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Solid Waste-Resource Management Regulations
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**made under Section 102 of the
Environment Act
S.N.S. 1994-95, c. 1
O.I.C. 96-79 (February 6, 1996), N.S. Reg. 25/96
as amended up to O.I.C. 2002-94 (March 1, 2002), N.S. Reg. 24/2002**

Citation

1 These regulations may be cited as the "Solid Waste-Resource Management Regulations".

Definitions

2 In these regulations,

- (a) "Act" means the Environment Act;
- (b) "Administrator" means a person designated by the Minister pursuant to Section 3 of these regulations and includes an acting Administrator;
- (c) "approved program" means a program approved by the Minister pursuant to Section 7 of these regulations;
- (d) "backyard composting" means composting at a residential dwelling unit of organic solid waste, including grass clippings, leaves or food waste, where
 - (i) the waste is generated by the residents of the dwelling unit or neighbouring dwelling units or both, and
 - (ii) not more than 10 m³ is processed annually;
Subclause 2(d)(ii) replaced: O.I.C. 2000-201, N.S. Reg. 63/2000.
- (e) "beverage" means any liquid that is a ready to serve drink, but does not include milk, milk products, soya milk or concentrates;
- (f) "beverage container" means a container of less than 5 litres which contains or has contained a beverage and was sealed by the manufacturer after the beverage was placed in it;

- (g) "Board" means the Resource Recovery Fund Board established pursuant to Section 5 of these regulations;
- (h) "compost" means a product of composting which is used or sold for use as a soil amendment, artificial topsoil or growing medium or for some other application to land;
- (i) "composting" means the biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and safe use in land applications;
- (j) "construction and demolition debris" means materials which are normally used in the construction of buildings, structures, roadways, walls and other landscaping material, and includes, but is not limited to, soil, asphalt, brick, mortar, drywall, plaster, cellulose, fibreglass fibres, gyproc, lumber, wood, asphalt shingles, and metals;
- (k) "Department" means the Department of Environment and Labour;
- (l) "depot" means a place registered with the Board pursuant to Section 17 of these regulations and is operated for the collection of redeemable beverage containers, post-consumer paint products or other materials;
Clause 2(l) amended: O.I.C. 2002-94, N.S. Reg. 24/2002.
- (m) "designated material" means an item designated by the Minister pursuant to subsection 100(1) of the Act;
- (n) "distributor" means the last person in Nova Scotia to supply, sell or offer for sale by wholesale or other means a beverage in a beverage container, a new tire or a consumer paint product to a retailer in the Province and, in the event that there is no supply, sale or offer to sell by a person in Nova Scotia to a retailer in the Province, distributor means the retailer;
Clause 2(n) amended: O.I.C. 2002-94, N.S. Reg. 24/2002.
- (o) "Fund" means the Resource Recovery Fund established pursuant to Section 98 of the Act,
- (p) "incinerator" means a facility designed or used for the primary purpose of destruction of municipal solid waste by combustion;
- (q) "landfill" means a facility for the disposal of municipal solid waste by placing it in or on land;
- (qa) "leaf and yard waste" means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated organic matter;
Clause 2(qa) added: O.I.C. 2000-201, N.S. Reg. 63/2000.
- (r) "liquor" means liquor as defined in the Liquor Control Act;
- (s) "litter" means any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding

meaning;

Clause 2(s) replaced: O.I.C. 96-827, N.S. Reg. 167/96.

(t) "Minister" means the Minister of Environment and Labour;

(u) "municipality" means a city, an incorporated town, a municipality of a county or district or a regional municipality;

(v) "municipal solid waste" means garbage, refuse, sludge, rubbish, tailings, debris, litter and other discarded materials resulting from residential, commercial, institutional and industrial activities which are commonly accepted at a municipal solid waste management facility, but excludes wastes from industrial activities regulated by an approval issued under the Act;

(w) "owner" of property includes a part owner, joint owner, tenant in common or joint tenant of the whole or any part of any land or building, and includes a trustee, an executor, a guardian, an agent, a mortgagee in possession or a person having the care, management, or control of any land or building in case of the absence or disability of the person having title to it, any person who occupies shores, beaches or shoals and, in the absence of proof to the contrary, includes the person assessed for the property;

(x) "private event" means an event where more than 300 persons are in attendance at one location, but excludes an event held in a residential dwelling;

(y) "redeemable beverage container" means a [beverage] container on which a deposit has been paid;

(z) "redeemed beverage container" means an empty beverage container accepted by a depot for refund, or collected as part of a private or municipal collection program;

(za) "retailer" means a person who sells a beverage in a beverage container to the public for consumption off the premises or a person who sells a beverage in a beverage container by a coin-operated vending machine;

Original clause 2(aa) relettered (za): O.I.C. 2002-94, N.S. Reg. 24/2002.

(aa) "sale" or "supply" means the transfer of a property interest, including

(i) gifts,

(ii) exchange,

(iii) barter, or

(iv) any transaction in the nature of a franchise, head, option or rental;

Clause 2(aa) added: O.I.C. 2002-94, N.S. Reg. 24/2002.

(ab) "yard waste" means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, leaves, trees and stumps, but excludes construction and demolition debris or contaminated organic matter;

(ac) "waste diversion" means waste reduction, reuse, recycling or composting.

Administrator

3 (1) The Minister may appoint an Administrator to administer these regulations.

(2) The Minister may appoint the Board as Administrator to administer subsections 15(2),

(3) and (4) and Sections 16, 17 and 18 of these regulations.

Division I - Solid Waste Reduction

Part I - Resource Recovery

Resource Recovery Fund

4 (1) Pursuant to Section 98 of the Act, the Resource Recovery Fund is established

(a) to develop and implement industry stewardship programs;

(b) to fund municipal or regional diversion programs;

(c) to develop and operate a deposit-refund system for beverage containers;

(d) to develop education and awareness of source reduction, reuse, recycling and composting; and

(e) to promote the development of value-added manufacturing in the Province.

(2) The Resource Recovery Fund established pursuant to Sections 5 and 8 of Chapter 12 of the Statutes of Nova Scotia 1989, the Recycling Act, and the Resource Recovery Fund Regulations made pursuant to the Recycling Act shall form part of the Fund described in subsection (1).

Resource Recovery Fund Board

5 (1) The Fund shall be administered by a board to be known as the Resource Recovery Fund Board.

(2) The Board shall

(a) undertake measures to implement the goals and objectives of the Fund as described in Section 4;

(b) enter into an agreement with the Minister to administer the Fund, which agreement shall include an outline of the respective duties, powers and responsibilities of the parties and confirm that Section 143 of the Act applies to members of the Board;

(c) prepare, negotiate and enforce agreements with a person respecting payments into the Fund;

(d) administer and operate a deposit-refund system for beverage containers; and

(e) perform such functions and exercise such powers as may be assigned or requested by the Minister or the Governor in Council.

(3) Unless the Minister agrees otherwise in writing, the Board shall be duly incorporated as a not for profit organization under the laws of the Province.

(4) The Minister shall be entitled to appoint 3 persons to the Board.

(5) The Minister shall appoint one of the persons described in subsection (4) to be the Chair of the Board and determine the term of office of the Chair.

(6) A Regional Waste Coordinator shall be appointed by the Board and be a member of the Board.

(7) A representative of the Union of Nova Scotia Municipalities shall be appointed by the Board, as a member of the Board, from a nomination submitted by the Union of Nova Scotia Municipalities.

Payments into Fund

6 (1) Pursuant to Section 98 of the Act, the Fund shall consist of

(a) money which comes from an agreement entered into between the Board and a person;

(b) revenues generated from the deposit-refund system on beverage containers;

(c) money acquired by the Board or the Province for the purposes of the Fund by way of gift, donation or bequest or derived from the disposition of any real property or other property given, donated or bequeathed to the Board for the purposes of the Fund;

(d) interest accruing to the Fund; and

(e) money paid to the Fund under the Resource Recovery Fund Regulations made pursuant to Sections 5 and 8 of Chapter 12 of the Statutes of Nova Scotia 1989, the Recycling Act.

(2) Pursuant to Section 98 of the Act, the Minister, following consultation with the Board, may pay into the Fund

(a) money which comes from an agreement entered into between the Minister and a person;

(b) a surcharge on a designated material pursuant to subsection 100(2) and clause 102(1)(v) of the Act; and

(c) money that accrues from any financing arrangement or program of the Province, including financing arrangements or programs with other governments entered into for any of the purposes for which the Fund is established.

Approved programs

7 (1) Programs which are approved for financial assistance under these regulations are listed in Schedule "A".

- (2) The Board or any person may submit a proposal to the Minister to
- (a) designate a program as an approved program; or
 - (b) alter or modify an approved program.

Expenditures from the Fund

8 (1) Subject to the provisions of these regulations, the terms of any agreement between the Minister and the Board, and in accordance with the Provincial Finance Act, the Board shall provide funding for municipal solid waste diversion by

- (a) paying a minimum of 50% of the net revenues in the Fund to provide financial support, to be divided between or among municipalities or regions based on the solid waste diverted by the municipality or region;
 - (b) paying out of the Fund money to provide financial assistance and incentives under an approved program;
 - (c) paying out of the Fund any costs, charges, audit and other fees and expenses involved in the administration of the Fund;
 - (d) investing money in the name of the Fund in any manner in which trustees are authorized by law to invest trust funds; and
 - (e) doing any other matter or thing which relates to, or is incidental to, the purposes of the Fund.
- (2) (a) Funding shall be provided by the Board pursuant to clauses 8(1)(a) and (b) on the basis of an agreement executed between the Board, and a municipality, a region or a person.
- (b) Clause (a) is subject to existing agreements signed by a municipality or a region and a person before the effective date of these regulations.
- (3) Copies of any agreement executed under clause 2(a) shall be filed with the Minister within 30 days of signing.

Accounts of Fund

9 (1) The Board shall cause to be kept proper books of accounts respecting

- (a) all sums of money received and expended by the Fund and the matters in respect of which the receipt and expenditure of money took place; and
- (b) the assets and liabilities of the Fund.

(2) The accounts of the Fund shall, from time to time, and at least annually, be audited by an auditor licensed under the Public Accountants Act and copies of the audit report shall be filed with the Minister within 30 days of preparation.

Action plan/annual report

10 (1) The Board shall submit annually an action plan to the Minister.

(2) No later than 30 days following the end of each calendar year, or such other date agreed upon in writing by the Minister, the Board shall prepare and submit an annual report to the Minister which shall include the following information:

- (a) work of the Board during the year;
- (b) progress made towards reaching the 50% solid waste diversion goal;
- (c) a financial statement setting forth the assets and liabilities of the Fund and the receipts and expenditures of the Fund for the year;
- (d) the status of all applications received during the year including applications approved, applications rejected and the reasons for any outstanding or rejected applications; and
- (e) other information requested by the Minister.

Public documents

11 Subject to the Freedom of Information and Protection of Privacy Act, all reports, agreements, action plans, annual reports and other documents filed by the Board with the Minister are public documents.

Part II - Industry Stewardship

Industry stewardship agreements

12 (1) (a) The Board may negotiate an agreement with manufacturers, distributors, retailers and others respecting a designated material banned from landfills and incinerators, covered in Schedule "B", on or before the date the ban comes into effect.

Clause 12(1)(a) amended: O.I.C. 96-107, N.S. Reg. 34/96.

(b) An agreement described in clause (a) may include, but not be limited to, details respecting an industry stewardship program.

Clause 12(1)(b) amended: O.I.C. 96-107, N.S. Reg. 34/96.

(2) (a) The Minister shall provide the Board with a list of designated materials for industry stewardship programs pursuant to subsection 100(1) of the Act.

(b) For designated materials covered in clause (a), the Minister, after consultation with the Board, shall establish a date when an agreement shall be negotiated.

(c) For designated materials covered in clause (a), the Board shall negotiate an agreement with manufacturers, distributors, retailers and others respecting the designated material, on or before the date established pursuant to clause (b).

(d) An agreement described in clause (c) shall include, but not be limited to, details respecting an industry stewardship program.

Surcharges

13 Subject to the approval of the Governor in Council, the Minister may establish a surcharge applicable to a designated material.

Beverage container programs

14 (1) All beverage containers sold in the Province shall be either refillable or recyclable as determined by the Administrator.

(2) All beverage containers shall be subject to a deposit-refund system as described in these regulations.

(3) No person shall sell, manufacture, distribute, offer to sell or permit to be sold in the Province a beverage in a container that is subject to the deposit and refund system which is not clearly labelled with the words "RETURN FOR REFUND" or words to like effect.

(4) (a) No later than 3 months after the effective date of these regulations, the Board shall collect and submit to the Minister

(i) baseline figures for 1994 respecting the proportion of refillable and non-refillable beverage containers by product type sold for consumption in the Province; and

(ii) current figures in 1995 to a date determined by the Board.

(b) Unless the Minister agrees otherwise in writing, no distributor shall decrease the proportion of refillable containers of any given type for a beverage sold for consumption in the Province below the proportions established in the 1994 baseline figures.

(c) The Board shall report annually to the Minister respecting the proportion of refillable and non-refillable containers sold for consumption in the Province.

Deposits and refunds

15 (1) The minimum cash deposit on a redeemable beverage container is

(a) for a refillable or non-refillable beverage container other than a beverage container for liquor, an amount that, when added to any applicable federal and Provincial sales tax on that amount, equals \$0.10;

(b) for a refillable liquor container of less than 1.0 L, an amount that, when added to any applicable federal and Provincial sales tax on that amount, equals \$0.10;

(c) for a refillable liquor container greater than or equal to 1.0 L, an amount that, when added to any applicable federal and Provincial sales tax on that amount, equals \$0.20 cents;

(d) for a non-refillable liquor container less than or equal to 500 ml, an amount that, when added to any applicable federal and Provincial sales tax on that amount, equals \$0.10;

(e) for a non-refillable liquor container greater than 500 ml, an amount that, when added to any applicable federal and Provincial sales tax on that amount, equals \$0.20.

Subsection 15(1) replaced: O.I.C. 2000-287, N.S. Reg. 100/2000.

(2) A retailer shall collect from the purchaser the cash deposit prescribed in subsection (1) for each beverage sold to the purchaser in a redeemable beverage container and shall show the amount of the [such] deposit on a cash receipt.

(3) Upon receipt of a beverage container, a depot operator shall immediately provide a minimum cash refund of,

(a) for a refillable beverage container, an amount, including the applicable federal and Provincial sales tax, that equals 100% of the full cash deposit;

(b) for a non-refillable beverage container, an amount, including federal and Provincial sales tax, that equals 50% of the full cash deposit.

Subsection 15(3) replaced: O.I.C. 2000-287, N.S. Reg. 100/2000.

(4) Where the amount of the cash deposit or cash refund is more than the minimum amount prescribed in subsection (1) or (3), the cash deposit or the cash refund shall be inclusive of any applicable federal and Provincial sales tax.

Subsection 15(4) replaced: O.I.C. 2000-287, N.S. Reg. 100/2000.

(5) Within 30 days of collection of redeemable beverage containers by the Board or its agent from a depot operator, the Board or its agent shall reimburse the depot operator the minimum cash refund prescribed in Schedule "C" plus a handling fee determined by the Board.

(6) Unless otherwise agreed to by the Board, the Minister and the Nova Scotia Liquor Commission, subsection (5) does not apply to a beverage container for liquor.

Distributor registration/operation

16 (1) A distributor of beverage containers in the Province shall register with the Board within 60 days of the effective date of these regulations.

(2) No distributor shall sell or offer for sale a beverage container in the Province unless that person is registered with the Board under subsection (1).

(3) A distributor of beverage containers shall register with the Board all beverage containers distributed and shall designate each container registered by beverage product, container size and container type.

(4) No person shall sell or offer for sale a beverage in a beverage container which is not registered with the Board under subsection (3).

(5) On or before the 20th day of each month, a distributor shall file with the Board a return, in a form approved by the Board, reporting

(a) all units sold during the immediately preceding calendar month; and

(b) the remittance due by the distributor by type and tax status of beverage container as described in subsection (5B),

and shall remit to the Board any cash deposits collected pursuant to these regulations during that immediately preceding calendar month.

Subsection 16(5) replaced: O.I.C. 2000-287, N.S. Reg. 100/2000.

(5A) Despite subsection (5), at the request of the Board, a distributor shall file with the

Board a return covering such period as the Board may determine, in a form approved by the Board, reporting

(a) all units sold; and

(b) the remittance due by the distributor by type and tax status of beverage container, as described in subsection (5B),

and shall remit to the Board any cash deposits collected pursuant to these regulations during that period.

Subsection 16(5A) added: O.I.C. 2000-287, N.S. Reg. 100/2000.

(5B) Where reporting the tax status of beverage containers in a return required pursuant to subsection (5) or (5A), the distributor shall list taxable units sold and zero-rated units sold, as defined in the *Excise Tax Act* (Canada).

Subsection 16(5B) added: O.I.C. 2000-287, N.S. Reg. 100/2000.

(6) A distributor may arrange for a person outside of the Province to act as their agent to collect and submit to the Board any cash deposit required under these regulations.

(7) In the event of any default of payment by an agent under subsection (5), the distributor is responsible to pay the cash deposit money to the Board.

(8) Unless otherwise agreed to by the Board, the Minister and the Nova Scotia Liquor Commission, subsections (1) to (7) do not apply to a distributor who distributes only beverage containers for liquor.

Depot registration/operation

17 (1) Within 60 days of the effective date of these regulations, no person shall be eligible to receive payment for collection of beverage containers or other materials by the Board or its agent unless the person is registered with the Board and has supplied information as required by the Board.

(2) Subject to subsection (3), a container collection depot which, at the effective date of these regulations, is registered with the Registrar of Joint Stock Companies to operate a container collection depot shall automatically be registered as a container collection depot under these regulations if an application, together with proof of registration as a collection depot with the Registrar, is submitted to the Board within 60 days of the effective date of these regulations.

(3) The status of a container collection depot under subsection (2) shall be revoked within 1 year of the effective date of these regulations if the collection depot fails to comply with standards established by the Board.

(4) The Board shall develop and publish standards under subsection (3) on or before February 28, 1996.

(5) The Board may establish rules and standards governing the operation of a depot.

(6) No depot operator shall fail to accept any redeemable beverage container provided the

container is intact and it is in reasonably clean condition.

Notice to consumers

18 A retailer shall clearly display a notice indicating

- (a) the deposit which will be charged for each type of beverage container;
- (b) the refund available on a returned beverage container;
- (c) the location of the nearest depot where a beverage container can be redeemed for refund; and
- (d) the hours of operation of the depot,

at a retail premises where beverages are sold in redeemable beverage containers.

Used tire management program

18A (1) For the purpose of this Section,

- (a) "motor vehicle" means a motor vehicle as defined under the *Motor Vehicle Act*;
- (b) "new tire" means a tire which is provided
 - (i) with a motor vehicle, a vehicle or a trailer, or
 - (ii) separately for use on or with a motor vehicle, a vehicle or a trailer,

but does not include a retreaded tire, a used tire, or a tire with a rim size greater than 622.3 mm (24.5 inches);

- (c) "retreaded tire" means a tire to which a new tread has been affixed to extend the usable life of the tire;

Clause 18A(1)(d) repealed: O.I.C. 2002-94, N.S. Reg. 24/2002.

- (e) "tire" means a tire which is air filled or designed to be air filled and is designed for use on the wheel of a motor vehicle, a vehicle or a trailer;
- (f) "tire retailer" means a person, including a vehicle dealer or vehicle lessor, who supplies new tires in the Province to an end user;
- (g) "used tire" means a tire no longer suited for its original purpose because of wear and tear or damage;
- (h) "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway or private road, but does not include
 - (i) a motorized wheelchair,
 - (ii) a device moved by human power, including a bicycle,

- (iii) an off-highway vehicle as defined under the *Off-Highway Vehicles Act*, or
 - (iv) a farm implement or farm machinery which is exempt under clause 25(1)(d) of the *Revenue Act* and which is not used on a public highway.
- (2) A new tire is designated as a designated material for the purpose of the *Act*.
- (3) (a) A tire is considered to be a new tire from the time of its manufacture until immediately after it is first supplied by a tire retailer.
- (b) Every tire retailer who uses or consumes in Nova Scotia a new tire that the tire retailer has acquired shall be deemed to have supplied the tire to another person.
- (4) The Minister may appoint an Administrator under this Section.
- (5) No tire retailer shall supply a new tire in the Province on or after January 2, 1997, unless that tire retailer is registered with an Administrator.
- (6) (a) No tire retailer shall supply a new tire in the Province on or after January 2, 1997, unless that tire retailer has entered into an industry stewardship agreement with an Administrator.
- (b) For the purpose of clause (a), a tire retailer may designate a person, including a manufacturer or distributor of new tires who is in agreement, to act as their agent in connection with an industry stewardship agreement with an Administrator.
- (c) In the event of a breach or default by an agent under clause (b), the tire retailer is responsible to comply with an industry stewardship agreement entered into with an Administrator.
- (7) No person shall falsify, render misleading, unlawfully alter or fail to provide any report or record required by the Minister or an Administrator from a tire retailer or an agent of a tire retailer.

Section 18A added: O.I.C. 96-827, N.S. Reg. 167/96.

Consumer paint product stewardship program

18B (1) For the purpose of Sections 18B to 18I,

- (a) "Administrator" means a person designated by the Minister pursuant to Section 18C and includes an acting Administrator;
- (b) "brand owner" means
- (i) a person who is the owner or licensee of the intellectual property rights of a consumer paint product sold, offered for sale, or otherwise distributed in the Province, or
 - (ii) a manufacturer or distributor of a consumer paint product sold, offered for sale, or otherwise distributed in the Province;
- (c) "consumer paint product" means a latex, oil or solvent-based architectural coating,

including stain and paint for commercial and industrial use, but does not include a specially formulated industrial, automotive or marine coating;

(d) "consumer paint product stewardship program" means a program that

(i) establishes a process for the collection, handling, transportation and final treatment of a post-consumer paint product regardless of who is the original brand owner of the consumer paint product, and

(ii) incorporates the principles of a pollution prevention hierarchy by moving progressively from disposal to reduction, reuse and recycling and recovery of post-consumer paint products;

(e) "industry stewardship agreement" means an agreement between the Board and a brand owner that sets out the terms of a consumer paint product stewardship program;

(f) "post-consumer paint product" means a consumer paint product and its container that are no longer used or required by a consumer;

(g) "retailer" means a person who sells or offers for sale or otherwise distributes a consumer paint product in the Province;

(h) "return collection facility" means a place operated by a brand owner for the collection of a post-consumer paint product.

(2) A post-consumer paint product is a designated material for the purposes of Part IX of the Act.

Section 18B added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18C The Minister may appoint an Administrator for the purposes of a consumer paint product stewardship program.

Section 18C added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18D (1) On or after 90 days after the effective date of Sections 18B to 18I, no brand owner of a consumer paint product shall sell, offer for sale or otherwise distribute a consumer paint product in the Province unless

(a) the brand owner is registered with the Board;

(b) the brand owner either

(i) operates a consumer paint product stewardship program, or

(ii) has entered into an industry stewardship agreement with the Board for the Board to operate a consumer paint product stewardship program on the brand owner's behalf; and

(c) the consumer paint product stewardship program referred to in clause (b) is authorized by the Minister pursuant to clause 18E(2)(a).

(2) On or after 90 days after the effective date of Sections 18B to 18I, no retailer shall sell,

offer for sale or otherwise distribute a consumer paint product in the Province unless the brand owner from whom the product was acquired is registered pursuant to clause (1)(a).

Section 18D added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18E (1) A brand owner shall submit a proposal for a consumer paint product stewardship program to the Minister for authorization.

(2) Upon receipt of a proposal for a consumer paint product stewardship program pursuant to subsection (1), the Minister shall

(a) authorize the program with or without terms or conditions;

(b) refuse to authorize the program and provide reasons, in writing, for the refusal; or

(c) request any additional information that the Minister considers necessary.

(3) Despite subsection (1), a brand owner may enter into an industry stewardship agreement with the Board for the Board to submit a proposal for a consumer paint product stewardship program to the Minister on the brand owner's behalf.

(4) A brand owner or the Board, as the case may be, shall operate a consumer paint product stewardship program in accordance with the terms and conditions of the authorization made pursuant to clause (2)(a).

Section 18E added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18F (1) Every brand owner shall, on or before June 30 in each year or on some other date agreed upon in writing by the Administrator, provide the Administrator with an annual report on their consumer paint product stewardship program during the previous fiscal year including, but not limited to, information respecting

(a) the total amount of consumer paint products sold and post-consumer paint products collected;

(b) the total amount of post-consumer paint products processed or in storage;

(c) the percentage of post-consumer paint products that were treated or contained, reduced, reused, recycled or recovered;

(d) efforts taken through consumer paint product marketing strategies to reduce post-consumer paint products and packaging waste;

(e) the types of processes used to reduce, reuse, recycle or recover post-consumer paint products, including but not limited to details of efforts to incorporate the priorities of a pollution prevention hierarchy by moving progressively from disposal to reduction, reuse, recycling and recovery of post-consumer paint products;

(f) the location of return collection facilities or depots;

(g) the location of any long-term containment or final treatment and processing facilities for post-consumer paint products;

- (h) the types of educational information and programs provided;
- (i) the process of internal accountability used to monitor environmental effectiveness; and
- (j) any other information requested by the Administrator,

and the annual report shall be accompanied by copies of the annual financial statements prepared by an independent auditor of the revenues received and the expenditures incurred.

(2) Despite subsection (1), a brand owner may enter into an industry stewardship agreement with the Board for the Board to submit the annual report and financial statements to the Administrator on behalf of the brand owner.

(3) On receipt of the annual report submitted pursuant to this Section, an Administrator may require the brand owner or the Board, as the case may be, to

(a) amend the authorized consumer paint product stewardship program; or

(b) submit a proposal for a new consumer paint product stewardship program to the Minister for authorization pursuant to clause 18E(2)(a).

Section 18F added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18G (1) Every brand owner shall, as a component of their consumer paint product stewardship program,

(a) either

(i) provide a return collection facility at the premises of each retailer of the brand owner's consumer paint products, or

(ii) enter into an industry stewardship agreement with the Board to operate depots to collect post-consumer paint products generated from the brand owner's consumer paint products; and

(b) implement an education and awareness program for consumers of consumer paint products that includes information respecting

(i) the consumer paint product stewardship program,

(ii) consumer access to return collection facilities, and

(iii) the environmental and economic benefits of participating in the consumer paint product stewardship program;

(c) confirm that the post-consumer paint products generated from the brand owner's consumer paint products are recycled or reused to the maximum extent possible; and

(d) ensure that 70% of the reusable and recyclable portion of the post-consumer paint products collected at the return collection facility is reused or recycled.

(2) Despite clauses (1)(b) to (d), a brand owner may enter into an industry stewardship agreement with the Board that requires the Board to implement a component of the consumer paint product stewardship program on the brand owner's behalf.

(3) Every retailer shall provide, either at the point of display or at the point of sale, a place for the display of information supplied pursuant to clause (1)(b).

Section 18G added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18H (1) The owner of a return collection facility shall accept a post-consumer paint product, regardless of the identity of the brand owner of the consumer paint product from which it was generated.

(2) The owner of a depot shall comply with the rules and standards, including those respecting record production, set forth by the Board.

(3) The owner of a return collection facility or a depot shall

(a) operate the facility or depot during regular business hours;

(b) accept from any person any quantity of post-consumer paint products that does not exceed the maximum allowable per person daily quantity as authorized by an Administrator; and

(c) not charge a fee for accepting post-consumer paint products in accordance with clause (b).

Section 18H added: O.I.C. 2002-94, N.S. Reg. 24/2002.

18I No person shall falsify, render misleading, unlawfully alter or fail to provide any information, report or record required in accordance with Sections 18B to 18H.

Section 18I added: O.I.C. 2002-94, N.S. Reg. 24/2002.

Part III - Litter Abatement

Prohibition against littering

19 No person shall release or cause litter to be released into the environment unless

(a) the litter is placed in a litter receptacle;

(b) the litter is disposed of at a disposal site for municipal solid waste or an area designated by a municipality having jurisdiction for the disposal of litter; or

(c) the litter is deposited in a location designated for that purpose by a municipality having jurisdiction during special clean-up days.

Littering from buildings/structures

20 (1) No owner, operator or person in care, management or control of a commercial outlet, service outlet, plant, building, facility or thing shall permit the release of litter from the commercial outlet, service outlet, plant, building, facility or thing into the environment.

(2) A person described in subsection (1) shall clean up any litter discharged or released into

the environment.

Construction sites

21 (1) No owner, operator, contractor or person in care, management or control of the construction, repair or demolition of a plant, building, facility, or thing shall permit the release of litter from the plant, building, facility, or thing into the environment.

(2) A person described in subsection (1) shall clean up any discharged litter released into the environment.

Convenience stores, fast food and vending outlets

22 (1) An owner, operator, or person in care, management or control of a business or operation

(a) where food or beverages are sold in cartons, containers, foils or papers and

(b) where cartons, utensils, containers, foils or paper are discarded in the vicinity by the patrons of the business or operation,

shall provide receptacles for litter and receptacles for recyclable materials in appropriate and easily accessible locations, and shall service, maintain and empty the receptacles.

(2) An owner, operator, or person in care, management or control of a business or operation shall keep the property and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of any boundary of their property free of all litter unless the landowner or operator denies access to their lands for this purpose.

(3) A person described in subsections (1) and (2) shall ensure that the discarded materials are collected and disposed of as prescribed in these regulations.

Public and private events

23 (1) A person who organizes or is responsible for a public or private event shall

(a) provide an adequate number of receptacles for litter and receptacles for recyclable materials in appropriate and easily accessible locations; and

(b) service, maintain and empty the receptacles as required.

(2) Every person who organizes or is responsible for a public or private event shall ensure that the property where the event takes place and all public or private lands, streets, lanes, passageways, beaches or docks within 15 m of the boundary of the property are free from all litter within 24 hours after the conclusion of the event, unless the land owner or operator denies access to their lands for this purpose.

Flyers/advertisements

24 (1) No person, including a sponsor, organizer, or promoter of an event or thing, shall attach or cause to have attached a flyer, brochure, advertisement or other literature on a utility pole, structure, fence, or other thing,

(a) without the prior approval of the owner of the utility pole, structure, fence, or other

thing; and

(b) without the prior approval of the municipality, city or town where the utility pole, structure, fence, or other thing is located.

(2) Subject to subsection (1), no person, including a sponsor, organizer or promoter of an event or thing, who attaches or causes to be attached a flyer, brochure, advertisement or other literature on a utility pole, structure, fence, or thing shall

(a) fail to put the posting date on the flyer, brochure, advertisement or literature;

(b) fail to remove the same within 30 days after the event; or

(c) fail to dispose of the same as prescribed in these regulations.

(3) No person, including a sponsor, organizer or promoter of an event or thing, shall distribute or cause to have distributed a flyer, brochure, advertisement or other literature by placing the same on a parked vehicle.

Structures/vehicles on ice

25 No owner, operator or user of a structure, vehicle or thing on the ice surface of a watercourse, shall

(a) abandon the structure, vehicle or thing unless it is made of snow or ice; or

(b) fail to remove and properly dispose of the structure, vehicle or thing before the ice surface of the watercourse melts.

Part IV - Composting

Application

26 Part IV does not apply to

(a) backyard composting;

(b) generally accepted farming practices; and

(c) the composting of leaf and yard waste where not more than 100 m³ is processed annually.

Section 26 replaced: O.I.C. 2000-201, N.S. Reg. 63/2000.

Regulated activities

27 No person shall construct, operate, expand or modify a facility which can process compost without obtaining an approval from the Minister.

Section 27 amended: O.I.C. 2000-201, N.S. Reg. 63/2000.

Approval application information

28 In addition to the information required under the Approvals Procedure Regulation, a person who wishes to obtain an approval to construct, operate, expand or modify a facility

for composting shall supply the Minister with the following information:

- (a) a description of the odour control system, when necessary;
- (b) a description of the storm and runoff management system;
- (c) moisture control;
- (d) the type and source of waste received and processed;
- (e) programs to deal with unauthorized materials; and
- (f) other information requested by the Administrator.

Requirements

29 The owner, operator or person who has care, management or control of a facility for composting, shall ensure that

- (a) a facility for composting is maintained in a clean and orderly condition; and
- (b) when a facility for composting ceases operation, a person described in clause (a) shall remove all residuals, unprocessed waste, compost product and recyclable material from the property and recycle or dispose of it in accordance with the directions of the Minister.

Division II - Disposal of Municipal Solid Waste

Bans

30 (1) No person shall dispose of a designated material listed in Column 1 of Schedule "B" in a site for the disposal of municipal solid waste on, from and after the date prescribed in Column 2 of Schedule "B".

(2) No person, including a municipality, shall accept for disposal a designated material which is banned in Schedule "B".

(3) Each municipality shall provide a plan to the Administrator to ensure that the bans described in Schedule "B" are implemented.

Regulated activities

31 (1) No person shall own, construct, manage, operate, alter or modify a landfill without obtaining approval from the Minister.

(2) (a) No person shall own, construct, manage, operate, alter or modify a disposal site for construction and demolition debris without obtaining approval from the Minister.

(b) Clause (a) does not apply to rock (excluding rock containing a sulphide bearing material), aggregate, soil, bricks mortar, concrete, asphalt pavement, porcelain or ceramic materials, trees, brush, limbs, stumps, root balls, organic mat, and milled wood that is free of adhesives, coatings or preservatives.

(3) No person shall own, construct, manage, operate, alter or modify an incinerator for the disposal of municipal solid waste without obtaining approval from the Minister.

(4) No person shall own, construct, manage, operate, alter or modify the operation of an ash disposal site without obtaining approval from the Minister.

Approval application information

32 (1) In addition to the information required under the Approvals Procedure Regulations, a person who wishes to obtain an approval to operate a landfill or incinerator for the disposal of municipal solid waste shall supply the Minister with the following information:

- (a) complete construction drawings and specifications showing details including
 - (i) a site plan indicating the relation of the landfill or incinerator to any well, watercourse, road or other significant natural and man-made features within 1 km of the landfill or incinerator,
 - (ii) the entrances and exists to the landfill or incinerator, and
 - (iii) all other structures and works to be constructed, installed or used in the operation of the landfill or incinerator;
 - (b) a description of the waste material which is to be received at the landfill or incinerator;
 - (c) the life expectancy of the landfill or incinerator;
 - (d) monitoring programs, including groundwater and surface water monitoring studies, to be established at the landfill or incinerator;
 - (e) a detailed operation manual outlining how the applicant intends to operate the landfill or incinerator; and
 - (f) other information requested by the Administrator.
- (2) An approval may contain requirements for the implementation and operation of a waste reduction, reuse, recycling and composting program.

Additional information - landfill

33 In addition to the information required under Section 32, a person who wishes to obtain an approval to operate a landfill for municipal solid waste shall supply the Minister with the following information:

- (a) a description of liner and subdrainage systems;
- (b) a description of leachate collection and treatment systems;
- (c) a description of gas collection and treatment systems; and
- (d) other information requested by the Administrator.

Additional information - incinerator

34 In addition to the information required under Section 32, a person who wishes to obtain an approval to operate an incinerator for municipal solid waste shall supply the Minister with the following information:

- (a) a description of all liquid, solid, and gaseous emissions discharged from the incinerator;
- (b) a description of all solid and liquid wastes requiring disposal and the methods proposed to dispose of these wastes;
- (c) a description of the air pollution control system to be used;
- (d) a description of the ambient air monitoring program including monitoring protocols;
- (e) a description how the incinerator will generate energy;
- (f) an assessment of how the incinerator will not reduce or take away opportunities for recycling, composting or other reprocessing of waste-resource materials; and
- (g) other information requested by the Administrator.

Records and reports

35 (1) An owner, operator or manager of a landfill or incinerator shall keep books, records and accounts of the operations including, but not limited to, daily quantities of all waste received, disposed, stored and diverted, daily tipping fees, and other data as may be required.

(2) An owner, operator or manager of a landfill or incinerator shall submit to the Administrator on a bi-annual basis, or more often if required by the Administrator, data pertaining to the quantities and types of materials received at the landfill or incinerator, material recovery facilities, and material storage and transfer facilities.

Open burning ban

36 On, from and after April 1, 1996, no person shall permit, carry out or be responsible for open burning of municipal solid waste which shall include open burning in an uncontrolled teepee, pit and silo burner.

Incineration

37 Subject to Section 38, no person shall own, operate or manage the operation of an incinerator for municipal solid waste which does not adhere to

- (a) national standards described in a publication prepared by the Canadian Council of Ministers of the Environment entitled "Operating and Emission Guidelines for Municipal Solid Waste Incinerators", Report CCME-TS-WM-TRE003, June 1989; or
- (b) standards prescribed by the Minister.

Minimum standards for stack emissions

38 (1) No person shall own, operate, or manage the operation of an incinerator for municipal solid waste that releases a contaminant listed in Column I of Schedule "D" in

- (a) prepare and submit to the Administrator a regional solid waste-resource management plan on or before March 1, 1997, unless the Minister agrees in writing to an extension of time;
 - (b) implement the regional solid waste-resource management plan within the time frames approved by the Administrator in the plan; and
 - (c) prepare and submit to the Administrator reports about the progress achieved towards 50% solid waste diversion, including providing information about how much solid waste is being disposed and diverted from disposal.
- (2) The Administrator shall review and, if deemed acceptable, approve the regional solid waste-resource management plans submitted.

Contents of plan

41 A regional solid waste-resource management plan shall include, but is not limited to, the following information:

- (a) a description of the roles and responsibilities of each municipality;
- (b) a public awareness program;
- (c) a program to increase the diversion of household waste dangerous goods;
- (d) source reduction, reuse, recycling and composting programs;
- (e) a proposal for identifying markets for diverted materials;
- (f) a schedule and estimate of costs to implement each component of the plan;
- (g) a method for monitoring the progress towards implementation of the plan;
- (h) administrative agreements and a description of fair and equitable cost sharing arrangements made between the municipalities; and
- (i) other information requested by the Administrator.

Division IV - Financial Assistance

Plans, studies and audits that qualify for assistance

42 A plan, study or audit which may qualify for financial assistance under these regulations includes:

- (a) a regional solid waste-resource management plan;
- (b) an audit or closure study of an existing solid waste-resource management facility;
- (c) a waste diversion study, including a recycling study, a composting study or a waste reduction study;

- (d) a waste disposal study; or
- (e) any combination or part of the foregoing.

Proposals

43 A proposal for a plan, study or audit described in Section 42 shall contain a detailed description of

- (a) the methodology, including a schedule of the plan, study or audit;
- (b) the relevance and compatibility of the plan, study or audit with the applicable regional solid waste-resource management plan;
- (c) the costs of the plan, study or audit; and
- (d) other information requested by the Administrator.

Review of application

44 After reviewing an application for financial assistance, the Administrator may

- (a) approve the application in whole or part;
- (b) reject the application; or
- (c) request more information.

Technical steering committee

45 (1) Where the Administrator considers it appropriate, a technical steering committee shall be established to guide the plan, study or audit described in Section 42 and to provide recommendations to the applicant on parts of the plan, study or audit that require direction.

(2) Where the Administrator considers it appropriate, the technical steering committee may include technical representation from a municipality, the Department, and other regulatory or funding agencies.

Payment of assistance

46 (1) Where the Minister has approved an application for financial assistance respecting a study or audit, the Administrator may, prior to the completion of the project, advance progress payments to the applicant in amounts which shall not exceed 50% of the approved financial assistance.

(2) Any request for a progress payment under subsection (1) shall be accompanied by appropriate invoices to justify the expenditures claimed.

(3) Upon completion of the project, the Administrator shall pay the remainder of the approved financial assistance to the applicant provided

- (a) the applicant has completed the plan, study or audit to the satisfaction of the Administrator; and

(b) appropriate invoices have been submitted to the Administrator to justify the expenditures claimed.

Effective date

47 These regulations shall come into force on, from and after January 18, 1996.

Schedule "A" - Approved Programs

1. Municipal waste diversion programs, including source reduction, reuse, recycling and composting programs.
2. Municipal household hazardous waste programs.
3. Municipal waste management education programs.
4. Market development, manufacturing and processing of recycled materials.

Schedule "B" - Materials Banned from Landfills and Incinerators

Column 1: Designated Material

Column 2: Implementation Date

Redeemed beverage containers	April 1, 1996
Corrugated cardboard	April 1, 1996
Newsprint	April 1, 1996
Used tires	April 1, 1996
Lead-acid (automotive) batteries	April 1, 1996
Leaf and yard waste	June 1, 1996
Post-consumer paint products, formerly known as waste paint	April 1, 1997
Ethylene glycol (automotive antifreeze)	April 1, 1997
Compostable organic material	June 1, 1997
Steel/tin food containers	April 1, 1998
Glass food containers	April 1, 1998
Low-density polyethylene bags and packaging	April 1, 1998
High-density polyethylene bags and packaging	April 1, 1998
Schedule "B" amended: O.I.C. 2002-94, N.S. Reg. 24/2002.	

Schedule "C" - Deposit/Refund on Beverage Containers

Schedule "C" repealed: O.I.C. 2000-287, N.S. Reg. 100/2000.

Schedule "D" - Stack Discharge Limits (at 11% oxygen)

Contaminant	Limit	Test Method
Particulate matter	20 mg/Rm ³	Environment Canada's EPS 1/RM/8 (December 1993 or as amended and adopted)
Hydrogen chloride	75 mg/Rm ³ (50 ppm _{dv}) or 90% removal	Environment Canada's EPS 1/RM/1 (June 1989 or as amended and adopted)
Carbon monoxide	57mg/Rm ³ (50 ppm _{dv})	Environment Canada's EPS 1/RM/4 (July 1990 or as amended and adopted)
Total polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans	0.5 ng/Rm ³ (toxic equivalency factor, new international method)	Environment Canada's EPS 1/RM/2 (June 1989 or as amended and adopted)

Rm³: Reference cubic meter (i.e. the volume of gas at 25°C and 101.3 kPa)

ppm_{dv}: parts per million dry volume

Schedule "D" replaced: O.I.C. 96-827, N.S. Reg. 167/96.

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