

Proposed Lake Major Watershed Protected Area Regulations (2023)

April 26, 2023

Section	Current Lake Major Watershed Protected Water Area Regulations	Section	Proposed Revisions to the Lake Major Watershed Protected Area Regulations	Rationale
1	Definitions	1	Definitions	All revisions highlighted in yellow
	<p>In this Order</p> <p>(a) “Act” means the <i>Environment Act</i> and all regulations made pursuant thereto;</p> <p>(b) “Administrator” means a person employed by the Department and appointed by the Minister under Section 19 of this Order;</p> <p>(c) “biocide” means a toxic chemical or other substance capable of killing living organisms, but does not include a registered pest control product;</p> <p>(d) “Board” means the Lake Major Watershed Advisory Board established to provide advice to the Minister and the Water Works Operator with respect to the management of the Lake Major Watershed;</p> <p>(e) “Department” means the Nova Scotia Department of the Environment;</p> <p>(f) “Minister” means the Minister of the Environment, Province of Nova Scotia;</p> <p>(g) “mulch” means a plant or artificial material used to cover soil to protect an area from erosion or to retain soil moisture;</p> <p>(h) “pest control product” means a pest control product defined in the Act, as amended from time to time;</p> <p>(i) “Protected Water Area” means the land and water areas constituting Lake Major Watershed designated by the Minister on April 8th, 1986, pursuant to the <i>Water Act</i>, which area has or may be amended from time to time by the Minister;</p> <p>(j) “vehicle” means any vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the <i>Motor Vehicle Act</i>;</p> <p>(k) “vessel” means a means of conveyance of a kind used on water and includes any accessory to the vessel;</p> <p>(l) “watercourse” means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, swamp, marsh, wetland, ravine, gulch or other natural body of water, and the water therein,</p>		<p>In this Order</p> <p>(a) “Act” means the <i>Environment Act</i> and all regulations made pursuant thereto;</p> <p>(b) “Administrator” means a person employed by the Department and appointed by the Minister under Section 27 of this Order;</p> <p>(c) “Board” means the Lake Major Watershed Advisory Board established to provide advice to the Minister and the Water Works Operator with respect to the management of the Lake Major Watershed;</p> <p>(d) “Construction Activity” includes erection, alteration, repair, dismantling and demolition of structures and includes structural maintenance, hammering, blasting, rock breaking, land clearing, moving of earth, rock or felled trees, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any work in connection therewith;</p> <p>(e) “Department” means the Nova Scotia Department of the Environment and Climate Change and/or any assignors;</p> <p>(f) “Forestry Operation” means any activity related to the use of a forest for producing timber, wood fiber or Christmas trees, including all of the following activities:</p> <ul style="list-style-type: none"> (i) forest management planning, (ii) silviculture, (iii) harvesting, (iv) protection, (v) road construction, (vi) operating, storing and using equipment and supplies in any aspect of the above listed activities. <p>(g) “Minister” means the Minister of the Environment and Climate Change, Province of Nova Scotia and/or any assignors;</p>	

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<p>including groundwater, within the jurisdiction of the Province, whether it contains water or not;</p> <p>(m) “Water Works Operator”, unless the Minister agrees otherwise in writing, means the Halifax Regional Water Commission who is the operator of the water works as defined in Section 16(4) of the <i>Water Act</i> [clause 3(bd) of the <i>Environment Act</i>].</p> <p>Clause 1(m) amended: N.S. Reg. 198/2016.</p> <p>[Note: Effective September 28, 2000, the references to the Department of Environment in clauses (e) and (f) should be read as references to the Department of Environment and Labour in accordance with Order in Council 2000-484 under the <i>Public Service Act</i>, R.S.N.S. 1989, c. 376.]</p> <p>[Note: Effective April 1, 2008, the references to the Department of Environment in clauses (e) and (f) should be read as references to the Department of Environment in accordance with Order in Council 2008-161 under the <i>Public Service Act</i>, R.S.N.S. 1989, c. 376.]</p>	<p>(h) “Mulch” means a plant or artificial material used to cover soil to protect an area from erosion or to retain soil moisture;</p> <p>(i) “Open-air” means not within a structure and includes the following, all of which are defined in the <i>Halifax Regional Municipality Bylaw O-109 Respecting Open Air Burning</i>, as amended from time to time:</p> <ul style="list-style-type: none">(i) campfire,(ii) domestic burning,(iii) industrial burning,(iv) an outdoor wood burning appliance that is not C.S.A. or U.L.C. approved; <p>(j) “Pesticide” or “Pest Control Product” means</p> <ul style="list-style-type: none">(i) any substance that is sold or represented for use in preventing, destroying, repelling, attracting, or mitigating, directly or indirectly, any pest,(ii) any substance that is a pest control product within the meaning of the <i>Pest Control Products Act</i> (Canada) or is intended for use as a pest control product,(iii) any substance that is a plant growth regulator, a defoliant or a plant desiccant,(iv) a fertilizer within the meaning of the <i>Fertilizers Act</i> (Canada) that contains a substance referred to in subclauses (i), (ii), or (iii), or(v) any other substance designated as a pesticide in the regulations, <p>but does not include a substance that is intended for sale, sold or represented for use in potable water to prevent or destroy bacteria, parasites or viruses if the substance is not a pest control product within the meaning of the <i>Pest Control Products Act</i> (Canada);</p> <p>(k) “Protected Water Area” means the land and water areas constituting Lake Major Watershed designated by the Minister on April 8th, 1986, pursuant to the <i>Water Act</i>, which area has or may be amended from time to time by the Minister;</p> <p>(l) “Vehicle” means any vehicle propelled or driven otherwise than by muscular power, whether or not the vehicle is registered pursuant to the <i>Motor Vehicle Act</i>;</p> <p>(m) “Vessel” means a means of conveyance of a kind used on water and includes any accessory to the vessel;</p>	
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			<p>(n) “Watercourse” means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon, wetland as defined by the Environment Act, or other natural body of water, and the water therein, within the jurisdiction of the Province, whether it contains water or not;</p> <p>(o) “Water Works Operator”, unless the Minister agrees otherwise in writing, means the Halifax Regional Water Commission who is the operator of the water works as defined in Section 16(4) of the <i>Water Act</i> [clause 3(bd) of the <i>Environment Act</i>].</p>	
2	Public notification	2	Public notification	
	(1) The Water Works Operator shall post signs at the direction of the Department to indicate that Lake Major Watershed has been designated as a Protected Water Area.		(1) The Water Works Operator shall post signs at the direction of the Department to indicate that Lake Major Watershed has been designated as a Protected Water Area.	
	(2) The Water Works Operator shall replace any signs posted under subsection (1) which have been damaged or have been removed.		(2) The Water Works Operator shall replace any signs posted under subsection (1) which have been damaged or have been removed.	
	(3) The Water Works Operator shall take appropriate measures to advertise and provide notice to the general public of these regulations.		(3) The Water Works Operator shall take appropriate measures to advertise and provide notice to the general public of these Regulations.	
	(4) No person shall remove or alter any sign, notice or advertisement posted under these regulations.		(4) No person shall remove or alter any sign, notice or advertisement posted under these Regulations.	
3	Fire restrictions	3	Fire restrictions	
	(1) No person shall light or be responsible for an open fire in the Protected Water Area from the 15th day of April to the 15th day of October, inclusive, in any year except for open fires in barbecues and fireplaces designed for cooking or heating purposes.		(1) All Open-air burning must comply with municipal and provincial fire bylaws and regulations within the Protected Water Area including but not limited to:	<ul style="list-style-type: none"> • Current Regulations need updating to bring them in line with current municipal burning bylaws and Provincial Forest Fire Protection Regulations. This is consistent with other Protected Water Area regulations.
		(a) HRM Bylaw O-109 Open Air Burning Bylaw, as amended from time to time; and		
		(b) Forest Fire Protection Regulations made under Section 40 of the <i>Forests Act</i> R.S.N.S. 1989, c. 179 O.I.C. 2019-248 (effective September 17, 2019), N.S. Reg. 135/2019 as amended from time to time.		
		(2) Further to subsection (1), no industrial burning, as defined in the Halifax Regional Municipality Bylaw Number O-109 Respecting Open Air Burning is allowed in the Protected Water Area at any time.		

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	<p>(2) When open fires are permitted during the times prescribed in subsection (1), no person shall burn a product other than wood or charcoal.</p> <p>(3) No person shall at any time light or be responsible for an open fire on ice located over Long Lake or Lake Major or within ten (10) metres of the shoreline of the said lakes.</p> <p>(4) No person involved in a forestry activity within the Protected Water Area shall fail to comply with Chapter 179 of the Revised Statutes of Nova Scotia, 1989, the <i>Forests Act</i>, and the regulations made pursuant thereto, including the <i>Forest Fire Protection Regulations</i>, as amended from time to time.</p>	<p>(3) When Open-air burning is permitted as prescribed in subsection (1), no person shall burn a product other than wood, charcoal, tree limbs, leaves, brush or cut grass within the Protected Water Area.</p> <p>(4) No person shall at any time light or be responsible for a fire:</p> <p>(a) on ice located over any watercourse within the Protected Water Area; or</p> <p>(b) within thirty (30m) metres of the high-water mark of any watercourse within the Protected Water Area with exception for areas designated by the Minister.</p> <p>(5) No person involved in a Forestry Operation within the Protected Water Area shall fail to comply with Chapter 179 of the Revised Statutes of Nova Scotia, 1989, the <i>Forests Act</i>, and the regulations made pursuant thereto, including the <i>Forest Fire Protection Regulations</i>, as amended from time to time.</p>	
<p align="center">4</p>	<p align="center">Vehicle and vessel restrictions</p> <p>(1) No person shall wash a vehicle in any watercourse or within twenty (20) metres of the shoreline of or bank of any watercourse located within the Protected Water Area.</p> <p>(2) No person shall at any time operate a vessel of any kind on or over Long Lake unless authorized by the Water Works Operator.</p> <p>(3) No person shall at any time operate a vehicle, including an off-highway vehicle as defined in the <i>Off-highway Vehicles Act</i>, R.S.N.S. 1989, c. 323, or any other type of recreational vehicle on or over Long Lake or Lake Major.</p> <p>(4) No person shall operate a vessel on Lake Major that is powered by a motor greater than 9.9 hp or that carries more than 23 L of gasoline, unless the person meets both of the following conditions:</p>	<p align="center">4</p> <p align="center">Vehicle and vessel restrictions</p> <p>(1) No person shall wash a Vehicle or Vessel in any watercourse or within thirty (30) metres of the high-water mark of any watercourse within the Protected Water Area.</p> <p>(2) Except as provided in subsection (3), no person shall at any time operate a Vehicle, including an off-highway vehicle as defined in the <i>Off-highway Vehicles Act</i>, R.S.N.S. 1989, c. 323, or any other type of recreational vehicle within the Protected Water Area, unless authorized in writing by the Water Works Operator.</p> <p>(3) Subsection (2) does not apply to:</p> <p>(a) Landowners accessing or maintaining their own property within the Protected Water Area; or</p> <p>(b) The operation of a Vehicle on a highway, as defined in the <i>Public Highways Act</i>, within the Protected Water Area.</p> <p>(4) No person shall operate a Vessel within the Protected Water Area that is powered by a motor greater than 9.9 hp or that carries more than 23 L of gasoline, unless the person meets both of the following conditions:</p>	<p align="center">Vehicles</p> <ul style="list-style-type: none"> • Current Regulations do not take into consideration landowners who wish to access their land by ATV or other off-highway vehicle. • Update the Regulations to consider ATV/ off-highway vehicle use by landowners for accessing their properties within the <i>Lake Major Watershed Protected Water Area</i> while ensuring clear protective measures are in place. This is consistent with other <i>Protected Water Area</i> regulations. <p align="center">Vessels</p> <ul style="list-style-type: none"> • Current Regulations permit boating in some areas of the Lake Major Watershed

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	<p>(a) they are required to operate the vessel on Lake Major to safeguard its water supply;</p> <p>(b) they have been granted prior written authorization by the Water Works Operator.</p> <p>Subsection 4(4) replaced: N.S. Reg. 37/2017.</p> <p>(5) No person shall fill a gasoline tank or transfer any liquid fuel from tank to tank on or within twenty (20) metres of the shoreline or bank of Lake Major or Long Lake.</p>	<p>(a) they are required to operate the vessel on Lake Major to safeguard its water supply; and</p> <p>(b) they have been granted prior written approval by the Water Works Operator.</p> <p>Subsection 4(4) replaced: N.S. Reg. 37/2017.</p> <p>(5) No person shall fill a gasoline tank or transfer any liquid fuel from tank to tank on or within thirty (30) metres of the high-water mark of any watercourse within the Protected Water Area, except for the purpose of operating the Lake Major Water Treatment Plant or a purpose reasonably incidental to the maintenance of private property.</p>	<p>Protected Water Area while in other areas it is prohibited. This causes confusion to the public and enforcement issues.</p> <ul style="list-style-type: none"> Update the Regulations to consider boating access across the entire Lake Major Protected Water Area while ensuring clear protective measures are in place. This is consistent with other Protected Water Area regulations.
<p align="center">5</p>	<p align="center">Swimming, bathing or washing restrictions</p> <p>(1) No person shall swim, bathe or wash at any time in Long Lake or any tributary to Long Lake which is located within the Protected Water Area.</p> <p>(2) No person shall bathe or wash at any time in Lake Major or any tributary to Lake Major which is located within the Protected Water Area except within eight hundred (800) metres from the Lake Major Dam.</p> <p>(3) No person shall swim in Lake Major within one hundred (100) metres of the intake for the water supply for the City of Dartmouth.</p>	<p align="center">5</p> <p align="center">Swimming, bathing or washing restrictions</p> <p>(1) No person shall bathe or wash in any watercourse within the Protected Water Area, swimming is permitted subject to subsection (2).</p> <p>(2) No person shall swim in Lake Major except within eight hundred (800) metres upstream from the Lake Major Dam.</p>	<ul style="list-style-type: none"> Current Regulations permit bathing/ washing/ swimming in some areas of the Lake Major Watershed Protected Water Area while in other areas they are prohibited. This causes confusion to the public and enforcement issues. Update the Regulations to consider bathing/ washing/ swimming across the entire Lake Major Watershed Protected Water Area while ensuring clear protective measures are in place. This is consistent with other Protected Water Area regulations.
<p align="center">6</p>	<p align="center">Fishing restrictions</p> <p>(1) No person shall fish at any time from a vessel on Long Lake.</p>	<p align="center">6</p> <p align="center">Fishing restrictions</p> <p>(1) No person shall fish from a vessel or from the shoreline of Lake Major within one hundred (100) metres of the intake for the water supply for the Lake Major Water Treatment Plant.</p>	

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	<p>(2) No person shall fish from the shoreline or bank of Long Lake except beyond one hundred (100) metres of the intake for the water supply for the community of North Preston.</p>		<p>(2) No person shall use, have in their possession, or release any live or dead fish or fish parts for the purpose of recreational fishing in the Protected Water Area.</p>	<ul style="list-style-type: none"> • Current Regulations do not take into consideration invasive species. • Update the Regulations to provide clear protective measures that promote a healthy ecosystem to reduce the likelihood of invasive species introduction.
	<p>(3) No person shall fish from a vessel or from the shoreline or bank of Lake Major within one hundred (100) metres of the intake for the water supply for the City of Dartmouth.</p>			
	<p>Section 7 Forestry restrictions has been moved to section 9 in the revised Regulations.</p>	7	<p style="text-align: center;">Docks, wharves, and moorings (NEW)</p> <p>(1) No person shall install a permanent dock, wharf or mooring on any watercourse within the Protected Water Area. Seasonal and temporary docks and wharves are permitted subject to subsection (2).</p> <p>(2) All seasonal and temporary docks and wharves must be approved in writing by the Water Works Operator prior to installation. The Water Works Operator must provide notification to the Board prior to the approval being issued.</p> <p>(3) All seasonal and temporary docks, and wharves must be removed from the watercourse within the Protected Water Area from September 30th to April 30th, inclusive, of any year.</p> <p>(4) All materials used in the construction of seasonal and temporary docks and wharves must conform to provincial and federal regulations.</p>	<p style="text-align: center;">(New)</p> <ul style="list-style-type: none"> • Current Regulations do not take into consideration docks and wharves. • Update Regulations to give consideration to docks and wharves within the Lake Major Watershed Protected Water Area while ensuring clear protective measures are in place. This is consistent with other Protected Water Area regulations.
	<p>Section 8 Pest control products and biocide restrictions has been moved to section 10 in the revised Regulations.</p>	8	<p style="text-align: center;">Boat launches and slips (NEW)</p> <p>No person shall install a boat launch or slip within the Protected Water Area, except for the purpose of operating the Lake Major Water Treatment Plant.</p>	<p style="text-align: center;">(New)</p> <ul style="list-style-type: none"> • Current Regulations do not take into consideration boat docks and slips. • Update Regulations to give consideration to boat launches and slips within the Lake Major Watershed Protected Water Area while ensuring clear protective measures are in place. This is consistent with other

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			Protected Water Area regulations.
7	<p align="center">Forestry restrictions</p> <p>(1) No person shall undertake any type of forestry activity in the Protected Water Area which in any way will diminish the quality or quantity of water therein.</p> <p>(2) No person shall construct a forest access road within the Protected Water Area unless the route location is approved in writing by the Water Works Operator following consultation with the Board. Subsection 7(2) amended: N.S. Reg. 50/2010.</p> <p>(3) No person shall construct a bridge, culvert or otherwise alter a watercourse within the Protected Water Area unless a permit or approval is issued by the Minister or a person designated by the Minister under Section 17 of the <i>Water Act</i> following consultation with the Board. [Note: The <i>Water Act</i> was repealed by the <i>Environment Act</i>, S.N.S. 1994-95, c. 1. Please refer to the <i>Approval and Notification Procedures Regulations</i> (N.S. Reg. 17/2013) and the <i>Activities Designation Regulations</i> (N.S. Reg. 47/95) made under the <i>Environment Act</i>.]</p> <p>(4) No owner, operator or person responsible for a forest access road, bridge or culvert approved under subsections (2) or (3) shall</p> <p>(a) fail to maintain or repair the same; or</p> <p>(b) remove a bridge or culvert without the prior written approval of the Minister or a person designated by the Minister.</p> <p>(5) No person shall commence any type of forestry activity within the Protected Water Area unless that person</p> <p>(a) gives at least thirty (30) days' prior notice to the Water Works Operator; and Clause 7(5)(a) amended: N.S. Reg. 50/2010.</p> <p>(b) obtains written approval to commence the activity from the Water Works Operator. Clause 7(5)(b) amended: N.S. Reg. 50/2010.</p>	<p align="center">Forestry restrictions</p> <p>(1) No person shall undertake any type of Forestry Operation within the Protected Water Area which in any way will diminish the quality or quantity of water therein.</p> <p>(2) No person shall construct a forest access road within the Protected Water Area unless the route location is approved in writing by the Water Works Operator. The Water Works Operator must provide notification to the Board prior to the approval being issued. Subsection 9(2) amended: N.S. Reg. 50/2010.</p> <p>(3) No person shall construct a bridge, culvert or otherwise alter a watercourse within the Protected Water Area unless a permit or approval is issued by the Minister or a person designated by the Minister under Section 17 of the <i>Water Act</i> following consultation with the Board and the Water Works Operator. [Note: The <i>Water Act</i> was repealed by the <i>Environment Act</i>, S.N.S. 1994-95, c. 1. Please refer to the <i>Approval and Notification Procedures Regulations</i> (N.S. Reg. 17/2013) and the <i>Activities Designation Regulations</i> (N.S. Reg. 47/95) made under the <i>Environment Act</i>.]</p> <p>(4) No owner, operator or person responsible for a forest access road, bridge or culvert approved under subsections (2) or (3) shall:</p> <p>(a) fail to maintain or repair the same; or</p> <p>(b) remove a bridge or culvert without the prior written approval of the Minister or a person designated by the Minister following consultation with the Board and the Water Works Operator.</p> <p>(5) No person shall commence any type of Forestry Operation within the Protected Water Area unless that person obtains written approval to commence the operation from the Water Works Operator. The Water Works Operator must provide notification to the Board prior to the approval being issued. Clause 9(5)(a) amended: N.S. Reg. 50/2010. Clause 9(5)(b) amended: N.S. Reg. 50/2010.</p>	<p>Written approval captured in section 22 (NEW) and application period captured in Timing of Water Works Operator's decision section 23 (NEW)</p>

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	<p>(6)(a) No person shall undertake any type of a forestry activity within the Protected Water Area in excess of twenty (20) hectares unless the owner, operator or person responsible for the forest land has management plan prepared by a professional forester.</p> <p>(b) No person shall commence any forestry activity under clause (a) unless the forest management plan is reviewed and approved by the Water Works Operator in consultation with the Board. Clause 7(6)(b) amended: N.S. Reg. 50/2010</p> <p>(c) A forest management plan prepared under clause (a) shall ensure that any forestry activity conducted within the Protected Water Area has as a primary objective the protection of</p> <ul style="list-style-type: none"> (i) the watershed and any watercourse located therein; and (ii) the quality and quantity of water located within the watershed. <p>(7) No person shall at any time drive logs on any watercourse located within the Protected Water Area.</p> <p>(8) No person shall at any time operate forest harvesting equipment in a watercourse within the Protected Water Area.</p> <p>(9) A permit or approval issued under this Section may contain terms and conditions respecting time and other restrictions if the terms, conditions or restrictions are deemed necessary to protect water quality in the Protected Water Area.</p>	<p>(6) (a) No person shall undertake any type of a Forestry Operation within the Protected Water Area exceeding twenty (20) hectares unless the owner, operator or person responsible for the forest land has a forest management plan prepared by a Registered Professional Forester or Certified Forest Technician.</p> <p>(b) No person shall commence any Forestry Operation under clause (a) unless the forest management plan is reviewed and approved by the Water Works Operator in consultation with the Board. Clause 9(6)(b) amended: N.S. Reg. 50/2010.</p> <p>(c) A forest management plan prepared under clause (a) shall ensure that any Forestry Operation conducted within the Protected Water Area has as a primary objective for the protection of:</p> <ul style="list-style-type: none"> (i) the watershed and any watercourse located therein; and (ii) the quality and quantity of water located within the watershed. <p>(7) No person shall drive logs on any watercourse within the Protected Water Area.</p> <p>(8) No person shall operate forest harvesting equipment within thirty (30) metres of the high-water mark of a watercourse within the Protected Water Area.</p> <p>(9) A permit or approval issued under this Section may contain terms and conditions respecting time and other restrictions if the terms, conditions or restrictions are deemed necessary to protect water quality within the Protected Water Area.</p>	
8	<p align="center">Pest control products and biocide restrictions</p> <p>(1) Except as provided in subsection (2), no person shall spray or otherwise apply a pest control product or biocide, including but not limited to, an insecticide, herbicide, or fungicide, within the Protected Water Area.</p> <p>(2) Pest control products and biocides which are exempt from subsection (1) include dormant oils, lime sulphur, insecticidal soap, Bacillus thuringiensis formulations, and other pest control products or biocides which may be approved from time to time for exemption by the Administrator.</p>	<p align="center">Pesticides and pest control product restrictions</p> <p>(1) Except as provided in subsection (2), no person shall spray or otherwise apply a Pesticide or Pest Control Product within the Protected Water Area.</p> <p>(2) Pesticides and Pest Control Products which are exempt from subsection (1) include dormant oils, lime sulphur, insecticidal soap, Bacillus thuringiensis formulations, and other Pesticides or Pest Control Products which may be approved from time to time for exemption by the Administrator in consultation with the Board and the Water Works Operator.</p>	

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	(3) With the exception of the aerial application of Baccillus thuringiensis formulations, no person shall apply a pest control product listed in subsection (2) within the Protected Water Area unless the application is done by a ground method and is administered in accordance with the Act and regulations made pursuant thereto.		(3) With the exception of the aerial application of Baccillus thuringiensis formulations, no person shall apply a pesticide or pest control product listed in subsection (2) within the Protected Water Area unless the application is done by a ground method and is administered in accordance with the Act and regulations made pursuant thereto.	
9	Refuse or waste restrictions	11	Refuse or waste restrictions	
	(1) No person shall at any time pile or accumulate agricultural refuse, farm waste or wood processing waste, including sawdust, bark, chips or shavings, within sixty five (65) metres of the shoreline or bank of any watercourse within the Protected Water Area.		(1) No person shall pile or accumulate agricultural refuse and/or farm waste within the Protected Water Area.	
	(2) Any materials described in subsection (1) shall be contained by a storage method approved by the Administrator.		(2) No person shall pile or accumulate wood processing waste, including sawdust, bark, chips or shavings, within sixty-five (65) metres of the high-water mark of any watercourse within the Protected Water Area.	
			(3) Any materials described in subsection (2) shall be contained by a storage method approved by the Administrator in consultation with the Board and the Water Works Operator.	
10	Discharges prohibited	12	Discharges prohibited	
	(1) No person shall deposit, release, discharge, drain, or emit or cause or permit the deposit, release, discharge, drainage, or emission of oil, petroleum products, soap, detergent, a toxic chemical, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause pollution to a watercourse or any other area within the Protected Water Area.		No person shall deposit, release, discharge, drain, or emit or cause or permit the deposit, release, discharge, drainage, or emission of oil, petroleum products, soap, detergent, a toxic chemical, pest control product waste, garbage, litter, solid or liquid waste, or any other material that causes or may cause pollution to a watercourse or any other area within the Protected Water Area.	
	(2) A product described in subsection (1) shall be safely disposed of outside the boundaries of the Protected Water Area in a place and in a manner approved by the Department, the Nova Scotia Department of Health and Fitness and the Municipality of the County of Halifax.			
11	Landfill prohibition	13	Landfill prohibition	
	(1) No person, including a municipality, shall establish a dump, landfill or waste disposal site within the Protected Water Area.		(1) No person, including a municipality, shall establish a dump, landfill or waste disposal site within the Protected Water Area.	
	(2) A dump, landfill or waste disposal site which exists at the date of this Order shall be terminated within one (1) year of the date of this Order.		(2) A dump, landfill or waste disposal site which exists at the date of this Order shall be terminated within one (1) year of the date of this Order.	

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	(3) The material in any dump, landfill or waste disposal site identified in subsection (2) shall be removed or covered with soil by the owner, operator or person responsible for the property and the area revegetated to the satisfaction of the Administrator and the Nova Scotia Department of Health and Fitness.		(3) The material in any dump, landfill or waste disposal site identified in subsection (2) shall be removed or covered with soil by the owner, operator or person responsible for the property and the area revegetated to the satisfaction of the Administrator in consultation with the Board and the Water Works Operator.	
12	Corridor restriction	14	Corridor restriction	
	No road, pipeline, railway, telephone line, power line or other similar development shall be constructed on, over or across the Protected Water Area or an easement granted thereupon unless the same is approved in writing by the Administrator following consultation with the Board.		No road, trail, pipeline, railway, telephone line, power line or other similar development shall be constructed on, over or across the Protected Water Area or an easement granted thereupon unless the same is approved in writing by the Administrator in consultation with the Board and the Water Works Operator.	
13	On-site sewage disposal system requirements	15	On-site sewage disposal system requirements	
	No person shall install an on-site sewage disposal system within the Protected Water Area unless		(1) No person is permitted to install an onsite sewage disposal system within the Protected Water Area unless the system is constructed in conformance with the <i>On-site Sewage Disposal Systems Regulations</i> made pursuant to the Act.	
	(a) the local Board of Health having jurisdiction within the area has given prior written approval; and			
	(b) the system is constructed in conformance with the <i>Installation of On-site Sewage Disposal Systems Regulations</i> made pursuant to Chapter 195 of the Revised Statutes of Nova Scotia, 1989, the <i>Health Act</i>, and other applicable legislation.			
	[Note: Boards of Health were abolished effective April 1, 1995, by the <i>Municipal Reform (1994) Act</i>, S.N.S. 1994-95, c. 7, s. 24. The <i>On-site Sewage Disposal Systems Regulations</i> are now also made pursuant to the <i>Environment Act</i>.]			
			(2) No person is permitted to install an on-site sewage disposal system, outhouse or privy, or any other type of equivalent structure serving the purpose of sanitary waste disposal within the Protected Water Area without first notifying the Water Works Operator and the Board 30 days prior to the commencement of the installation, for the purpose of allowing the Water Works Operator and the Board to ensure compliance with these Regulations	<ul style="list-style-type: none"> • Current Regulations do not take into consideration notifying Halifax Water of the installation of private sewer systems. • Update Regulations to provide notification requirements for private sewer system installations to Halifax Water. This improves Halifax Water's ability to manage activities related to

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				development considered sources of contamination.
14	Pit/mine/quarry and petroleum prohibitions	16	Pit/mine/quarry and petroleum prohibitions	
	No person shall commence an operation or use any pit, mine or quarry for the extraction of gravel, rock or minerals unless that person has received the prior written approval from the Administrator following consultation with the Board.		<p>(1) No person shall acquire a mineral right or petroleum right within the Protected Water Area.</p> <p>(2) Except for subsection (3), no person shall commence a petroleum or mineral operation or use any pit, mine or quarry for the extraction of gravel, rock or minerals within the Protected Water Area.</p> <p>(3) Pit, mine and quarry operations located within the Protected Water Area, and in operation under an existing approval to operate issued by the Department prior to the January 1, 2023, will be permitted to continue to operate under the existing approval until the approval expires and/or the resource is exhausted.</p> <p>(4) No expansions of any existing pit, mine or quarry approval will be permitted within the Protected Water Area.</p>	<ul style="list-style-type: none"> • Current Regulations do not prohibit pits/quarries/mines and petroleum operations within the Lake Major Watershed Protected Water Area. • Update Regulations to prohibit pits/ quarries/ mines while taking into consideration existing pits/ quarry/ mine approvals. This is consistent with other Protected Water Area regulations.
15	Soil erosion and sedimentation control	17	Soil erosion and sedimentation control	
	<p>(1) No person shall at any time undertake any activity that causes or might cause soil erosion resulting in sedimentation of a watercourse located within the Protected Water Area.</p> <p>(2) Where sedimentation occurs, no owner, operator or person responsible for the property involved shall fail to undertake immediate action to install erosion and sediment control measures.</p> <p>(3) No person shall at any time permit water which has a suspended solid concentration greater than 25 milligrams per litre to discharge from any construction site located within the Protected Water Area.</p> <p>(4) Except for grubbing or earth moving required to construct a single or two-unit dwelling, no person shall commence any activity requiring grubbing and earth moving within the Protected Water Area unless that person develops an erosion and sedimentation control plan which is approved in writing by the Administrator following consultation with the Board.</p>		<p>(1) No person shall at any time undertake any activity that causes or might cause soil erosion resulting in sedimentation of a watercourse within the Protected Water Area.</p> <p>(2) Where sedimentation occurs, no owner, operator or person responsible for the property involved shall fail to undertake immediate action to install erosion and sediment control measures within the Protected Water Area.</p> <p>(3) No person shall at any time permit water which has a suspended solid concentration greater than 25 milligrams per litre to discharge from any Construction Activity located within the Protected Water Area.</p> <p>(4) Except for grubbing or earth moving required to construct a single or two-unit dwelling, no person shall commence any activity requiring grubbing and earth moving within the Protected Water Area unless that person develops an erosion and sedimentation control plan which is approved in writing by the Administrator in consultation with the Board and the Water Works Operator.</p>	

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16	Road construction restrictions	18	Construction restrictions (NEW)	
	(1) No person shall undertake any road construction work in the Protected Water Area unless the work is conducted between June 1 and September 30th, inclusive, in any year.		(1) No owner, occupier, contractor or person responsible for any Construction Activity within the Protected Water Area shall proceed with construction unless the following terms and conditions are met:	<ul style="list-style-type: none"> • Current Regulations do not provide clear direction on development activities related to vegetation removal, development applications, and watercourse buffers. • Update Regulations to take into consideration construction activities within the Lake Major Watershed Protected Area while ensuring clear protective measures are in place. This is consistent with other Protected Water Area Regulations. • Combine sections 16 and 17 into NEW section 18 Construction restrictions
	(2) No person shall expose at any time more than 1900 square metres of roadway subbase in the Protected Water Area.		(a) no person shall undertake any road construction work in the Protected Water Area unless the work is conducted between June 1 st and September 30 th , inclusive, in any year. The person responsible for the work must obtain written permission from the Water Work Operator prior to work commencing. The Water Works Operator must provide notification to the Board prior to the approval being issued	
17	Dwelling unit construction restrictions		(b) no person shall expose more than 1900 square metres of roadway subbase in the Protected Water Area unless approved by the Administrator in consultation with the Board and the Water Works Operator;	
	No owner, occupier, contractor or person responsible for constructing a dwelling unit within the Protected Water Area shall proceed with the construction unless the following terms and conditions to control erosion and sedimentation are met:		(c) except for grubbing or earth moving required to construct a single or two-unit dwelling, no person shall commence any activity requiring grubbing or earth moving within the Protected Water Area between Oct. 1st and May 30th, inclusive, in any year, unless approved by the Administrator in consultation with the Board and the Water Works Operator;	
	(a) all areas where vehicular activity will take place will be covered with rock or material to stabilize the area;		(d) all areas within the Protected Water Area where vehicular activity will take place will be covered with rock or material to stabilize the area;	
	(b) during construction, should areas described in clause (a) become rutted, additional granular material shall be applied to prevent the transport of silt from the site;		(e) during construction, should areas described in clause (d) become rutted, additional granular material shall be applied to prevent the transport of silt from the site;	
	(c) if the dwelling unit is adjacent to a watercourse, ditch or storm sewer, all soil excavated to permit construction of the foundation or basement of the dwelling shall be trucked out of the Protected Water Area or be completely covered with a material to prevent erosion;		(f) soil which is excavated and within thirty (30) metres of a watercourse, ditch or storm sewer, shall be trucked out of the Protected Water Area or be completely covered within twenty-four (24) hours of exposure to prevent erosion;	

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<p>(d) — exposed soil shall be covered to prevent erosion until a permanent protective cover is established;</p>	<p>(g) with exception to clause (i), exposed soil within the Protected Water Area shall be completely covered within 7 days of exposure to prevent erosion until a permanent protective cover is established;</p>	
<p>(e) — erosion protection shall be inspected at least twice a week by the owner, operator or person responsible and repaired if unstable areas are found;</p>	<p>(i) soil which is exposed and within thirty (30) metres of a watercourse, ditch, or storm sewer within the Protected Water Area shall be completely covered within twenty-four (24) hours of exposure to prevent erosion until a protective cover is established;</p>	
<p>(f) — soil which is exposed adjacent to a watercourse, ditch, or storm sewer shall be stabilized within twenty four (24) hours of exposure;</p>	<p>(h) erosion protection shall be inspected at least twice a week by the owner, operator or person responsible and repaired if unstable areas are found;</p>	
<p>(g) — once landscaping starts, lawn areas shall be immediately prepared, sodded or seeded and mulched within seven (7) days;</p>	<p>(j) once landscaping starts, lawn areas within the Protected Water Area shall be immediately prepared, sodded or seeded and mulched within seven (7) days of start date;</p>	
<p>(h) — no more than 200 square metres of lawn area shall be developed at any one time; and</p>	<p>(k) no more than 200 square metres of lawn area shall be developed at any one time within the Protected Water Area;</p>	
<p>(i) — all landscaping shall be carried out between May 1 and October 31, inclusive, in any year.</p>	<p>(l) all landscaping within the Protected Water Area shall be carried out between May 1 and October 31, inclusive, in any year;</p>	
	<p>(m) subject to subsection 20 (1) and (2), no person is permitted to remove vegetation from an area greater than 50% of any residential and/or commercial lot at any time prior to and following development of and construction on any residential and/or commercial lot within the Protected Water Area; and</p>	
	<p>(n) The Board and the Water Works Operator shall have the opportunity to comment on all municipal development applications within the Protected Water Area prior to approval of such an application.</p>	
	<p>(o) No person is permitted to erect, construct or build within thirty (30) metres of any watercourse within the Protected Water Area without written permission from the Water Works Operator in consultation with the Board.</p>	

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	<p style="text-align: center;">Section 18 Approval requirements has been moved to section 21 in the revised Regulations.</p>	19	<p style="text-align: center;">Water withdrawal (NEW)</p> <p>No person shall withdraw water from any watercourse within the Protected Water area, unless authorized by the Water Works Operator.</p>	<p style="text-align: center;">(NEW)</p> <ul style="list-style-type: none"> • Current Regulations do not take into consideration the withdraw of water from any watercourse within the Lake Major Watershed Protected Water Area by users other than Halifax Water. • Update Regulations to take into consideration water withdraw from the Lake Major Watershed Protected Water Area by other users while ensuring clear protective measures are in place. This is consistent with other Protected Water Areas.
	<p style="text-align: center;">Section 19 Appointment of Administrator has been moved to section 27 in the revised Regulations.</p>	20	<p style="text-align: center;">Watercourse, wetland and vegetation riparian zones (NEW)</p> <p>(1) No person is permitted to alter or remove any vegetation within thirty (30) metres of the high-water mark of any watercourse within the Protected Water Area unless approved in writing by the Water Works Operator following notification to the Board.</p> <p>(2) No person is permitted to alter or remove any vegetation within one hundred (100) metres of the high-water mark of Lake Major unless approved in writing by the Water Works Operator following notification to the Board.</p>	<p style="text-align: center;">(NEW)</p> <ul style="list-style-type: none"> • Current Regulations do not take into consideration watercourse and wetland Riparian Area. • Update Regulations to take into consideration watercourse and wetland Riparian Areas. This is consistent with other Protected Water Area regulations
18	<p style="text-align: center;">Approval requirements</p> <p>18(1) No person shall fail to obtain all municipal, provincial, and federal approvals which may be required to conduct any type of operation or do any activity within the Protected Water Area.</p>	21	<p style="text-align: center;">Approval requirements</p> <p>(1) No person shall fail to obtain all municipal, provincial, and federal approvals which may be required to conduct any type of operation or do any activity within the Protected Water Area.</p>	

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	<p>2) No person shall fail to comply with the terms and conditions of any permit, licence or approval, or fail to comply with any act or regulation which might apply within the Protected Water Area.</p>	<p>(2) No person shall fail to comply with the terms and conditions of any permit, license or approval, or fail to comply with any act or regulation which might apply within the Protected Water Area.</p>													
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; width: 5%;">22</td> <td style="padding: 5px;"> <p style="text-align: center;">Application for written approval (NEW)</p> <p>(1) On receiving an application for written approval to conduct an activity in the Protected Water Area, the Water Works Operator may request that the applicant provide any further information required to assess the application.</p> <p>(2) An application for written approval is not considered submitted until the Water Works Operator receives any further information requested under subsection (1).</p> </td> </tr> <tr> <td style="text-align: center;">23</td> <td style="padding: 5px;"> <p style="text-align: center;">Timing of Water Works Operator's decision (NEW)</p> <p>The Water Works Operator must decide whether to grant or refuse permission under these Regulations within 60 days after the date that the completed request for the permission and all required supplemental information is submitted.</p> </td> </tr> <tr> <td style="text-align: center;">24</td> <td style="padding: 5px;"> <p style="text-align: center;">Permission may include terms and conditions (NEW)</p> <p>Written approval granted by the Water Works Operator under these Regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary for the protection of water quality and quantity in the Protected Water Area.</p> </td> </tr> <tr> <td style="text-align: center;">25</td> <td style="padding: 5px;"> <p style="text-align: center;">Conflict with these Regulations (NEW)</p> <p>If any provision of these Regulations conflicts with any other municipal, provincial or federal, act, regulation or bylaw the more onerous provision applies.</p> </td> </tr> <tr> <td style="text-align: center;">26</td> <td style="padding: 5px;"> <p style="text-align: center;">Compliance with these Regulations (NEW)</p> <p>Where a person is in contravention of these Regulations, the Water Works operator may take any such action necessary to ensure compliance with these Regulations, including issuing a directive to cease any action or actions that contravene these Regulations, and/or causing any necessary work to be done at the expense of the person in contravention</p> </td> </tr> <tr> <td style="text-align: center;">27</td> <td style="padding: 5px;"> <p style="text-align: center;">No claim for damages (NEW)</p> </td> </tr> </table>	22	<p style="text-align: center;">Application for written approval (NEW)</p> <p>(1) On receiving an application for written approval to conduct an activity in the Protected Water Area, the Water Works Operator may request that the applicant provide any further information required to assess the application.</p> <p>(2) An application for written approval is not considered submitted until the Water Works Operator receives any further information requested under subsection (1).</p>	23	<p style="text-align: center;">Timing of Water Works Operator's decision (NEW)</p> <p>The Water Works Operator must decide whether to grant or refuse permission under these Regulations within 60 days after the date that the completed request for the permission and all required supplemental information is submitted.</p>	24	<p style="text-align: center;">Permission may include terms and conditions (NEW)</p> <p>Written approval granted by the Water Works Operator under these Regulations may include any terms and conditions respecting time and other matters that are, in the opinion of the Water Works Operator, necessary for the protection of water quality and quantity in the Protected Water Area.</p>	25	<p style="text-align: center;">Conflict with these Regulations (NEW)</p> <p>If any provision of these Regulations conflicts with any other municipal, provincial or federal, act, regulation or bylaw the more onerous provision applies.</p>	26	<p style="text-align: center;">Compliance with these Regulations (NEW)</p> <p>Where a person is in contravention of these Regulations, the Water Works operator may take any such action necessary to ensure compliance with these Regulations, including issuing a directive to cease any action or actions that contravene these Regulations, and/or causing any necessary work to be done at the expense of the person in contravention</p>	27	<p style="text-align: center;">No claim for damages (NEW)</p>	<p style="text-align: center;">(NEW)</p> <ul style="list-style-type: none"> • Current Regulations need updating to define administrative responsibilities. • Update Regulations to provide clear direction on Administrative responsibilities for Halifax Water and the general public.
22	<p style="text-align: center;">Application for written approval (NEW)</p> <p>(1) On receiving an application for written approval to conduct an activity in the Protected Water Area, the Water Works Operator may request that the applicant provide any further information required to assess the application.</p> <p>(2) An application for written approval is not considered submitted until the Water Works Operator receives any further information requested under subsection (1).</p>														
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			No claim for damages of any kind lies against the Administrator, Water Works Operator or the Board as the result of any lawful action taken pursuant to these Regulations	
19	Appointment of Administrator	28	Appointment of Administrator	
	The Minister may appoint an employee in the Department as an Administrator to administer, on behalf of the Minister and the Department, the provisions of this Order.		The Minister may appoint an employee in the Department as an Administrator to administer, on behalf of the Minister and the Department, the provisions of this Order.	