

## APPROVAL

**Province of Nova Scotia  
Environment Act, S.N.S. 1994-95, c.1 s.1**

**APPROVAL HOLDER:** ARF ENTERPRISES INC.

**SITE PID:** 05114269, 05309000, 55077747

**APPROVAL NO:** 2023-3379720-00

**EXPIRY DATE:** December 31, 2023

**Pursuant to Part V of the Environment Act, S.N.S. 1994-95, c.1 s.1 as amended from time to time, approval is granted to the Approval Holder subject to the Terms and Conditions attached to and forming part of this Approval, for the following activity:**

Pesticide - Application of Pesticide - Aircraft



**Administrator:** Jennifer Lonergan

**Effective Date:** August 14, 2023

The Minister's powers and responsibilities under the Act with respect to this Approval have been delegated to the Administrator named above. Therefore, any information or notifications required to be provided to the Minister under this Approval can be provided to the Administrator unless otherwise advised in writing.

# TERMS AND CONDITIONS OF APPROVAL

## Nova Scotia Department of Environment and Climate Change

**Approval Holder:** ARF ENTERPRISES INC.

**Project:** Roxbury Road, Nollet Beckwith Road

**Site:**

<b>PID</b>	<b>Civic #</b>	<b>Street Name</b>	<b>Street Type</b>	<b>Community</b>	<b>County</b>
05114269				PARADISE	ANNAPOLIS COUNTY
05309000					
55077747					

**Approval No:** 2023-3379720-00

**File No:** 35200-30-KEN-2023-3379720

### Reference Documents

- Application submitted June 28, 2023 and attachments.

### 1. Definitions

- a. Act means Environment Act, 1994-95, c.1, s.1, and includes, unless the context otherwise requires, the regulations made pursuant to the Act, as amended from time to time.
- b. Department means the Nova Scotia Department of Environment and Climate Change, and the contact for the Department for this approval is:  
Nova Scotia Department of Environment and Climate Change  
Western Region, Kentville Office  
136 Exhibition Street  
Kentville, Nova Scotia B4N 4E5  
  
Phone: (902) 679-6086  
Fax: (902) 679-6186
- c. Minister means the Minister of Environment and Climate Change and includes any person delegated the authority of the Minister.
- d. Site means a place where a designated activity and/or undertaking is occurring or may occur.

- e. Surface Watercourse means a watercourse as defined in the Environment Act, excluding groundwater.

## **2. Scope**

- a. This Approval (the "Approval") relates to the Approval Holder(s) and their application and all documentation submitted to the Department prior to the issuance of this approval for the Application of Pesticide situated at or near Roxbury Road, Nollet Beckwith Road.
- b. The Approval Holder(s) shall ensure the designated activity is carried out in accordance with this Approval and reference documents, including the application and supporting documentation.

## **3. General**

- a. The Approval Holder(s) shall conduct the Designated Activity in accordance with the following provisions:
  - i. The Act, as amended from time to time;
  - ii. Any standard adopted by the Department, as amended from time to time.
- b. Nothing in this Approval relieves the Approval Holder(s) of the responsibility for obtaining and paying for all licenses, permits, approvals or authorizations necessary for carrying out the work authorized to be performed by this Approval which may be required by municipal by-laws, provincial or federal legislation, or other organizations. The Minister does not warrant that such licenses, permits, approvals or other authorizations will be issued.
- c. If there is a discrepancy between the reference documents and the terms and conditions of this Approval, the terms and conditions of this Approval shall apply.
- d. Upon any changes to the Registry of Joint Stock Companies information, the Approval Holder(s) shall provide a copy to the Department within five (5) business days.
- e. The Approval Holder(s) shall ensure that this Approval, or a copy, is present at the treatment site or loading/mixing site when the spray program is occurring and that personnel directly involved in the designated activity are made fully aware of the terms and conditions which pertain to this Approval.
- f. If this work is being undertaken on land owned by a person other than the Approval Holder(s); written authorization to treat the property from the landowner shall be forwarded to the Department before the work is undertaken. If this written authorization was submitted at the time of application for approval; it is not necessary to resubmit.

## **4. Operation**

- a. Pesticides shall be applied between August 14, 2023 to September 30, 2023.

- b. Pesticides shall not be applied when wind speeds exceed 10 km/hr, unless otherwise specified in this Approval. If the allowable wind speeds indicated on the manufacturer's product label are less than 10km/hr, the wind speeds on the manufacturer's product label shall apply.
- c. When using the Radiarc sprayer, a single swath along all boundaries and buffer zones shall be undertaken in wind speeds of 10 km/hr or less and the remainder may be treated in winds of up to 15 km/hr.
- d. When the application of a pesticide is underway; wind speed shall be checked at 15 minute intervals during aerial application.
- e. When the application of a pesticide is underway, wind speed shall be checked at 30 minute intervals during ground application.
- f. Should a wind speed reading exceed the maximum; a second reading shall be taken 10 minutes later and if it still exceeds the maximum; the application shall cease. It will require 2 consecutive acceptable readings 10 minutes apart to restart the application.
- g. Records shall be maintained of the time and results of all wind speed readings taken.
- h. Equipment and supplies at mixing/loading sites shall be stored and maintained to prevent an adverse effect from a uncontrolled pesticide release.
- i. Pesticide shall not be applied within 30m of any surface watercourse which is not located in a Municipal Drinking Water Supply Watershed or Watershed Designated under Section 106 of the Act.
- j. Pesticide shall not be applied within 60 m (measured horizontally) of a well or other source of domestic water.
- k. Pesticide shall not be applied within 15 m (measured horizontally) of a Wetland.
- l. For any sites within a Municipal Drinking Water Supply Watershed the "Criteria for Pesticide Approvals in or near Municipal Drinking Water Supply Watersheds" must be followed.
- m. For any sites within watersheds designated under Section 106 of the Environment Act, the Designation Regulations for that protected area must be followed.
- n. Pesticide shall not be applied within 100 m of dwellings, businesses, schools, public buildings or other structures designated by the Department during aerial spraying. Dwellings or businesses owned by the Approval Holder(s) are exempt.
- o. Pesticide shall not be applied within 15m of agricultural areas, including, but not limited to hay fields, grain fields, blueberry fields, commercial and domestic vegetable gardens, or other sensitive terrestrial areas.

- p. Pesticide shall not be applied within 10 m of any treatment site boundary that is also a property boundary. This buffer may be waived with written permission from the adjacent property owner.
- q. If the buffer zone indicated on the manufacturer's product label is greater than the buffer zones indicated in this Approval, the distance on the manufacturer's product label shall apply.

## **5. Aerial Applications**

- a. The aerial applicator shall fly over the treatment area immediately before beginning any pesticide application to ensure that there are no unauthorized people in the vicinity of the target area.
- b. The Approval Holder(s) shall notify the Department in writing at least 48 hours, but not more than 7 days, before the spray program commences, if ground application is used on aerial sites.
- c. GPS data shall be recorded during aerial spraying. GPS data shall show flight path (including physical location), altitude, and speed.
- d. All GPS data recorded shall be retained by the Approval Holder(s) for a period of two years following the completion of the spray program. GPS data shall be in .kml format.

## **6. Notification**

- a. The Approval Holder(s) shall notify the Department at least 48 hours, but not more than 7 days, prior to commencement of the spray program.
- b. Once the spray program commences, the Approval Holder(s) shall keep the Department up to date with the progress of the spray program each day the spray program occurs as per an arrangement deemed acceptable by the Department.
- c. The Approval Holder(s) shall have a toll free number set up to keep members of the public up to date with the progress of the spray program each day the spray program occurs. The toll-free number shall be published in the newspaper advertisements and on the signs required in this approval and shall be provided to the Department.
- d. The Approval Holder(s) shall ensure that all sites have posted signs deemed acceptable by the Department no less than 30 days prior to pesticide application. All signs shall:
  - i. comply with signage requirements in Schedule A of this approval;
  - ii. not be removed during the growing season; and
  - iii. all signs shall be removed by November 1, 2023.
- e. The Approval Holder(s) shall deliver a written notice to the owner or occupier of all structures (e.g. dwellings, businesses, schools, public buildings or other

structures designated by an administrator) located within 500 m of the treatment site. The Approval Holder(s) shall deliver written notices at least 30 days prior to applying pesticide.

- f. The Approval Holder(s) shall notify the Department of the written notice(s) to the owners or occupiers of all structures in accordance with Schedule B of this approval.
- g. The Approval Holder(s) shall publish newspaper advertisements outlining the spray program in accordance with Schedule B of this approval. The Approval Holder(s) shall forward to the Department proof that the media notice has been published in accordance with Schedule B of this approval prior to program commencement.

## **7. Contingency Plan**

- a. The Approval Holder(s) shall adhere to the contingency plan on file with the Department during an uncontrolled release or other emergency involving pesticides. A copy of the plan shall be at the treatment site or mixing/loading area at all times when the work is being undertaken.
- b. The Approval Holder(s) shall ensure that the Contingency Plan is reviewed and updated whenever equipment or products change. The Contingency Plan is to be dated to reflect the most recent update.
- c. A copy of the Contingency Plan is to be maintained on Site at all times and is to be available for review immediately upon request by the Department.
- d. The Approval Holder(s) shall ensure that all employees are trained in accordance with the contingency plan and shall keep a record of training at the facility for a minimum period of five (5) years.
- e. The Approval Holder(s) shall ensure that all necessary materials and equipment are available at all times to respond to emergencies in accordance with the Facility's Contingency Plan.

## **8. Reporting**

- a. The Approval Holder(s) shall prepare and submit an annual report to the Department no later than one month after the completion of the spray program. The report shall contain the following information:
  - i. all wind speeds taken,
  - ii. all GPS Data recorded including flight path (including physical location), altitude, and speed,
  - iii. contingency plan training records, and
  - iv. a summary of any complaints received and the actions taken to address the complaint.



# **SCHEDULE A - SIGNAGE REQUIREMENTS FOR PESTICIDE SPRAYING**

## **I. PURPOSE**

The purpose of the signage requirements is to ensure that signage posting associated with pesticide spray application areas is done in a consistent way that prioritizes human and ecological health and environmental protection.

## **II. LEGISLATION**

Pesticide Regulations

## **III. SIGNAGE**

### **Sign Installation**

There is no prescribed method for posting a sign as all spray areas will be unique. The sign locations, availability of posting locations (*i.e.*, trees in forested areas, posts in more barren areas, etc.), and weather conditions (*e.g.*, nails on two sides for windy areas as opposed to down the middle) must all be considered.

### **Access Points**

An approved sign must be placed on both sides of the trail or road at site access points and at a height that is visible from the trail or road.

Signs must be orientated as best as possible to face the main direction of travel into the spray area and must be placed as close to the boundary line as possible.

Where roads pass through a spray area, but are not part of the spray area, signage must be placed at the road access point.

Access points going off these roads into the spray area must be marked as access points. (*i.e.*, a sign must be posted at these locations).

### **Sign Information**

Signs must be a minimum size of 38 cm X 58 cm and must be posted in French and English.



All signs must include:

A space for fluorescent orange decals which shall be applied when the program commences.

Display the following wording “There is to be no consumption of berries and fruit within this spray site(s) for the remainder of the growing season.”

Contain the Pesticide trade name, PCP number, Approval number, start date and end date of spraying, and company contact information with toll-free number.

## **Sign Posting**

Digital photograph of the final sign design will be provided to the Department 30 days prior to pesticide application.

Brush and limbs obstructing the view of the signs must be removed.

Signs must be maintained during the spray program.

For each spray site the Approval Holder must record the information in Table 1 – Sign Posting and submit to the Department 30 days prior to pesticide application.

**Table 1 – Sign Posting**

<b>PID(s) of Spray Site</b>	<b>Date Sign Posted</b>	<b># of Signs Posted</b>	<b>GPS Coordinates for Each Sign Posted (UTM NAD83)</b>

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## **SCHEDULE B - NOTIFICATION REQUIREMENTS FOR PESTICIDE SPRAYING**

### **I. NOTIFICATION**

#### **Written Notification**

Written notice is required to owners or occupiers of all structures located within 500 m of the treatment site. Approval Holder must record the information in Table 2 - Written Notification to Owners within 500m of treatment site and submit to the Department at least 30 days prior to pesticide application.

**Table 2 – Written Notification to Owners within 500 m of Treatment Site.**

<b>Date Notification Sent</b>	<b>PID (s) of Spray Site</b>	<b>Name of Owner</b>	<b>Mailing Address</b>	<b>Delivery method (mail, hand delivered, etc.)</b>

#### **Newspaper Advertisement**

The Approval Holder must publish a Newspaper Advertisement in English and French in the local newspapers digitally and delivered with flyers outlining the spray program at least 20 days before spray commences.

The Approval Holder must forward proof that the media notice has been published. Table 3 -Media Notice must be provided to the Department at least 20 days prior to spray commencement.

**Table 3 - Media Notice**

Date Advertisement Published	Name of Newspaper

Newspaper advertisement must include, at minimum, the following information in Table 4 - Newspaper Advertisement at least 20 days before spraying commences.

**Table 4 - Newspaper Advertisement**

<p><b>Vegetation Management Notification</b></p> <p>« <u>Company Name</u> » has applied for a pesticide approval from Nova Scotia Environment and Climate Change. Approval # « <u>2023-XXXXXX (if known)</u> »</p> <p>A total of approximately « <u># of</u> » hectares have been submitted for treatment in the following Counties: « <u>List of the Counties</u> ». For detailed site information go to <a href="https://novascotia.ca/pests/pesticides/">Pesticide Applications Approvals   Pests and Pesticides (novascotia.ca)</a></p> <p>« <u>Reason for program</u> » ex : Vegetation management is used to promote the survival and growth of young or naturally occurring conifer seedlings. The project is undertaken at the request of and full consent of private woodlot owners.</p> <p>The program will involve the « <u>aerial/ground</u> » application of « <u>product name</u> » which is registered by the Pest Management Regulatory Agency of Health Canada under the Pest Control Act and regulated by the Nova Scotia Environment Act 1995.</p> <p>Notifications signs are posted on access roads to treatment areas and dwellings within 500m will receive written notification at least 30 days prior to treatment. This program is scheduled to be conducted between « <u>Start date</u> » and « <u>End date</u> » Further Information is available from:</p> <p>« <u>Company Name, Address, and toll-free number</u> »</p>
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## Avis sur la gestion de la végétation

« Nom de l'entreprise » a soumis une demande pour approbation de la gestion du pesticide au ministère de l'Environnement et du Changement climatique.

N° d'approbation « 2023-XXXXXX (s'il est connu) »

Un nombre total d'environ « nombre » hectares a subi un traitement dans les comtés suivants : « liste des comtés ». Pour de l'information détaillée sur le site, consultez [Pesticide Applications Approvals | Pests and Pesticides \(novascotia.ca\)](#)

« Raison du programme » ex : On a recours à la gestion de la végétation pour favoriser la survie et la croissance des semis de conifères jeunes ou naturellement présents. Le projet est entrepris à la demande des propriétaires de boisés privés et avec leur plein accord.

Le programme comprendra l'application « aérienne/au sol » de « nom du produit », qui est inscrit par l'Agence de réglementation de la lutte antiparasitaire de Santé Canada en vertu de la Loi sur les produits antiparasitaires et régi par la loi sur l'environnement (*Environment Act 1995*) de la Nouvelle-Écosse.

Des panneaux d'avertissement sont installés sur les routes menant aux zones de traitement. Les habitations situées en deçà de 500 m recevront un avis écrit au moins 30 jours avant le traitement. On planifie mettre en œuvre ce programme entre le « date de début » et le « date de fin ».

Pour plus d'information, communiquez avec :

« nom de l'entreprise, adresse et numéro de téléphone sans frais »