

## **Amendments to Nova Scotia's Environmental Assessment Regulations**

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Amendments to Nova Scotia's *Environmental Assessment Regulations* have been introduced to improve clarity for Nova Scotia's citizens and businesses, increase opportunities for public input, and further the objectives of Nova Scotia's Energy Strategy and *Environmental Goals and Sustainable Prosperity Act*.

Proposed amendments to the regulations underwent public consultation in late 2003/early 2004 and additional discussions with stakeholder groups have been going on since that time. There was general agreement that the Environmental Assessment (EA) Process could be significantly improved by:

- Setting a longer time period (previously 10 to 14 days) for public and government comment. This change was supported by the public, non-governmental organizations, government departments, and industry.
- Changing the list of projects requiring environmental assessment to ensure the level of assessment needed is appropriate given potential risks to the environment.

The amendments, effective August 6, 2008, include the following key changes to the Environmental Assessment Regulations:

- An increase in the overall timeline for Class I undertakings to 50 days from 25 days; and a set public comment period for Class I undertakings at 30 days, in line with other jurisdictions. (Class 1 undertakings refer to projects that are usually smaller in scale and may have less potential to cause significant environmental impact.)
- The definition of "day" has been changed whereby December 23, to January 2 of any year is considered 1 (one) day for purposes of the regulations.
- The project will register with Nova Scotia Environment 7 days after registration fees have been paid and the basic information requirements have been met by the proponent (Previously the project would register within one day of receipt of fees and required information).
- The addition of factors relevant to the minister's decision in the EA including species-at-risk information.
- An addition of "peat" to the types of processing/extraction facilities requiring an assessment ( "peat moss" facilities are already included).
- Including in Class I projects "natural gas processing plant," to capture new industries involving liquified natural gas and sour gas

- The removal of a “*facility engaged in the production, wholesale storage or wholesale distribution of dangerous goods*” from the *Environmental Assessment Regulations* as this activity can be appropriately regulated under the *Activities Designation Regulations*
- A clarification of the types of handling and storage of contaminated materials that require an EA. Short term transport and storage facilities will be regulated under Industrial Approvals, however facilities that treat and dispose of contaminated soils/materials will require an EA.
- Re-classifying energy projects to require a more comprehensive review if they have potential to produce higher levels of greenhouse gases and air pollutants.
- Tidal power projects capable of producing at least 2 megawatts of energy will trigger a Class 1 environmental assessment.
- Categorizing projects with lower, predictable levels of environmental effects from Class II to a Class I process (highway projects, transmission lines, paper products)
- Changes to recognize aboriginal peoples interest in the environmental assessment process.

The amendment package reflects nearly ten years experience in administering the *Environmental Assessment Regulations*. It will improve the process leading to greater certainty for business and improved support from the public.

### **About Environmental Assessments:**

Environmental assessment is a planning and decision-making tool used world-wide to promote sustainable development. Nova Scotia’s environmental assessment process is defined in Part IV of the *Environment Act* and detailed in Environmental Assessment and Environmental Assessment Board Regulations.

Developments required to undergo environmental assessments in Nova Scotia are divided into two classes. Class I undertakings are usually smaller in scale and have fairly predictable impacts. Examples include projects disrupting wetlands and rock quarries. Class II undertakings are typically larger in scale and are considered to have the potential to cause significant environmental impacts. Examples include pulp mills and oil refineries. Class II undertakings automatically require an EA report, the involvement of the EA Board and extensive formal public review, which may include public hearings.