for departments, officials or persons in respect of the services mentioned in the Schedule to Part I of the Act made by the Governor in Council by Order in Council 90-558 dated May 8, 1990, by repealing subsections (1) and (2) and substituting the following subsections:
 - (1) For filing, entering or registering an instrument, document or plan affecting real property \$ 70.00
Where instruments, documents or plans are combined or attached together, or where several instrument types are combined together in one instrument or document, each instrument, document or plan shall be considered to be separate and the fee shall be payable in relation to each.
 - (2) Despite subsection (1),
 - (i) prior to February 1, 2002, the fee for entering and registering each release of mortgage shall be \$40.00 and the fee for copying or typing into records respecting releases of mortgages shall be \$1.00 per page, and
 - (ii) on and after February 1, 2002, the fee for entering and registering each release of mortgage shall be \$70.00, and the \$1.00 per page fee for copying or typing into records shall no longer apply.

N.S. Reg. 108/2001

Made: August 23, 2001

Filed: August 24, 2001

Power Engineers Regulations

Order in Council 2001-412 made August 23, 2001
Regulations made by the Governor in Council
pursuant to Section 38
of the *Crane Operators and Power Engineers Act*

The Governor in Council on the report and recommendation of the Minister of Environment and Labour dated August 15, 2001, and pursuant to Section 38 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, is pleased, effective on and after September 1, 2001, to:

- (a) approve the repeal by the Minister of Environment and Labour of the regulations respecting stationary engineers made by the Minister of Labour and approved by the Governor in Council by Order in Council 88-628 dated June 14, 1988; and
- (b) approve new regulations made by the Minister of Environment and Labour respecting power engineers in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**In the matter of Section 38 of Chapter 23 of the Acts of 2000,
the *Crane Operators and Power Engineers Act***

- and -

**In the matter of the Regulations Respecting Stationary Engineers
made May 30, 1988, by the Minister of Labour
pursuant to subsection 4(1) of Chapter 440 of the
Revised Statutes of Nova Scotia, 1989, the *Stationary Engineers Act*,
and approved by Order in Council 88-628 dated June 14, 1988**

- and -

**In the matter of Regulations Respecting Power Engineers
made by the Minister of Environment and Labour pursuant to
Section 38 of the *Crane Operators and Power Engineers Act***

ORDER

I, David Morse, Minister of Environment and Labour for the Province of Nova Scotia, pursuant to Section 38 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*, do hereby

- (a) repeal the regulations respecting stationary engineers made by the Minister of Labour on May 30, 1988, and approved by the Governor in Council by Order in Council 88-628 dated June 14, 1988; and
- (b) make new regulations respecting power engineers in the form set forth in Schedule "A",

effective on and after September 1, 2001.

Dated and made at Halifax, Nova Scotia, August 15, 2001

(Sgd) *David Morse*
Honourable David Morse
Minister of Environment and Labour

Schedule “A”

Regulations Respecting Power Engineers made [approved] by the Governor in Council pursuant to Section 38 of Chapter 23 of the Acts of 2000, the *Crane Operators and Power Engineers Act*

Interpretation

Citation

1 These regulations may be cited as the *Power Engineers Regulations*.

Definitions

2 In these regulations,

- (a) “Act” means the *Crane Operators and Power Engineers Act*;
- (b) “accredited university” means a university recognized by the Canadian Engineering Accreditation Board or a degree granting body recognized by the Association of Professional Engineers of Nova Scotia;
- (c) “ASHRAE” means American Society of Heating, Refrigeration and Air Conditioning Engineers;
- (d) “ASME” means American Society of Mechanical Engineers;
- (e) “assistant shift power engineer” means a power engineer who, under the supervision of a shift power engineer, operates or is responsible for a section of a plant;
- (f) “automatic control” means a device that starts, stops and modulates the action of a plant without the intervention of a person;
- (g) “certificate of qualification” means a certificate of qualification issued under subsection 31(3) of the Act;
- (h) “continuous supervision” means, in relation to a plant, that a power engineer or operator is located
 - (i) in the plant within the audible and visual range of the alarm system for the plant, and
 - (ii) in the primary control area of the plant where they can manually control the plant by starting, stopping, restarting or modulating the operations of the plant;
- (i) “CSA” means the Canadian Standards Association;
- (j) “extended alarm system” means an alarm system that
 - (i) extends beyond the room that houses the plant,

- (ii) audibly and visually warns the power engineer, operator or any other person in the vicinity of the plant of the occurrence of any abnormal operating condition of the plant, and
- (iii) cannot be shut off until the abnormal condition is rectified or the plant is shut down;
- (k) “fired” means, in relation to a boiler, that the boiler contents are heated by electricity or the product of combustion of a fuel;
- (l) “guarded” means, in relation to a plant, that the plant is equipped and maintained in accordance with the requirements of Sections 17 to 22 of these regulations so that it functions automatically under a continuously attended monitoring system;
- (m) “heating boiler” means
 - (i) any fired steam boiler equipped with a safety valve designed to operate at pressures not exceeding 103 kPa (15 psig), or
 - (ii) any fired high temperature hot water boiler designed to operate at pressures in excess of 1100 kPa (160 psig) or with a water temperature at any boiler outlet in excess of 121 °C (250°F);
- (n) “inter-provincial certificate” means a certificate of qualification issued to a person who has successfully completed the examinations prepared by the Standardization of Power Engineers Examinations Committee, established by the Association of Chief Boiler and Pressure Vessel Inspectors;
- (o) “log book” means a bound book with numbered pages used for keeping a record of plant operations and maintenance;
- (p) “minimum supervision” means, in relation to a plant, that a power engineer or operator manually starts the plant when the plant is not operating under automatic control;
- (q) “periodic supervision” means, in relation to a plant, that a power engineer or operator
 - (i) is located on the plant site within range of the extended alarm system for the plant whenever the plant is being operated and any building containing or serviced by the plant is occupied, and
 - (ii) manually starts the plant whenever the plant is not operating under automatic control;
- (r) “plant site” means the plant and the land on which the plant is situated that is leased or owned by the owner but does not include land that is separated by a public access route;
- (s) “power boiler” means any fired or unfired steam boiler equipped with a safety valve designed to operate at pressures in excess of 103 kPa (15 psig);

- (t) “Provincial certificate” means a certificate of qualification described in subsections 24(2) and (3), and includes a certificate of qualification issued under subsection 39(1);
- (u) “refrigeration” means the thermodynamic process of using a refrigerant to lower the temperature of an item or an area and maintain it at the lower temperature;
- (v) “restricted temporary certificate” means a certificate of qualification issued under Section 36;
- (w) “sealing” means a measure taken by the Department to isolate equipment so that it will not be operated; and
- (x) “unfired” means, in relation to a boiler, that steam is generated in the boiler without the combustion of a fuel or the direct application of an electrical heat source.

Prescribed Plants

- 3 (1)** A single boiler that is
- (a) a power boiler, with a power rating in excess of 500 kW; or
 - (b) a heating boiler, with a power rating in excess of 1500 kW,
- is a boiler plant.
- (2)** A refrigeration installation that
- (a) is located in a public assembly, institutional or residential occupancy as defined by CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and consists of a refrigeration circuit
 - (i) containing a Group A1 refrigerant as classified in CSA B52-99, Mechanical Refrigeration Code, as amended from time to time, and having a power rating in excess of 75 kW, or
 - (ii) containing a Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99, Mechanical Refrigeration Code, as amended from time to time, and having a power rating in excess of 37.5 kW; or
 - (b) is located in a commercial or industrial occupancy as defined by CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and consists of a refrigeration circuit
 - (i) containing a Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and having a power rating in excess of 150 kW, or

- (ii) containing a Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and having a power rating in excess of 37.5 kW

is a refrigeration plant.

- (3) An air or gas compressor installation that

- (a) uses any type of compressor with a power rating in excess of 350 kW for compressing air or any other non-flammable or non-toxic gas, except oxygen; or
- (b) uses any type of compressor with a power rating in excess of 37.5 kW for compressing a flammable or toxic gas or oxygen;

is a compressor plant.

- (4) Clause (3)(a) does not apply to ~~centrifical~~ [centrifugal] blowers used in an application in which the air or other non-flammable or non-toxic gas is not stored under pressure.

Rating of Plant Equipment

Power rating

- 4 (1) The Inspector-Examiner shall rate a plant in accordance with this Section.
- (2) Subject to subsection (3), the power rating for any boiler shall be determined by dividing the maximum heat input, as specified by the boiler manufacturer and measured in British Thermal Units per hour, by 3412.
 - (3) Where the maximum heat input of the boiler is unavailable, the Inspector-Examiner shall determine the power rating by any of the following methods:
 - (a) by multiplying the boiler horsepower, calculated by the manufacturer, by 9.81;
 - (b) where electric power is used as a heat source, by determining the maximum aggregate capacity of all heating elements; or
 - (c) by carrying out an accumulation test on the boiler.
 - (4) The power rating for a refrigeration compressor, air compressor or gas compressor shall be the power rating of the electric motor or prime mover driving the compressor.
 - (5) The power rating for an electric motor or prime mover used in a plant shall be the maximum power, specified by the manufacturer, that can be delivered at the drive shaft during continuous operation.
 - (6) Every owner of a plant may apply to the Inspector-Examiner to have the total plant power rating reduced as a result of non-operating equipment that has been sealed in accordance with these regulations.

Effect of common distribution system on power rating

- 5** (1) Subject to subsections (2) and (3), boilers, refrigeration compressors or air or gas compressors that share a common distribution system, shall have their respective power ratings added together and shall be considered a single plant.
- (2) Unfired boilers shall have their respective power ratings added together separate from fired boilers.
- (3) Refrigeration systems that share an evaporator or condenser shall have their power ratings added together.

Plant Classification and Registration**Plant classification**

- 6** The Inspector-Examiner shall classify every plant in accordance with column 1 of Schedule 2 for the corresponding description of the type of plant set out in column 2 of Schedule 2.

Annual plant registration fee

- 7** The annual registration fee for a plant shall be the amount set out in item 7 of Schedule 1.

Term of plant registration certificate

- 8** A plant registration certificate shall be valid until the earlier of
- (a) one year from the date of issue;
 - (b) the day on which the total power rating of the plant changes such that the plant's classification is changed; or
 - (c) the day on which there is a change in the ownership of the plant.

Information on renewal of plant registration certificate

- 9** Upon the annual renewal of the plant registration certificate, every owner of a plant shall provide the Inspector-Examiner with the information that the Inspector-Examiner requests pertaining to the operation of the plant, in order for the Inspector-Examiner to ensure that the plant complies with the Act and these regulations.

Sealing of equipment upon reclassification

- 10** Where the Inspector-Examiner reclassifies a plant, the Inspector-Examiner shall seal equipment that is no longer part of the plant.

Supervision**Continuous supervision**

- 11** Subject to Section 12, every owner shall provide continuous supervision of a plant.

Authorization for reduced supervision

- 12** On application by an owner, the Inspector-Examiner shall authorize periodic or minimum supervision of a plant if the plant
- (a) is guarded; and
 - (b) is equipped with an extended alarm system.

Loss of status as guarded plant

13 Where the extended alarm system or one of the control, alarm and safety devices and systems or requirements of a guarded plant is inoperative or ineffective, or the additional conditions imposed by the Inspector-Examiner under subsection 34(3) of the Act are not met, the owner of a plant that is authorized to operate with minimum supervision or periodic supervision pursuant to Section 12 shall provide continuous supervision of that plant.

Prohibition

14 No owner shall operate or permit to be operated a plant that is authorized pursuant to Section 12 to be operated under periodic or minimum supervision unless Sections 15 and 16 are complied with.

Periodic supervision

15 (1) Periodic supervision may be authorized pursuant to Section 12 for any of the following plants:

- (a) a power boiler plant with a power rating of 3500 kW or less;
 - (b) a heating boiler plant with a power rating of 10 000 kW or less;
 - (c) any refrigeration plant that uses a Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time;
 - (d) a refrigeration plant with a power rating of 450 kW or less that uses a Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time;
 - (e) a compressor plant with a power rating of 350 kW or less that compresses oxygen or a flammable or toxic gas; or
 - (f) an air or non-flammable or non-toxic gas compressor plant of any power rating.
- (2)** Where a plant is operating under periodic supervision, no power engineer or operator shall leave the plant site without ensuring that
- (a) the plant is operating under automatic control safely and in accordance with the manufacturer's specifications;
 - (b) the plant is guarded; and
 - (c) any building containing or serviced by the plant is unoccupied.
- (3)** The power engineer or operator for every plant that is operating under periodic supervision shall visit the plant at least once in every 12-hour period during which the building containing or serviced by the plant is unoccupied, to ensure that
- (a) the requirements of Sections 17 to 22 respecting control, alarm and safety devices and systems and guarded controls are complied with; and
 - (b) the plant is operating safely and in accordance with the manufacturer's specifications.

Minimum supervision

16 (1) Minimum supervision may be authorized pursuant to Section 12 for any of the following plants:

- (a) a power boiler plant with a power rating of 1000 kW or less;
 - (b) a heating boiler plant with a power rating of 2000 kW or less;
 - (c) a refrigeration plant that uses a Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a power rating of 150 kW or less;
 - (d) a refrigeration plant that uses a Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a power rating of 350 kW or less;
 - (e) a compressor plant that compresses oxygen or a flammable or toxic gas that has a power rating of 150 kW or less; or
 - (f) an air, or a non-flammable or non-toxic gas compressor plant that has a power rating of 750 kW or less.
- (2)** Where a plant is operating under minimum supervision, no power engineer or operator shall leave the plant site without ensuring that the plant is
- (a) operating under automatic control safely and in accordance with the manufacturer's specifications; and
 - (b) guarded.
- (3)** The power engineer or operator for every plant that is operating under minimum supervision shall visit the plant at least once during every 24-hour period to ensure that the requirements of Sections 17 to 22 respecting control, alarm and safety devices and systems and guarded controls are complied with.

Requirements for Guarded Plants**Maintenance schedule and testing**

- 17 (1)** Every owner, chief power engineer or chief operator of a guarded plant shall establish a maintenance schedule for the control, alarm and safety devices and systems and the guarded controls required by Sections 17 to 22 and shall maintain them in accordance with the maintenance schedule.
- (2)** Every owner, chief power engineer or chief operator of a guarded plant shall test and calibrate, in accordance with the manufacturer's specifications, the control, alarm and safety devices and systems and the guarded controls required by Sections 17 to 22.

Technical requirements for guarded plants

- 18 (1)** Every owner shall equip a guarded plant with
- (a) an extended alarm system that is capable of initiating an alarm to a continuously attended monitoring system whenever the plant is operating; and

- (b) an automatic control system that will safely operate the plant when the power engineer or operator in charge stops manually operating the controls.
- (2) Every owner shall ensure that whenever an alarm signal is initiated by the extended alarm system, the power engineer or operator responsible for the plant is immediately notified by the person monitoring the system.
- (3) Every owner shall equip every tripping device referred to in Sections 19 to 22 with a manual reset that is secured to prevent access by any person other than a power engineer or operator.

Guarded power boiler plant

19 Every owner shall equip a guarded power boiler plant with

- (a) a device that will purge the furnace chamber in accordance with the manufacturer's specifications each time the boiler is put into use;
- (b) a flame failure tripping device that will detect a flame failure and instantly stop and prevent the supply of fuel to the boiler if a flame failure occurs;
- (c) a low water level tripping device, separate from any other device that controls the water level in the boiler during normal operation under automatic control, that will instantly stop and prevent the supply of fuel to the boiler if the boiler water falls below the safe operating level specified by the manufacturer;
- (d) a high water level tripping device, separate from any other device that controls the water level of the boiler during normal operation under automatic control, that will instantly stop and prevent the supply of fuel to the boiler if the water in the boiler exceeds a safe operating level specified by the manufacturer;
- (e) except where the manufacturer's design does not include one, a low combustion air pressure tripping device that will instantly stop and prevent the supply of fuel to the boiler if the combustion air falls below the safe operating pressure specified by the manufacturer;
- (f) a high pressure tripping device that will instantly stop and prevent the supply of fuel to the boiler, if the boiler pressure reaches the lower of
 - (i) the maximum allowable working pressure, or
 - (ii) an established high pressure limit specified by the manufacturer; and
- (g) a "kill switch" device, mounted in a visible and readily accessible location outside the boiler room, that will allow a person to turn the boiler off safely in an emergency.

Guarded hot water heating boiler plant

20 Every owner shall equip a guarded high temperature, high pressure, hot water heating boiler plant with

- (a) a high water temperature tripping device that will instantly stop and prevent the supply of fuel to the boiler when the water in the boiler exceeds the safe operating temperature specified by the manufacturer; and
- (b) the devices referred to clauses 19(a), (b), (c), (e), (f) and (g).

Guarded refrigeration plant

21 (1) Every owner shall equip a guarded refrigeration plant with

- (a) a high level liquid tripping device in the evaporator or the refrigerant suction accumulator, that will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the liquid in the refrigerant level exceeds the safe level specified by the manufacturer, unless the design prevents the possibility of liquid refrigerant being drawn into the compressor;
 - (b) a high temperature tripping device, located in the coolant discharge line or in the discharge line of the compressor, that will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the coolant or discharge gas exceeds the safe operating temperature specified by the manufacturer;
 - (c) a high discharge pressure tripping device that will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the discharge of the compressor exceeds the safe operating pressure specified by the manufacturer;
 - (d) in the case of a pressurized lubricating oil system, a low oil pressure tripping device that will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the oil falls below the safe operating pressure specified by the manufacturer;
 - (e) a “kill switch” device that is mounted in a visible and readily accessible location outside the compressor room that will allow a person to turn the compressor off safely in an emergency; and
 - (f) a machinery room as required by CSA B52-99 Mechanical Refrigeration Code, as amended from time to time.
- (2)** Every owner shall equip a guarded ammonia refrigeration system with an ammonia vapour detector that actuates at a value not greater than the TLV/TWA concentration value for ammonia as set out in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time.

Guarded compressor plant

22 Every owner shall equip a guarded compressor plant with

- (a) each of the devices described in clauses 21(1)(c), (d) and (e);

- (b) a high discharge temperature tripping device in the discharge line of the compressor that will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the discharge gas exceeds the safe operating temperature specified by the manufacturer;
- (c) where the compressor is water-cooled,
 - (i) a low water pressure tripping device in the cooling water inlet line, or
 - (ii) a high water temperature tripping device in the cooling water outlet linethat will instantly stop the electric motor or prime mover of the compressor and prevent it from re-starting if the cooling water pressure or temperature is outside the safe operating pressure or temperature specified by the manufacturer;
- (d) where the compressor is air-cooled, a fan motor overload tripping device that will instantly stop the electric motor or prime mover of the compressor and prevent it from restarting if the air cooling fan becomes overloaded; and
- (e) where the compressor is driven by an electric motor, with a motor overload tripping device that stops the electric motor of the compressor and prevents it from re-starting if the motor becomes overloaded.

Log Books

- 23 (1)** Every owner shall provide a log book at each plant site.
- (2)** Every operator or power engineer in charge of a shift shall, for each shift, record in the log book the following information:
- (a) the time, date and designation of the shift;
 - (b) the name and signature of the power engineer or operator providing the required supervision on each shift;
 - (c) the name of any other power engineer or operator on the shift;
 - (d) the name of the people on the shift who are in training to be power engineers or operators;
 - (e) the plant conditions;
 - (f) any abnormal plant conditions and any corrective actions required or taken;
 - (g) any order or direction given that is contrary to or in addition to normal operating procedure;
 - (h) the name of the person giving an order referred to in clause (g), the time at which the order was given and the reason for the order;

- (i) the nature and frequency of any preventative maintenance procedures provided for any part of the plant, including the testing and recording of all operational logging, control, alarm and safety systems; and
 - (j) any repairs to any part of the plant, including the time that the repairs were commenced, the time of their completion and the name of the person who conducted the repairs.
- (3) Despite clauses 2(i) and (j), where the information required in those clauses is recorded separately by the owner in records that are readily available to an inspector and the chief power engineer or chief operator, the operator or power engineer does not have to record the information in the log book.
- (4) Every owner shall keep the log book available for inspection by an inspector, for at least 12 months from the date of the last entry in the log book.

Certificates of Qualification

Types of certificates

24 (1) The Inter-provincial certificates of qualification are as follows:

- (a) first class power engineer;
- (b) second class power engineer;
- (c) third class power engineer;
- (d) fourth class power engineer; and
- (e) second class refrigeration plant operator.

(2) The Provincial certificates of qualification are as follows:

- (a) first class refrigeration plant operator;
- (b) second class refrigeration plant operator; and
- (c) compressor plant operator.

(3) Except for a Provincial certificate issued under subsection 39(1), the following Provincial certificates of qualification shall only be issued to renew or replace Provincial certificates that were previously issued and remain valid, but will not otherwise be issued:

- (a) first class power engineer;
- (b) second class power engineer;
- (c) third class power engineer; and
- (d) fourth class power engineer.

Scope of Qualification

Inter-Provincial first class power engineer

25 The holder of an Inter-Provincial First Class Power Engineer Certificate of qualification may act as chief engineer or shift engineer for any plant.

Inter-Provincial second class power engineer

26 The holder of an Inter-Provincial Second Class Power Engineer Certificate of qualification may

- (a) act as chief engineer for

- (i) a fired power boiler plant that has a power rating of not more than 20 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant, or
 - (v) a compressor plant; and
- (b) act as shift engineer in a plant of any size.

Inter-Provincial third class power engineer

27 The holder of an Inter-Provincial Third Class Power Engineer Certificate of qualification may

- (a) act as chief engineer for
- (i) a fired power boiler plant that has a power rating of not more than 10 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant that uses Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 1000 kW,
 - (v) a refrigeration plant that uses Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 450 kW, or
 - (vi) a compressor plant; and
- (b) act as shift engineer for
- (i) a fired boiler plant that has a power rating of not more than 20 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant, or
 - (v) a compressor plant.

Inter-Provincial fourth class power engineer

28 The holder of an Inter-Provincial Fourth Class Power Engineer Certificate of qualification may

- (a) act as chief engineer for
- (i) a power boiler plant that has a power rating of not more than 3500 kW,
 - (ii) a heating boiler plant that has a power rating of not more than 10 000 kW,

- (iii) a refrigeration plant that uses Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 750 kW,
 - (iv) a refrigeration plant that uses Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 150 kW, or
 - (v) an air compressor plant; and
- (b) act as shift engineer for
- (i) a fired power boiler plant that has a power rating of not more than 10 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant,
 - (iv) a refrigeration plant that uses Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 1000 kW,
 - (v) a refrigeration plant that uses Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 450 kW, or
 - (vi) a compressor plant.

Provincial first class power engineer

29 The holder of a Provincial First Class Power Engineer Certificate of qualification may act as chief engineer or shift engineer for a boiler plant or a compressor plant.

Provincial second class power engineer

30 The holder of a Provincial Second Class Power Engineer Certificate of qualification may

- (a) act as chief engineer for
 - (i) a fired power boiler plant that has a power rating of not more than 20 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant, or
 - (iv) a compressor plant; and
- (b) act as shift engineer for
 - (i) a boiler plant, or
 - (ii) a compressor plant.

Provincial third class power engineer

31 The holder of a Provincial Third Class Power Engineer Certificate of qualification may

- (a) act as chief engineer for
 - (i) a fired boiler plant that has a power rating of not more than 10 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant, or
 - (iv) a compressor plant; and
- (b) act as shift engineer for
 - (i) a fired boiler plant that has a power rating of not more than 20 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant, or
 - (iv) a compressor plant.

Provincial fourth class power engineer

32 The holder of a Provincial Fourth Class Power Engineer Certificate of qualification may

- (a) act as chief engineer for
 - (i) a power boiler plant that has a power rating of not more than 3500 kW,
 - (ii) a heating boiler plant that has a power rating of not more than 10 000 kW, or
 - (iii) an air compressor plant; and
- (b) act as shift engineer for
 - (i) a fired power boiler plant that has a power rating of not more than 10 000 kW,
 - (ii) an unfired power boiler plant,
 - (iii) a heating boiler plant, or
 - (iv) a compressor plant.

First class refrigeration plant operator

33 The holder of a First Class Refrigeration Plant Operator Certificate of qualification may act as chief operator or shift operator for any size refrigeration plant.

Second class refrigeration plant operator

34 The holder of a Second Class Refrigeration Plant Operator Certificate of qualification may

- (a) act as chief operator for
 - (i) a refrigeration plant that uses Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 1000 kW, or

- (ii) a refrigeration plant that uses Group A2, A3, B1, B2 or B3 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 450 kW; and
- (b) act as shift operator for any size refrigeration plant.

Compressor plant operator

35 The holder of a Compressor Plant Operator Certificate of qualification may act as chief operator or shift operator for a compressor plant.

Restricted Temporary Certificate of Qualification

- 36 (1)** On application by an employer to the Inspector-Examiner on behalf of an employee of that employer, the Inspector-Examiner shall issue a Restricted Temporary Certificate of qualification to a person
- (a) where the employer provides, in writing, adequate justification for the candidate's inability to undertake the required written examinations for certification as a power engineer or operator for that plant;
 - (b) where the person possesses the required practical experience required under the Act and these regulations;
 - (c) where the person successfully passes an oral examination administered by an inspector relating to the operation of the registered plant for which the Restricted Temporary Certificate of qualification will apply; and
 - (d) upon payment of the fee set out in item 9 of Schedule 1.
- (2)** A certificate of qualification issued under subsection (1) shall
- (a) be restricted to the registered plant of the employer;
 - (b) be non-transferable;
 - (c) not exceed a Second Class Refrigeration Plant Operator Certificate of qualification or a Provincial Third Class Power Engineer Certificate of qualification;
 - (d) be valid for 1 year from date of issue and may be renewed upon re-application; and
 - (e) not entitle the holder of the certificate to be the chief power engineer or chief operator of a plant.

Renewal and Reinstatement**Annual renewal fee**

37 The annual renewal fee for a certificate of qualification shall be the amount set out in item 2 of Schedule 1 and shall be paid 1 year after the date of issue or the date of the most recent renewal.

Reinstatement of expired certificate of qualification

- 38 (1)** Where a person's certificate of qualification has expired, in order to apply for reinstatement, the person shall
- (a) reapply under the Act; and
 - (b) pay the annual renewal fee and reinstatement fee set out in items 2 and 5 of Schedule 1, respectively.
- (2)** Where a person's certificate of qualification has remained expired for a period of more than 4 years, in order to apply for reinstatement, the person shall
- (a) reapply under the Act;
 - (b) write an examination prepared by the Inspector-Examiner; and
 - (c) pay the annual renewal fee and reinstatement fee set out in items 2 and 5 of Schedule 1, respectively.

Recognition of other Jurisdictions and Organizations

- 39 (1)** Subject to subsection (2), on application from a person who holds a certificate of qualification from another jurisdiction or organization, the Inspector-Examiner shall issue a Provincial certificate of qualification to a person who
- (a) provides evidence of their experience and qualifications that are sufficiently equivalent to the requirements for the certificate set out in the Act and these regulations;
 - (b) provides evidence as to their identity; and
 - (c) pays the fee set out in item 2 of Schedule 1.
- (2)** A candidate from another jurisdiction who holds a valid certificate from the other jurisdiction that is equivalent to an inter-provincial certificate of qualification shall, upon meeting the requirements of clauses 1(a), (b) and (c), be issued an inter-provincial certificate of qualification.

Educational and Practical Experience Requirements and Equivalents**Minimum educational requirements**

- 40 (1)** Subject to subsection (2), every power engineer and operator who applies for a certificate of qualification shall have successfully completed grade 12 from a Nova Scotia high school or the equivalent.
- (2)** The successful completion of a course in power engineering acceptable to the Inspector-Examiner at the same level as the class of certificate for which the person is applying, may be approved by the Inspector-Examiner as equivalent to the requirement under subsection (1).

Equivalencies accepted

- 41 (1)** In place of some or all of the educational and practical qualifications required under these regulations, the Inspector-Examiner shall accept
- (a) relevant service or training in the Canadian Forces or the equivalent; or
 - (b) successful completion of courses in a technical or trade school recognized by the Inspector-Examiner;
 - (c) experience in the construction, operation, repair, or testing of a plant relevant to the certificate of qualification being applied for; or
 - (d) the completion in whole or part of a correspondence course or formal course of study in power engineering recognized by the Inspector-Examiner.
- (2)** A certificate of apprenticeship issued under the *Apprenticeship and Trades Qualifications Act* is equivalent to the educational and practical qualifications required under these regulations.

Practical Experience Required for Certificates of Qualification**Inter-Provincial First Class Power Engineer Certificate of qualification**

- 42 (1)** Every applicant for an Inter-Provincial First Class Power Engineer Certificate of qualification shall, in addition to having an Inter-Provincial Second Class Power Engineering Certificate of qualification, have the following practical experience:
- (a) 30 months experience as a chief power engineer in a second class boiler plant;
 - (b) 30 months experience as a shift power engineer in a first class boiler plant;
 - (c) 42 months of operating experience as an assistant shift power engineer in a first class boiler plant;
 - (d) 15 months of the experience described in clauses (a), (b), or (c), and 30 months of experience in the design, construction, installation, repair or maintenance of equipment of a boiler plant; or
 - (e) 15 months of the experience described in clauses (a), (b) or (c), and 15 months of experience as a professional engineer in the design, maintenance or operation of a boiler plant.

Inter-Provincial Second Class Power Engineer Certificate of qualification

- (2)** Every applicant for an Inter-Provincial Second Class Power Engineer Certificate of qualification shall, in addition to having an Inter-Provincial Third Class Power Engineer Certificate of qualification, have the following practical experience:
- (a) 24 months experience as a chief power engineer in a third class boiler plant;

- (b) 24 months experience as a shift power engineer in a second class boiler plant;
- (c) 24 months of operating experience as an assistant shift power engineer in a first class boiler plant;
- (d) 12 months of the experience described in clauses (a), (b), or (c), and at least 24 months of experience in the design; construction, installation, repair or maintenance of equipment of a boiler plant; or
- (e) 12 months of the experience described in clauses (a), (b) or (c), and 12 months of experience as a professional engineer in the design, maintenance or operation of a boiler plant.

Inter-Provincial Third Class Power Engineer Certificate of qualification

- (3) Every applicant for an Inter-Provincial Third Class Power Engineer Certificate of qualification shall, in addition to having an Inter-Provincial Fourth Class Power Engineer Certificate of qualification, have the following practical experience:
- (a) 12 months experience as a chief power engineer in a fourth class boiler plant;
 - (b) 12 months experience as a shift power engineer in a third class boiler plant;
 - (c) 12 months of operating experience as an assistant shift power engineer in a second class boiler plant;
 - (d) 6 months of the experience described in clauses (a), (b) or (c) and at least 18 months experience in the design, construction, installation, repair or maintenance of equipment of a boiler plant;
 - (e) successful completion of a course in power engineering acceptable to the Inspector-Examiner leading to an Inter-Provincial Third Class Power Engineer Certificate of qualification, and 6 months of the operating experience described in clause (a), (b) or (c);
 - (f) 6 months of the experience described in clause (a), (b) or (c) and a degree in mechanical or chemical engineering, or the equivalent, from an accredited university;
 - (g) 6 months of the experience described in clause (a), (b) or (c) and 12 months experience as a chief power engineer in a fourth class boiler plant that is an unfired power boiler plant; or
 - (h) 6 months of the experience described in clause (a), (b) or (c) and 12 months experience as a shift power engineer in a third class boiler plant that is an unfired power boiler plant.

Inter-Provincial Fourth Class Power Engineer Certificate of qualification

- (4) Every applicant for an Inter-Provincial Fourth Class Power Engineer Certificate of qualification shall have the following practical experience:

- (a) 12 months experience assisting in the operation of a fired power boiler plant that has a power rating in excess of 500 kW;
- (b) 12 months experience assisting in the operation of a heating boiler plant that has a power rating in excess of 1500 kW;
- (c) 6 months of the experience described in clause (a) or (b) and at least 12 months experience in the design, construction, installation, repair or maintenance of equipment of a boiler plant;
- (d) successful completion of a course in power engineering acceptable to the Inspector-Examiner, leading to an Inter-Provincial Fourth Class Power Engineer Certificate of qualification;
- (e) 3 months of the experience described in clause (a) or (b) and a degree in mechanical or chemical engineering, or equivalent, from an accredited university; or
- (f) 6 months of the experience described in clause (a) or (b) and 12 months experience assisting in the operation of an unfired power boiler plant.

First and second class power engineer course equivalencies

43 For purposes of clauses 41(1)(b) and (d), completion of part or all of a course in power engineering that is acceptable to the Inspector-Examiner shall be considered equivalent to

- (a) 12 months of power boiler plant operating experience for an Inter-Provincial First Class Certificate of qualification; or
- (b) 9 months of power boiler plant operating experience for an Inter-Provincial Second Class Certificate of qualification.

First Class Refrigeration Plant Operator Certificate of qualification

44 (1) Every applicant for a Provincial First Class Refrigeration Plant Operator Certificate of qualification shall have the following practical experience:

- (a) 24 months experience as a chief operator of a second class refrigeration plant;
- (b) 24 months experience as a shift operator of a first class refrigeration plant;
- (c) 12 months of the experience described in clauses (a) or (b), and at least 24 months experience in the design, construction, installation, repair or maintenance of equipment of a refrigeration plant; or
- (d) 12 months of the experience described in clauses (a) or (b), and a degree in mechanical or chemical engineering, or the equivalent, from an accredited university.

Second Class Refrigeration Plant Operator Certificate of qualification

- (2) Every applicant for a Provincial or an Inter-Provincial Second Class Refrigeration Plant Operator Certificate of qualification shall have the following practical experience:
- (a) 12 months experience assisting in the operation of refrigeration equipment in a registered refrigeration plant;
 - (b) a Nova Scotia Refrigeration and Air Conditioning Mechanic Certificate, or the equivalent; or
 - (c) 3 months of the experience described in clause (a) and a degree in mechanical or chemical engineering, or the equivalent, from an accredited university.

Compressor Plant Operator Certificate of qualification

- 45 Every applicant for a Compressor Plant Operator Certificate of qualification shall have the following practical experience:
- (a) 12 months experience in the operation of air or gas compressor equipment in a compressor plant;
 - (b) 6 months of the experience described in clause (a) and at least 12 months experience in the design, construction, installation, repair or maintenance of equipment of a compressor plant; or
 - (c) 3 months of the experience described in clause (a) and a degree in mechanical or chemical engineering, or the equivalent, from an accredited university program.

Refrigeration and compressor plant operator course equivalencies

- 46 For the purposes of Sections 44 and 45, completion of part or all of a course in refrigeration or air or gas compression that is acceptable to the Inspector-Examiner, shall be considered equivalent to up to 6 months of refrigeration plant or compressor plant operating experience.

Examinations**Application and eligibility for examination**

- 47 (1) Every candidate for examination leading to certification under the Act shall make an application to the Inspector-Examiner to write the examination for the level of certificate for which they are applying and shall
- (a) pay the examination fee set out in item 1 of Schedule 1;
 - (b) submit documents verifying their educational qualifications; and
 - (c) submit documents verifying the practical experience they are required to have for the level of certification for which they are applying.
- (2) For purposes of clause (1)(c), a candidate shall provide written verification of their practical experience from the chief engineer or chief operator of the plant where they obtained their practical experience.

- (3) An apprentice registered under the *Apprenticeship and Trades Qualifications Act* shall obtain approval in writing from the Director of Apprenticeship and Trades Qualifications to write an examination under these regulations, and shall provide it with their application for examination.

Examination process

48 The passing grade for every examination shall be 65%.

- 49 (1)** Every person who fails an examination may, within 30 days of the date of receiving their examination results, apply to the Inspector-Examiner to have their examination re-marked.
- (2) Every person who fails an examination may, 60 days after the date of their examination, apply in writing to the Inspector-Examiner for a re-examination.
- (3) The Inspector-Examiner shall re-mark any examination referred to in subsection (1) and shall notify the applicant in writing of their results, at their last known address.
- (4) Every person who makes an application under subsection (1) or (2) shall pay the examination fee set out in item 1 of Schedule 1.

Duties and Responsibilities

Designation of chief power engineer or chief operator

- 50 (1)** Subject to subsections (2) and (3), every owner of a plant registered under the Act shall designate one engineer or operator as a chief power engineer or chief operator for each plant.
- (2) Where more than one plant exists on one plant site, the owner may designate one chief engineer or chief operator to act as chief engineer or chief operator of all the registered plants on that plant site.
- (3) Where an owner has one or more guarded plants that have been authorized to operate under minimum supervision under Section 12, the owner may designate the chief power engineer or operator of one plant to act as chief power engineer or chief operator of all those plants.
- (4) When the chief power engineer or chief operator of a registered plant is absent from that plant site for any reason for more than 72 consecutive hours, the owner shall, in accordance with subsections 35(2), (3) and (4) of the Act, assign the duties and responsibilities of the chief power engineer or chief operator, during their absence, to one other power engineer or operator.

Duties of chief power engineer or chief operator

- 51 (1)** Every chief power engineer or chief operator shall provide safe installation, inspection, operation and maintenance procedures in accordance with the following applicable standards:
 - (a) 1998 ASME Boiler & Pressure Vessel Code, I, Rules for Construction of Power Boilers, as amended from time to time;
 - (b) 1998 ASME Boiler & Pressure Vessel Code, IV, Rules for Construction of Heating Boilers, as amended from time to time;

- (c) 1998 ASME Boiler & Pressure Vessel Code, VI, Recommended Rules For The Care And Operation of Heating Boilers, as amended from time to time;
 - (d) 1998 ASME Boiler & Pressure Vessel Code, VII, Recommended Guidelines for the Care of Power Boilers, as amended from time to time;
 - (e) 1998 ASME Boiler & Pressure Vessel Code, VIII, Rules for Construction of Pressure Vessels Division 1 and Division 2 - Alternative Rules, as amended from time to time;
 - (f) CSA B51 - 97 Boiler, Pressure Vessel and Pressure Piping Code, as amended from time to time;
 - (g) CSA B52-99 - Mechanical Refrigeration Code, as amended from time to time;
 - (h) ASME B31.1 - 1998 - Power Piping, ASME Code for Pressure Piping, B31, as amended from time to time;
 - (i) ASME - B31.3-1999 - Process Piping, Code for Pressure Piping, B31, as amended from time to time;
 - (j) ASME B31.5 - 1992 ASME Code for Pressure Piping, Refrigeration Piping, as amended from time to time;
 - (k) ASME-CSD-1 - 1998 Controls and Safety Devices for Automatically Fired Boilers, as amended from time to time; and
 - (l) ANSI/ASHRAE-34 - 1997 Designation and Safety Classification of Refrigerants, as amended from time to time.
- (2) Every chief power engineer or chief operator shall, in order to provide the safe installation, inspection, operation and maintenance procedures referred to in subsection (1), supervise the work and duties of
- (a) the power engineers or operators on the plant site;
 - (b) any person in training to be a power engineer or operator; and
 - (c) any other person doing maintenance work in the plant that affects the operation of the plant.
- (3) Every chief power engineer or chief operator shall
- (a) maintain a log book in accordance with Section 23;
 - (b) ensure that the plant is operated by a sufficient number of power engineers or operators who are certified under these regulations and who have been adequately trained to operate the plant;
 - (c) ensure that a copy of the Act and these regulations is available to the power engineers and operators on the plant site; and
 - (d) report any accident in accordance with Section 53.

Duty of owner

52 Every owner shall ensure that the chief power engineer or chief operator complies with Section 51.

Reporting of accident

- 53 (1)** Where an accident occurs involving equipment at a plant, the chief power engineer or chief operator of the plant shall send a written report of the accident to the Inspector-Examiner within 24 hours of the occurrence of the accident.
- (2)** No person shall, without the permission of an inspector, move or remove any part of the equipment referred to in subsection (1), except to remove a person who has been injured or killed.

Sealing

- 54 (1)** An inspector shall seal plant equipment that is operating in a manner that is hazardous to any person or equipment.
- (2)** No person shall operate equipment that has been sealed.

Power Engineers and Operators Board

- 55 (1)** Every member of the Board shall hold office for a term not exceeding 3 years and may be reappointed.
- (2)** The professional engineer appointed to the Board shall be a mechanical engineer and shall be employed in a field related to a plant on the date of the appointment.
- (3)** A power engineer appointed to the Board shall be employed as a power engineer on the date of their appointment to the Board.
- (4)** The Board shall
- (a)** hold a meeting
 - (i)** at the request of the Chair, or
 - (ii)** where notice is communicated in writing to the Chair, at the request of a majority of the members of the Board; and
 - (b)** submit a copy of the minutes of each meeting to the Department within 30 days after the meeting.

Appeals**Appeal Committee**

- 56 (1)** The Appeal Committee shall consist of the following members:
- (a)** an inter-provincial first class power engineer who is employed as such on the date of their appointment to the Committee;
 - (b)** a representative of an owner of a registered plant; and
 - (c)** a professional engineer who holds the same qualifications as described in subsection 55(2).

- (2) The Minister shall designate one of the 3 Committee members as Chair.
- (3) Every member of the Committee shall hold office for a term not exceeding 3 years and may be reappointed.
- (4) No person shall serve on the Committee who is concurrently an employee of the Department or a member of the Board.

Filing of an appeal

- 57 (1) A person aggrieved by a decision of an inspector with respect to a matter referred to in subsection (2) may make an appeal in writing to the Chair of the Committee.
- (2) An appeal may be made with respect to the following matters:
 - (a) suspension or cancellation of a certificate of qualification;
 - (b) an application for plant registration; or
 - (c) the staffing and supervision requirements of a plant.
 - (3) An appeal shall be submitted to the Chair of the Committee within 30 days of the date of the decision appealed from.
 - (4) Despite subsection (1), an appeal of an order or decision does not suspend the operation of the order or decision.

Appeal hearing

- 58 (1) The Committee may conduct the hearing orally or in writing.
- (2) The Committee may
 - (a) refer a matter back to the Department for reconsideration with or without directions; or
 - (b) make any decision that the Department could have made.
 - (3) A decision of the majority of the members of the Committee is a decision of the Committee.
 - (4) A decision of the Committee shall be in writing.
 - (5) A decision of the Committee is final.

Repeal and Coming into Force of Regulations

- 59 (1) The regulations respecting stationary engineers made by the Minister of Labour on May 30, 1988, and approved by the Governor in Council by Order in Council 88-628 dated June 14, 1988, are repealed.
- (2) These regulations come into force on September 1, 2001.

Schedule 1**Fees**
(Sections 7, 36, 37, 38, 39, 47 and 49)

	Column 1 Service	Column 2 Fee
1	Examination, re-examination or re-marking of examination	\$30.00
2	Annual renewal and initial issue of certificate of qualification	\$50.00
3	Replacement certificate of qualification	\$25.00
4	Replacement of pocket certificate	\$25.00
5	Reinstatement of certificate of qualification	\$75.00
6	Transfer of certificate of qualification	\$50.00
7	Registration, re-registration or replacement of plant registration certificate	\$150.00
8	Hourly rate for requested special services for plant registration or examination for certification	\$75.00
9	Restricted certificate of qualification	\$75.00

Schedule 2**Plant Classifications**
(Section 6)

Column 1 Plant Classification	Column 2 Type of Plant
1 First Class Boiler Plant	A power boiler plant that has a total boiler plant power rating of more than 20 000 kW
2 Second Class Boiler Plant	A power boiler plant that has a total boiler plant power rating of more than 10 000 kW, but not more than 20 000 kW
3 Third Class Boiler Plant	(a) A power boiler plant that has a total boiler plant power rating of more than 3500 kW, but not more than 10 000 kW; (b) A heating boiler plant that has a total boiler plant power rating of more than 10 000 kW; or (c) A power boiler plant that is unfired that has a total boiler plant power rating of more than 3500 kW
4 Fourth Class Boiler Plant	A power boiler plant that has a total boiler plant power rating of more than 500 kW, but not more than 3500 kW, or a heating boiler plant that has a total boiler plant power rating of more than 1500 kW, but not more than 10 000 kW
5 First Class Refrigeration Plant	(a) A refrigeration plant that uses a Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating in excess of 1000 kW; or

- (b) A refrigeration plant that uses Group A2, A3, B1, B2, or B3 refrigerants as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating in excess of 450 kW
- 6 **Second Class Refrigeration Plant**
 - (a) A refrigeration plant that uses a Group A1 refrigerant as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 1000 kW; or
 - (b) A refrigeration plant that uses Group A2, A3, B1, B2, or B3 refrigerants as classified in CSA B52-99 Mechanical Refrigeration Code, as amended from time to time, and has a total plant power rating of not more than 450 kW
- 7 **Compressor Plant**
 - (a) A compressor plant that compresses air or a non-flammable or non-toxic gas, except oxygen, and uses any type of compressor and has a total plant power rating in excess of 350 kW; or
 - (b) A compressor plant that compresses oxygen or a flammable or toxic gas and has a total plant power rating in excess of 37.5 kW

N.S. Reg. 109/2001

Made: August 23, 2001

Filed: August 24, 2001

West Mabou Beach Provincial Park Designation

Order in Council 2001-415 made August 23, 2001
Designation made by the Governor in Council
pursuant to Section 8
of the *Provincial Parks Act*

The Governor in Council on the report and recommendation of the Minister of Natural Resources dated July 25, 2001, and pursuant to Section 8 of Chapter 367 of the Revised Statutes of Nova Scotia, 1989, the *Provincial Parks Act*, is pleased, with respect to the designation of provincial parks, to:

- (a) designate land at West Mabou Harbour, Inverness County, owned by Her Majesty in right of the Province of Nova Scotia, to be a provincial park, the said land being described in Schedule "A" and shown outlined in bold line on a copy of Provincial Crown Lands Record Centre Plan No. E-15-59 marked Schedule "B", both schedules attached to and forming part of the report and recommendation;
- (b) declare that the provincial park known by the name "West Mabou Beach Provincial Park"; and
- (c) authorize the Minister of Natural Resources to execute such documents as may be necessary to achieve the purposes of this Order.

Schedule "A"

All those certain lots, pieces, or parcels of land and land covered by water situate, lying, and being at West Mabou Harbour, County of Inverness, Province of Nova Scotia, shown on a compiled plan showing West Mabou Beach Provincial Park having a Field Plot Number P-022/98 and filed in the Provincial Crown Lands Record Centre, Halifax under CLR No. E-15-59, the said parcels being more particularly described as follows:

PARCEL I

BEGINNING at a survey marker set at the intersection of the northern boundary of the South West Mabou Road with the western boundary of lands now or formerly of Sidney MacEachern, said **Point of Beginning** being N 88° 11' 39" W a distance of 2, 204.19 feet from Nova Scotia Coordinate Monument Number 14116;

THENCE (from the Point of Beginning) northwesterly along the arc of a circular curve to the right 252.9 feet to a survey marker set N 81° 24.1' W, 250.6 feet measured along the subchord of the curve having a radius of 540.7 feet, from the last previously described survey marker;

THENCE N 68° 00.0' W a distance of 170.0 feet to a survey marker set;

THENCE northwesterly along the arc of a circular curve to the right 160.8 feet, to a survey marker set N 63° 00.0' W, 160.6 feet measured along the subchord of the curve having a radius of 921.6 feet, from last previously described survey marker;

THENCE N 29° 21.1' E a distance of 777.9 feet to a survey marker set;

THENCE N 29° 21.3' E a distance of 492.8 feet to a survey marker set;

THENCE S 79° 29.8' W a distance of 1,589.9 feet to a survey marker set;

THENCE S 28° 15.6' W a distance of 164.9 feet to a survey marker set;

THENCE N 67° 28' 20" W a distance of 694.66 feet to a survey marker set;

THENCE S 28° 45.0' W a distance of 400.0 feet to a survey marker set;

THENCE N 87° 05.8' W a distance of 451.2 feet to a survey marker set;

THENCE S 28° 45.6' W a distance of 199.9 feet to a survey marker set on the northern boundary of the South West Mabou Road;

THENCE southwesterly along the arc of a circular curve to the left 380.2 feet to a survey marker set S 57° 44.8' W a distance of 371.9 feet, measured along the subchord of the curve having a radius of 525.0 feet, from the last previously described survey marker;

THENCE N 65° 03.3' W a distance of 793.8 feet to a survey marker set;

THENCE S 25° 55.9' W a distance of 1,015.5 feet to a survey marker set on the northern boundary of the South West Mabou Road;

THENCE N 79° 24.4' W a distance of 357.4 feet to a survey marker set at the beginning of a circular curve to the left;

THENCE southwesterly along the arc of a circular curve to the left 241.7 feet to a survey marker set S 86° 45.2' W a distance of 239.4 feet, measured along the subchord of the curve having a radius of 500.4 feet, from [the] last previously described survey marker;

THENCE N 60° 05.8' W, 851.5 feet to a survey marker and continuing on the same bearing approximately 200 feet to the ordinary high water mark of the waters of the Northumberland Strait;

THENCE continuing on the same bearing seaward to a point, said point being 300 feet perpendicularly distant from the Ordinary High Water Mark (OHWM) of the Northumberland Strait;

THENCE northeasterly parallel to and 300 feet perpendicularly distant from the OHWM of the Northumberland Strait a distance of 7,700 feet more or less to a point, said point being at the entrance of Mabou Harbour;

THENCE easterly a distance of 400 feet more or less to the ordinary high water mark of the entrance to Mabou Harbour;

THENCE easterly along the OHWM of the entrance of Mabou Harbour a distance of 870 feet more or less;

THENCE continuing easterly seaward into Mabou Harbour, a distance of 300 feet more or less;

THENCE southeasterly and along the various other courses of an irregular line as shown on the aforementioned Field Plot Number P-022/98, which line is generally parallel to the OHWM of Mabou Harbour and passes 300 feet from the eastern tip of Parcel III (Sand Bar) and 300 feet from the northeastern boundary of Parcel IV (The Flats), a total distance of 7,050 feet more or less to a point, said point being situate 300 feet seaward from the OHWM of Mabou Harbour;

THENCE southwesterly to a point on the OHWM mark of Mabou Harbour, said point situate east of Sams Cove;

THENCE from the OHWM of Mabou Harbour S 77° 30.0' W a distance of 36 feet more or less to a survey marker set;

THENCE S 77° 30.0' W a distance of 3.5 feet to the northeastern boundary of the Old Ferry Road;

THENCE along the arc of a circular curve to the left, 203.3 feet to a survey marker set S 81° 22.4' W a distance of 173.6 feet measured along the subchord of the curve having a radius of 106.0 feet from the last previously described point;

THENCE S 26° 25.3' W a distance of 300.0 feet to a survey marker set;

THENCE southwesterly along the arc of a circular curve to the right 223.0 feet to a survey marker set S 32° 13.9' W a distance of 222.6 feet measured along the subchord of the curve having a radius of 1,099.9 feet, from the last previously described survey marker;

THENCE S 38° 02.3' W a distance of 14.2 feet to a survey marker set;

THENCE N 58° 36' W a distance of 308.6 feet to a survey marker set;

THENCE N 43° 07' 12" W a distance of 481.6 feet to a witness survey marker;

THENCE S 46° 52' 48" W a distance of 196.59 feet to a survey marker set;

THENCE S 05° 29' 48" E a distance of 73.08 feet to a survey marker set;

THENCE S 05° 29' 48" E a distance of 608.45 feet to a survey marker set;

THENCE S 02° 45' 50" E a distance of 518.30 feet to a survey marker set;

THENCE S 28° 15.5' W a distance of 399.8 feet to a survey marker set;

THENCE N 61° 44.7' W a distance of 50 feet to a survey marker set;

THENCE N 61° 44.7' W a distance of 1,383.4 feet to a survey marker set;

THENCE S 28° 15.2' W a distance of 2,031.6 feet to the **Point of Beginning**.

Included within Parcel I are Parcel III and Parcel IV, described as follows:

PARCEL III

A certain sand bar oblong in shape and situate within the bounds of Mabou Harbour in proximity to the entrance of said Harbour and containing approximately one acre.

PARCEL IV

A certain tidal flat commonly called The Flats, and situate within the bounds of Mabou Harbour, containing 8 (eight) acres more or less.

Parcel I, including Parcel III and Parcel IV contains 672 acres more or less.

SUBJECT TO RIGHTS OF INGRESS AND EGRESS, reserved unto Roderick Alexander MacLean and Myrna MacLean, over an “existing travelled Roadway 10 feet in width” which crosses the southern portion of the lands described in Book 233 at Page 293 and leads to a brook emptying into Sams Cove and over an “existing travelled path ten (10) feet in width” located adjacent to or near the northeastern boundary of the lands described in Book 233 at Page 293 and leading to the shore of Sams Cove so-called, shown on the aforementioned plan (Field Plot Number P-022/98).

ALSO SUBJECT TO RIGHTS RESERVED to the said Roderick Alexander MacLean and Myrna MacLean to enter over a strip of land to a WELL with the right to lay pipes and repair same for the purpose of drawing water from the Well and the right to work in a circular area ten (10) feet around the Well for the purpose of drawing water from it or fixing, constructing or repairing the Well so as to make it useable. Approximate location of the said Well and strip of land being show on the aforementioned plan (Field Plot Number P-022/98).

ALSO SUBJECT TO A WATER PIPELINE EASEMENT granted to Lawrence J. Connors and Elizabeth A. Connors, dated January 15th, 1992 and recorded in Book 314 at Page 219, shown on aforementioned plan and also on Field Plot P-120/91 and being more particularly described as follows:

COMMENCING at a survey marker located at the northeast corner of lands now or formerly of Lawrence J. Connors and Elizabeth A. Connors (Book 304, Page 794);

THENCE N 67° 28' 20" W a distance of 368.12 feet along the northern boundary of lands now or formerly of Lawrence J. Connors and Elizabeth A. Connors to survey marker IN 4069, hereinafter referred to as the **Point of Beginning**;

THENCE N 67° 28' 20" W a distance of 10.06 feet along the northern boundary of lands now or formerly of Lawrence J. Connors and Elizabeth A. Connors to survey marker IN 4066;

THENCE N 28° 55' 20" E a distance of 114.09 feet to survey marker IN 4067;

THENCE S 61° 04' 40" E a distance of 10.00 feet to survey marker IN 4068;

THENCE S 28° 55' 20" W a distance of 112.97 feet to the **Point of Beginning**.

Containing an area of 1,135 square feet.

PARCEL II

Commencing at Nova Scotia Coordinate Monument NO. 14116;

THENCE N 34° 59.5' E a distance of 2,225.1 feet to a survey marker set and being the **Point of Beginning**.

THENCE (from the **Point of Beginning**) so determined, N 30° 45.4' W a distance of 631.0 feet to a survey marker set on the southeastern boundary of Old Ferry Road;

THENCE northeasterly along the arc of a circular curve to the left 178.4 feet to a survey marker set, said survey marker being N 30° 48.1' E a distance of 178.2 feet measured along the subchord of the curve having a radius of 1,165.9 feet from the last previously described survey marker;

THENCE N 26° 25.3' E a distance of 300.0 feet to a survey marker;

THENCE northeasterly along the arc of a circular curve to the right a distance of 56.4 feet to a survey marker set, said survey marker being N 66° 46.5' E a distance of 51.8 feet measured along the subchord of the curve having a radius of 40 feet from the last previously described survey marker;

THENCE S 28° 00.0' E a distance of 192.1 feet to a survey marker set;

THENCE N 50° 00.0' E a distance of 83.1 feet to a survey marker set;

THENCE S 57° 00.0' E, approximately 15 feet to the ordinary high water mark of the waters of Mabou Harbour;

THENCE easterly along the ordinary high water and into Mabou Harbour to a point, said point being 300 feet, more or less, perpendicularly distant from the Ordinary High Water Mark (OHWM) of Mabou Harbour;

THENCE southeasterly parallel to and 300 feet, more or less, perpendicularly distant from the OHWM of Mabou Harbour a distance of 485 feet, more or less, to a point;

THENCE westerly to the OHWM of Mabou Harbour;

THENCE S 29° 51.8' W a distance of 10 (ten) feet to a survey marker set, said survey marker set being S 28° 12.0' E, a distance of 432.8 feet from the last previously mentioned survey marker;

THENCE S 29° 51.8' W a distance of 579.5 feet to a survey marker;

THENCE N 51° 04.3' W a distance of 25.1 feet to the **Point of Beginning**.

Containing 11 acres more or less.

The above described lands, Parcels I through IV being show on the attached plan marked Schedule "B" and being subject to easements existing for pole and/or pipelines.

[Note: To view the Plan referred to as Schedule "B" contact the Department of Natural Resources.]