

## Schedule "B"

### **Regulations Respecting Activities in the Hebb, Milipsigate and Minamkeak Lake Watershed Protected Water Area made by the Minister of Environment and Labour pursuant to subsection 106(6) of Chapter 1 of the Acts of 1994-5, the *Environment Act***

#### **Citation**

- 1 These regulations may be cited as the *Hebb, Milipsigate and Minamkeak Lake Watershed Protected Water Area Regulations*.

#### **Interpretation**

- 2 In these regulations,

- (a) "Act" means the *Environment Act*;
- (b) "agricultural operation" means a farming unit that
  - (i) houses livestock or where livestock graze or are pastured,
  - (ii) has greater than 5 ha of land in forage production,
  - (iii) has greater than 5 ha of land in annual crop production, or
  - (iv) to which any combination of subclauses (i) to (iii) applies;
- (c) "chemical separation" means a chemical process that isolates metals and minerals from their ore and includes solvent extraction, leaching, smelting, refining, electrowinning and palletizing or briquetting.
  - (i) solvent extraction means the separation of one or more substances from a mixture by treating an aqueous solution of the mixture with a solvent that will extract the required substances, leaving the other undesirable materials behind.
  - (ii) leaching means the extraction of soluble metals or salts from an ore by means of slowly percolating solutions.
  - (iii) smelting means the chemical reduction of a metal from its ore by a process usually involving fusion, so that earthy and other impurities separate as lighter and more fusible slags and can readily be removed from the reduced metal.
  - (iv) refining means an electrolytic or chemical process that produces a pure metal.

- (v) electrowinning means an electrochemical process in which a metal dissolved within an electrolyte is plated onto an electrode resulting in a pure metal.
- (vi) pelletizing or briquetting means a process by which any pulverized mineral is bound together under pressure, with or without a binding agent such as asphalt;
- (d) “Committee” means the Petite Riviere Watershed Advisory Group;
- (e) “Department” means the Department of Environment and Labour;
- (f) “developer” means a person who develops or proposes to develop land and includes any agent or contractor who works for the developer;
- (g) “development” means any general disturbance of earth or landscape for purposes of construction, and includes construction of the following:
  - (i) roadways,
  - (ii) residential dwellings,
  - (iii) commercial establishments,
  - (iv) recreation areas,
  - (v) campgrounds,
  - (vi) trailer parks,
  - (vii) parkland;
- (h) “forestry operation” means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including any of the following activities:
  - (i) forest management,
  - (ii) silviculture,
  - (iii) wood harvesting,
  - (iv) forest access road construction,
  - (v) operation, storage and use of equipment and supplies used in any aspect of the activity;
- (i) “mining” is the process or business of extracting valuable or useful solid materials, such as minerals, metals, and coal from the earth;
- (j) “Minister” means the Minister of Environment and Labour;
- (k) “motorized vehicle” means any type of vehicle with an internal combustion engine powered by petroleum;

- (l) “physical separation” means those processes associated with mining where valued substances are separated from undesired substances based on the physical properties of the materials and includes flotation, dewatering, settling, filtering, flocculation, screening and magnetic separation.
- (i) flotation means mineral separation, in which a variety of reagents are added to an agitated and aerated mixture of liquids and solids.
  - (ii) dewatering means the separation of solid materials from water in which it is dispersed.
  - (iii) settling means a reduction of the proportion of water in a material by means of sedimentation or elutriation.
  - (iv) filtering means the separation of suspended solid particles from liquids, or fine dust from air.
  - (v) flocculation means the selective agglomeration, or adhesion of material components to water or other liquids.
  - (vi) screening means the uses of one or more screens or sieves to separate particles into defined sizes.
  - (vii) magnetic separation means the uses of permanent or electromagnets to separate magnetic particles from other process streams;
- (m) “processing” means those methods employed in the mining industry to clean, separate, and prepare coal, metals, and non-metallic minerals from mined material;
- (n) “Protected Water Area” means the land and water designated by the Minister pursuant to subsection 106(1) of the Act as the Hebb, Milipsigate, and Minamkeak Lake Watershed Protected Water Area as described in Schedule "A" to the designation;
- (o) “release” means to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place, drain, pump or exhaust;
- (p) “tailings” are the material that remains after all metals considered valuable or useful have been removed from ore during milling;

- (q) "Water Works Operator" means the Public Service Commission of Bridgewater, operator of the Hebb, Milipsigate, Minamkeak Lake water works;

**Posting of Signs**

- 3 (1) The Water Works Operator must post signs around the perimeter of the Protected Water Area to provide notice to the general public of the designation of the Protected Water Area.
- (2) No person is permitted to remove or alter any sign, notice or advertisement posted under this Section.

**Restricted Activities**

- 4 (1) No person shall at any time in the year operate a motorized vehicle of any kind on, through, or over Hebb Lake and Milipsigate Lake, without first obtaining the permission of the Water Works Operator.
- (2) No person is permitted to swim, bathe, or wash in Hebb Lake.
- (3) No person is permitted to release or cause or permit the release of any substance that impairs water quality, including any of the following:
  - (i) oil;
  - (ii) petroleum products;
  - (iii) soap;
  - (iv) detergent;
  - (v) toxic chemicals;
  - (vi) pest control product waste;
  - (vii) garbage;
  - (viii) litter;
  - (ix) solid or liquid waste.

**Prohibition on landfills**

- 5 (1) No person is permitted to dispose of waste, establish a dump, landfill or waste disposal site within the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately cease the activity and rehabilitate the site in the proper manner as directed by the Water Works Operator.

**On-site sewage disposal and discharge of domestic sanitary waste**

- 6 (1) No person is permitted to install an on-site sewage disposal system within the Protected Water Area without first notifying the Water Works Operator 15 days prior to the commencement of the activity.

- (2) No person shall construct an on-site sewage disposal system, outhouse or privy, or any other type of equivalent structure serving the purpose of sanitary waste disposal, within 30 m of the shoreline of any watercourse within the Protected Water Area.
- (3) Any structure serving as an on-site sewage disposal system must have an approval from the Department, in accordance with the *On-site Sewage Disposal Systems Regulations*, made under the *Act*.

#### **Forestry operations**

- 7 All forestry operations within the Protected Water Area must be conducted in accordance with the *Wildlife Habitat and Watercourses Protection Regulations* made under the *Forests Act* and the "Forest/Wildlife Guidelines and Standards for Nova Scotia" issued by the Department of Natural Resources, or its successor document or code of practice, as amended from time to time.

#### **Agriculture**

- 8 (1) No person is permitted to conduct agricultural operations within 20 m of any watercourse within the Protected Water Area.
- (2) No person is permitted to stockpile or accumulate manure within 30 m of any lakeshore, watercourse or well within the Protected Water Area.

#### **Pest control products**

- 9 In this section "commercial class" and "pesticide or pest control product" have the same meaning as they do in the *Pesticide Regulations* made under the *Act*.

No person is permitted to use a commercial class of pest control products within the Protected Water Area unless administered in accordance with the *Act* and regulation and they have notified the Water Works Operator in writing 15 days prior to proposed commencement of the activity.

#### **Erosion and sediment control**

- 10 (1) No person shall at any time undertake any activity that causes or might cause soil erosion resulting in sediment being deposited in a watercourse located within the Protected Water Area.
- (2) A person who contravenes subsection (1) must immediately cease the activity and take measures to control erosion and sediment as directed by the Water Works Operator.
- (3) No person is permitted to undertake any activity within the Protected Water Area requiring grubbing or earth moving that would expose an area of ground 0.40 hectares or greater in area, unless they have

- (i) developed an erosion and sedimentation control plan as described in the "Erosion and Sedimentation Control Handbook for Construction Sites" published by the Department, or its successor document or code of practice, as amended from time to time; and
  - (ii) notified the Water Works Operator in writing 15 days prior to the commencement of the work.
- (4) Subsection (3) does not apply to an agricultural operation.

**Pits and quarries**

**11** No person is permitted to commence, operate or use any pit or quarry for gravel, stone or other types of aggregate extraction, within the Protected Water Area without first

- (i) notifying the Water Works Operator; and
- (ii) obtaining an approval from the Department if an approval is required under the Act and regulations.

**Stormwater management**

**12** (1) No person is permitted to start any development unless the development is conducted according to a Stormwater Control Plan that is

- (i) prepared by a professional engineer; and
- (ii) a copy is submitted to the Water Works Operator, prior to the commencement of the activity.

(2) Subsection (1) does not apply to the development of a subdivision of less than 5 residential dwelling units.

**Mining Activities**

**13** (1) No person is permitted to undertake mining activity within the Protected Water Area without first notifying the Water Works Operator in writing, no later than 21 days before starting any activity associated with the mining.

- (2) A written notification under subsection (1) must include expected dates for beginning the mining work and a map showing the geographical location and area affected by the proposed activities.
- (3) No person is permitted to conduct any physical separations or chemical separations of minerals, or mineral processing associated with mining, within the boundaries of the Protected Water Area.

- (4) No person is permitted to stockpile more than 100 tonnes of material resulting from any mining activity, within the Protected Water Area.
- (5) The Water Works Operator can require any person in mining activity
  - (i) to install and maintain water quality monitoring stations, in locations identified by the Water Works Operator; and
  - (ii) to remediate any actions associated with mining that impair water quality within the Protected Water Area.
- (6) No person is permitted to conduct any mining activities within 100 m of all lakes and watercourses within the Protected Water Area.

**Permits and approvals**

- 14** For greater certainty all activities within the Protected Water Area must be conducted in accordance with the *Environment Act* and regulations, including any requests for approvals.