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Part II Regulations under the Regulations Act

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A complete quarterly sectional index of regulations is available from the Office of the Registrar of Regulations. For subscriptions please call 424-6723.

N.S. Reg. 50/99

Made: April 29, 1999

Filed: May 25, 1999

Ministerial Order re Earl E. Gray and Scott Gray

Order dated April 29, 1999
made under subsection 125(1) of the
Environment Act

IN THE MATTER OF Chapter 1 of the Statutes of Nova Scotia 1994-95, the
Environment Act

- and -

IN THE MATTER OF an Order issued pursuant to the provisions of the said
Act to Earl E. Gray and Scott Gray of the County of Halifax, Province of Nova
Scotia

MINISTERIAL ORDER

I. **WHEREAS** Earl E. Gray and Scott Gray own, occupy, operate or are responsible for the operation of a plant, structure, facility, undertaking or thing, to wit: Gray's Earl Auto Body which is located at or near Hammonds Plains, in the County of Halifax Regional Municipality, Province of Nova Scotia, hereafter called the "Site";

II. **AND WHEREAS** the Minister of the Environment believes on reasonable and probable grounds that the persons named in this Ministerial Order have contravened the *Environment Act*;

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

IT IS HEREBY ORDERED:

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

AND TAKE NOTICE if the persons to whom this Ministerial Order is directed fail to comply with the Ministerial Order, or any part thereof, the Minister, pursuant to Section 132(2) of the *Environment Act*, may take whatever action the Minister considers necessary to carry out the terms of the Ministerial Order and may recover any reasonable costs, expenses and charges incurred by the Minister pursuant to Section 132 of the *Environment Act*.

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

DATED at Halifax, in the County of Halifax, Province of Nova Scotia, this 29th day of May, 1999.

Signed: *Michel P. Samson*
The Honourable Michel P. Samson
Minister of the Environment

SCHEDULE "A"

TERMS AND CONDITIONS

1. REMOVAL OF PETROLEUM STORAGE TANK SYSTEM

On or before May 21, 1999, the persons named in this Ministerial Order shall remove the petroleum storage tank system at 2060 Hammonds Plains Road, in a manner which addresses the following items:

- (a) All product remaining in the tank(s) must be removed prior to tank removal and disposed of in an approved manner;
- (b) Tank and piping removal must be performed by a licensed installer;
- (c) The storage tank(s) must be disposed of at an approved tank disposal facility;
- (d) A letter of permission from adjacent property owners, to conduct the removal of the petroleum storage tank system from that property, should it be required, must be submitted to this office;
- (e) The *Pre-Notification Report* (attached) is to be submitted to the Nova Scotia Department of the Environment (NSDOE)-Central Regional Office two weeks prior to the commencement of work;
- (f) Immediate notification is required if contaminated soil or other indication of product loss is encountered. In the event that contamination is discovered, a qualified consultant shall be retained to perform an assessment, and prepare a remediation plan. This plan shall be submitted to the Nova Scotia Department of the Environment for review prior to implementation. Following acceptance of the plan by NSDOE, any contaminated soil shall be remediated in accordance with the plan, and in a manner acceptable to the Nova Scotia Department of the Environment and in accordance with the *Guidelines for Management of Contaminated Sites in Nova Scotia (March 1996)*; and

- (g) Close-out sample results must be submitted, as per the *Contaminated Site Close-out Sampling Procedures* (attached), to the Central Regional Office of NSDOE upon completion of remediation activities to Level 1 criteria.
- (h) The enclosed *Petroleum Storage Tank Removal Report* shall be completed and returned to this office upon the completion of work.

2. EXTENSIONS OF TIME

If the persons named in this Ministerial Order submits a written request to the Department of the Environment for an extension of time together with justification for the extension, the Minister may grant such a request.

3. DEPARTMENT CONTACT

Unless otherwise notified in writing by the Minister, the contact person in the Nova Scotia Department of the Environment for this Ministerial Order is:

Norma Bennett
Inspector Specialist
Central Regional Office
Nova Scotia Department of the Environment
Suite 224, Sunnyside Mall
1595 Bedford Highway
Bedford, Nova Scotia
B4A 3Y4

Telephone: (902) 424-3862
Fax: (902) 424-0597

N.S. Reg. 51/99

Made: May 18, 1999

Filed: May 25, 1999

Revocation Order re Greg Boucher Fuels Limited

Order dated May 18, 1999
made under clause 131(1)(b) of the
Environment Act

D.O.E. 99- 1

IN THE MATTER OF clause 131(1)(b), Chapter 1 of the Statutes of Nova Scotia 1994-95, the *Environment Act*

- and -

IN THE MATTER OF the revocation of a Ministerial Order directed towards **GREG BOUCHER FUELS LIMITED**, a body corporate with head office in Arichat, in the County of Richmond, Province of Nova Scotia

REVOCATION ORDER

WHEREAS by Ministerial Order issued pursuant to subsection 125(1) of the *Environment Act* dated the 30th day of May, 1997, signed by the Minister of the Environment, the Honourable Wayne F. Adams, and duly filed in the Office of the Registrar of Regulations on the 5th day of June, 1997, (Reg. 57/97) and published in the Royal Gazette, Part II, Volume 21, Number 13 on the 20th day of June, 1997, from page 313-315, the persons named in the Ministerial Order were ordered to comply with the conditions set forth in Schedule "A" attached to the Ministerial Order respecting an underground petroleum storage tank system which is located on property owned or claimed by D. & L. Service Station Limited and/or Dale Edison Watters which is located at or near Church Street, in the Town of Pictou, in the County of Pictou, Province of Nova Scotia;

AND WHEREAS the Honourable Minister of the Environment wishes to revoke the aforesaid Ministerial Order while maintaining the authority to issue further Ministerial Orders in future against the persons named in the said Ministerial Order if the circumstances so merit;

IT IS HEREBY ORDERED that upon service of this Order of Revocation, the Ministerial Order dated the 30th day of May, 1997, is revoked and of no further force or effect.

DATED at Halifax, in the Halifax Regional Municipality, Province of Nova Scotia, this 18th day of May, 1999.

Signed: *Michel P. Sampson*
Honourable Michel P. Samson
Minister of the Environment

N.S. Reg. 52/99

Made: May 19, 1999

Filed: May 25, 1999

Board Public Passenger Motor Carrier Act Regulations

Order in Council 1999-244 made May 19, 1999
Amendment to regulations approved by the Governor in Council
pursuant to Section 27
of the *Motor Carrier Act*

The Governor in Council on the report and recommendation of the Minister of Justice dated May 4, 1999, pursuant to Section 27 of Chapter 292 of the Revised Statutes of Nova Scotia, 1989, the *Motor Carrier Act*, is pleased to approve the making by the Nova Scotia Utility and Review Board of amendments to the *Board Public Passenger Motor Carrier Act Regulations* approved by Order in Council 92-1257 dated December 22, 1992, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

SCHEDULE "A"

**Amendments to the *Board Public Passenger Motor Carrier Act Regulations*
made by the Nova Scotia Utility and Review Board pursuant to Section 27
of Chapter 292 of the Revised Statutes of Nova Scotia, 1989,
the *Motor Carrier Act***

- 55 (1) Subject to subsection (2), a motor carrier who operates an amphibious vehicle as a public passenger vehicle within a municipality in the Province and who has been authorized by the municipality, the Registry of Motor Vehicles and the Nova Scotia Utility and Review Board to operate such a vehicle, is exempted from the regulations prescribing structural requirements and features that the public passenger vehicle cannot meet without modifications.
- (2) An amphibious vehicle shall
- (a) be equipped to permit passengers to embark and disembark en route; and
 - (b) be equipped with a windshield, windshield wiper and washer system which conforms to the requirements of the *Motor Vehicle Act* and regulations.

N.S. Reg. 53/99

Made: May 19, 1999

Filed: May 25, 1999

Summary Offence Tickets

Order in Council 1999-245 made May 19, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 8
of the *Summary Proceedings Act*

The Governor in Council on the report and recommendation of the Minister of Justice and Attorney General dated April 20, 1999, pursuant to Section 8 of Chapter 450 of the Revised Statutes of Nova Scotia, 1989, the *Summary Proceedings Act*, is pleased to amend the regulations respecting summary offence tickets made by Order in Council 85-187 dated February 28, 1985, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation effective on, from and after May 19, 1999.

SCHEDULE "A"

**Amendments to the regulations respecting summary offence tickets
made by the Governor in Council pursuant to Section 8 of
Chapter 450 of the Revised Statutes of Nova Scotia, 1989,
the *Summary Proceedings Act***

- 1 Schedule 16 of the regulations respecting summary offence tickets made by the Governor in Council by Order in Council 85-187 dated February 28, 1985, is repealed and new Schedule 16, in the form attached hereto, is substituted.
- 2 The regulations are further amended by repealing Schedule 17 and substituting new Schedules 17 and 17A, in the form attached hereto.

Schedule 16
Motor Carrier Act

Offence	Section	Out of Court Settlement
1. Operating public passenger vehicle without license	7(1)(a)	\$1545.00
2. Operating public passenger vehicle outside authority of license	7(1)(b)	\$625.00
3. Operating public passenger vehicle not designated in license, for first offence subsequent offence	7(2)	\$395.00 \$625.00
4. Operating public passenger vehicle outside temporary authority or trip permit (specify)	9(3)	\$625.00
5. Operating public passenger vehicle while license cancelled, suspended or prohibited (specify)	20	\$625.00
6. Failing to remove signs from vehicle, for first offence subsequent offence	24(3)	\$337.50 \$625.00
7. Operating public passenger vehicle without insurance	25(1)	\$625.00
8. Obstructing inspector	35(2)	\$1200.00
9. Failing to submit public passenger vehicle for inspection	36(1)	\$1545.00
10. Failing to repair public passenger vehicle within time specified	36(2)	\$625.00
11. Operating public passenger vehicle contrary to inspector's order	36(3)	\$1545.00

Schedule 17
Board Public Passenger
Motor Carrier Act Regulations

Offence	Section	Out of Court Settlement
1. Failing to display required information on public passenger vehicle, for first offence subsequent offence	11(1)	 \$337.50 \$625.00
2. Failing to properly attach valid identification plate to public passenger vehicle, for first offence subsequent offence	13	 \$337.50 \$625.00
3. Displaying identification plate not issued for vehicle, for first offence subsequent offence	14(1)	 \$395.00 \$625.00
4. Using or permitting use of (specify) public passenger vehicle that does not have valid identification plate issued for vehicle properly attached, for first offence subsequent offence	14(2)	 \$395.00 \$625.00
5. Failing to return identification plate, for first offence subsequent offence	16	 \$337.50 \$625.00
6. Failing to conform public passenger vehicle with construction or equipment standards prescribed by <i>Motor Vehicle Safety Act, Canada</i> and regulations (specify CMVSS), for first offence subsequent offence	19(1)	 \$337.50 \$625.00
7. Failing to conform school bus with requirements of CSA Standard D250-M 1985,m as amended (specify standard, clause and clause #), for first offence subsequent offence	19(2)	 \$337.50 \$625.00

Offence	Section	Out of Court Settlement
8. Failing to conform public passenger vehicle, used for transportation of persons with physical disabilities, with minimum standards of CSA Standard D409-92, as amended (specify standard, clause and clause #) for first offence subsequent offence	19(3)	\$337.50 \$625.00
9. Failing to conform public passenger vehicle with equipment requirements (specify), for first offence subsequent offence	20(1)	\$337.50 \$625.00
10. Failing to properly display red emergency triangular reflectors when public passenger vehicle disabled on highway, for first offence subsequent offence	20(2)	\$337.50 \$625.00

Schedule 17A
Governor in Council Public Passenger
Motor Carrier Act Regulations

Offence	Section	Out of Court Settlement
1. Failing to have valid certificate of authorization in possession, for first offence subsequent offence	10	\$337.50 \$625.00
2. Following at less than 61 m (200 ft.), for first offence subsequent offence	13	\$395.00 \$625.00
3. Stopping school bus at more than 3 places in 1.6 km (1 mile), for first offence subsequent offence	14(2)(a)	\$337.50 \$625.00
4. Improperly leaving public passenger vehicle unattended (specify), for first offence subsequent offence	16	\$337.50 \$625.00

Offence	Section	Out of Court Settlement
5. Failing to perform trip inspection and make certified record, for first offence subsequent offence	21	\$337.50 \$625.00
6. Carrying unauthorized baggage or explosives, inflammable substances or other dangerous articles (specify), for first offence subsequent offence	24	\$395.00 \$625.00
7. Permitting passengers to stand in moving school bus, for first offence subsequent offence	27(4)(a)	\$337.50 \$625.00
8. Carrying more passengers in school bus than provided for in seating capacity rating, for first offence subsequent offence	27(4)(a)	\$337.50 \$625.00
9. Permitting passengers to obstruct aisle of school bus, for first offence subsequent offence	27(4)(g)	\$337.50 \$625.00

N.S. Reg. 54/99

Made: May 19, 1999

Filed: May 25, 1999

Weights and Loads of Commercial Vehicles Regulations

Order in Council 1999-247 made May 19, 1999
Amendment to regulations approved by the Governor in Council
pursuant to subsection 191(1)
of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Business and Consumer Services and the Minister of Transportation and Public Works dated April 28, 1999, pursuant to subsection 191(1) of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to approve of amendments to the *Weights and Loads of Commercial Vehicles Regulations* made by the Minister of Transportation and Public Works and approved by Order in Council 97-291 dated May 13, 1997, made by the Minister of Business and Consumer Services and the Minister of Transportation and Public Works in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation.

SCHEDULE "A"

**Amendments to the *Weights and Loads of Commercial Vehicles Regulations*
made pursuant to subsection 191(1) of Chapter 293 of the
Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act***

- 1 The *Weights and Loads of Commercial Vehicles Regulations* made by the Minister of Transportation and Public Works and approved by the Governor in Council by Order in Council 97-291 dated May 13, 1997, are amended by adding the following Section after Section 4:
 - 4A** Unless a special permit has been issued pursuant to Section 6, no person shall operate upon a highway a truck, truck tractor, semitrailer, full trailer, pony trailer or any combination of these vehicles, either unladen or with load, that is not represented in Schedule "B".
- 2 Subsection 6(1) of the regulations is amended by adding the following clause after clause (b):
 - (c) which is not represented in Schedule "B".

MADE at Halifax, Nova Scotia, April 28th, 1999.

Signed: *Robert S. Harrison*
Minister of Business and Consumer Services

Signed: *Clifford Huskison*
Minister of Transportation and Public Works

N.S. Reg. 55/99

Made: May 19, 1999

Filed: May 25, 1999

Adoption Information Regulations

Order in Council 1999-252 made May 19, 1999
Amendment to regulations made by the Governor in Council
pursuant to Section 36
of the *Adoption Information Act*

The Governor in Council on the report and recommendation of the Minister of Community Services dated August 27, 1998, pursuant to Section 36 of Chapter 3 of the Acts of 1996, the *Adoption Information Act*, is pleased to amend the *Adoption Information Regulations* made by Order in Council 97-4 dated January 7, 1997, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on, from and after May 19, 1999.

Schedule "A"
**Amendment to the *Adoption Information Regulations* made by the
Governor in Council pursuant to Section 36 of Chapter 3 of the
Acts of 1996, the *Adoption Information Act***

The *Adoption Information Regulations* made by the Governor in Council by Order in Council 97-4 dated January 7, 1997 are amended by repealing Section 11.