



BILL NO. 146

Government Bill

*1st Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

An Act Respecting Environmental Goals and Sustainable Prosperity

CHAPTER 7
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 13, 2007**

The Honourable Mark Parent
Minister of Environment and Labour

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Environmental Goals and Sustainable Prosperity

Be it enacted by the Governor and Assembly as follows:

- 1** This Act may be cited as the *Environmental Goals and Sustainable Prosperity Act*.
- 2** In this Act,
 - (a) “emission target” means an emission target set out in this Act or established by the regulations;
 - (b) “greenhouse gas” means any of the following gases:
 - (i) carbon dioxide,
 - (ii) methane,
 - (iii) nitrous oxide,
 - (iv) hydrofluorocarbons,
 - (v) perfluorocarbons, and
 - (vi) sulphur hexafluoride;
 - (c) “legally protected” includes designated and protected under the *Wilderness Areas Protection Act*, under the *Special Places Protection Act*, as a national park under the *National Parks Act* (Canada), under the *Conservation Easements Act* or under the *Canada Wildlife Act* (Canada), primarily dedicated to the protection of biodiversity and natural processes under the *Provincial Parks Act* or held by non-government charitable land trusts;
 - (d) “Minister” means the Minister of Environment and Labour;
 - (e) “net loss of wetlands” means net loss of wetland area and function, including habitat.
- 3** **(1)** This Act builds on the foundation that the Province has achieved as a world leader in
 - (a) recycling programs and in managing waste to protect the environment;
and
 - (b) leading-edge innovation in environmentally sustainable technologies.

(2) This Act is based on the following principles:

 - (a) the health of the economy, the health of the environment and the health of the people of the Province are interconnected;
 - (b) environmentally sustainable economic development that recognizes the economic value of the Province’s environmental assets is essential to the long-term prosperity of the Province;

(c) the environment and the economy of the Province are a shared responsibility of all levels of government, the private sector and all people of the Province;

(d) the environment and economy must be managed for the benefit of present and future generations;

(e) innovative solutions are necessary to mutually reinforce the environment and the economy;

(f) a long-term approach to planning and decision-making is necessary to harmonize the Province's goals of economic prosperity and environmental sustainability;

(g) the management of goals for sustainable prosperity, such as emission reduction, energy efficiency programs and increasing the amount of legally protected land will preserve and improve the Province's environment and economy for future generations.

4 (1) The long-term environmental and economic objective of the Province is to fully integrate environmental sustainability and economic prosperity and to this end to

(a) demonstrate international leadership by having one of the cleanest and most sustainable environments in the world by the year 2020; and

(b) provide certainty to all sectors of the economy through the Government's economic development strategy entitled *Opportunities for Sustainable Prosperity* and establish clear environmental goals while improving the Province's economic performance to a level that is equal to or above the Canadian average by the year 2020.

(2) To achieve the long-term objectives set forth in subsection (1), the Province's environmental and economic goals are to ensure

(a) twelve per cent of the total land mass of the Province will be legally protected by the year 2015;

(b) the Province will adopt emissions standards for greenhouse gases and air pollutants from new motor vehicles, such as the standards adopted by the State of California by the year 2010;

(c) emissions of nitrogen oxides will be reduced by twenty per cent by the year 2009 relative to emissions in the year 2000;

(d) sulphur dioxide emissions will be reduced by fifty per cent by the year 2010 from sources existing in 2001;

(e) greenhouse gas emissions will be at least ten per cent below the levels that were emitted in the year 1990 by the year 2020, as outlined in the New England Governors and Eastern Canadian Premiers Climate Change Action Plan of 2001;

(f) mercury emissions will be reduced by seventy per cent by the year 2010 relative to pre-2001 levels;

(g) eighteen and one-half per cent of the total electricity needs of the Province will be obtained from renewable energy sources by the year 2013;

(h) the Province will meet the Canada Wide Standard established by the Canadian Council of Ministers of the Environment for airborne fine-particulate matter by the year 2010;

(i) the Province will meet the Canada Wide Standard established by the Canadian Council of Ministers of the Environment for ground-level ozone by the year 2010;

(j) municipal public drinking-water supplies will meet the Province's treatment standards by the year 2008;

(k) a comprehensive water-resource management strategy will be developed by the year 2010;

(l) wastewater treatment facility discharges will be provided at least primary treatment by the year 2017;

(m) regulatory tools that use the framework within the *Environment Act* to stimulate redevelopment of contaminated land and contribute to economic development while protecting the environment will be developed by the year 2010;

(n) a policy of preventing net loss of wetlands will be established by the year 2009;

(o) the solid-waste disposal rate will be no greater than three hundred kilograms per person per year by the year 2015 through measures that include the development of new programs and product stewardship regulations;

(p) septage treatment facilities will be operated in accordance with the *Guidelines for the Handling, Treatment and Disposal of Septage* by the year 2011;

(q) a sustainable procurement policy for the Province will be developed and adopted by the year 2009;

(r) all new residential dwelling units constructed in the Province that are within the scope of Part 9 of the *National Building Code of Canada* will be required to display an EnerGuide rating by the year 2008;

(s) all new residential dwelling units constructed in the Province will be required to achieve an EnerGuide rating of 80, or meet energy conservation measures adopted in the *Nova Scotia Building Code Regulations* made under the *Building Code Act* after January 1, 2011;

(t) a government facility will be constructed as a demonstration facility in accordance with a leading standard for building energy efficiency and sustainability, such as the *Leadership in Energy Efficiency and Environmental Design* standard by the year 2015; and

(u) the Province will adopt strategies to ensure the sustainability of the Province's natural capital in the areas of forestry, mining, parks and biodiversity by the year 2010.

(3) The Governor in Council may make regulations

(a) establishing interim emission targets for the Province;

(b) establishing environmental goals and interim goals for different sectors of the economy of the Province for the purpose of meeting the environmental goals for the Province referred to in subsection (2);

(c) establishing additional environmental goals from time to time;

(d) imposing environmental levies on disposable products for the purpose of funding programs or stewardship agreements to address their environmental impacts.

(4) The exercise by the Governor in Council of the authority contained in subsection (3) is regulations within the meaning of the *Regulations Act*.

5 For the purpose of meeting the environmental and economic goals set out in Section 4 or other goals or targets, the Governor in Council may enter into agreements with representatives of different sectors of the economy of the Province respecting

(a) the establishment of objectives for sectors of the economy of the Province and for operations and undertakings within such sectors for the purpose of meeting emission targets;

(b) the establishment of minimum energy efficiency levels for operations and undertakings within sectors of the economy of the Province;

(c) schedules for achieving emission targets;

(d) the baselines to be used in conjunction with the establishment of an emission target for a sector of the economy of the Province;

(e) reporting requirements, including the methods and manner of reporting, to determine progress toward meeting emission targets;

(f) the methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring of emissions, energy efficiency and energy conservation;

(g) reforms of and improvements to sectoral infrastructure;

(h) the creation of private or joint public and private funding pools to undertake or finance emission reduction projects;

(i) the implementation of technological changes;

(j) co-operation on technology development, demonstration and deployment;

(k) options for meeting emission targets;

(l) enforcement of compliance with the terms of the agreements, including the imposition of financial and non-financial penalties;

(m) any other matters related to environmental and economic goals or sustainable prosperity the Governor in Council considers to be appropriate.

6 (1) The Minister shall review the goals set out in this Act and the regulations that relate to the environment and sustainable prosperity and shall report annually to the House of Assembly on the progress made toward achieving those goals, on the adequacy of the goals and on anything that the Minister considers should be brought to the attention of the House in relation to goals for the environment and sustainable prosperity.

(2) The Minister shall request the Nova Scotia Round Table on Environmental Sustainability to carry out a comprehensive public review of this Act and the regulations every five years after this Act comes into force, and request the Round Table on Environmental Sustainability to submit to the Minister, within six months of initiating the review, a report with recommendations for amendments and improvements in the implementation of this Act.

(3) The annual report referred to in subsection (1) shall be tabled in the House of Assembly if the House is then sitting or, if the House is not then sitting, filed with the Clerk of the House.

(4) In preparing the annual report referred to in subsection (1), the Minister shall seek advice from the Nova Scotia Round Table on Environmental Sustainability.

7 (1) The Governor in Council may establish or participate in programs and other measures to carry out the purpose of this Act, including

- (a) programs and measures for the purpose of reducing greenhouse gas emissions;
- (b) programs and measures related to adaptation to the effects of climate change;
- (c) programs and measures related to energy conservation and energy efficiency;
- (d) programs and measures to develop alternative energy and renewable energy sources;
- (e) programs of public and community education and capacity-building; and
- (f) any other programs and measures related to sustainable prosperity the Governor in Council considers to be appropriate.

(2) A program or measure under subsection (1) may be directed to any or all of industry, consumers and other persons.

8 (1) The Governor in Council may enter into agreements with the Government of Canada or the government of a province of Canada, any agency of the Government of Canada or of the government of a province of Canada or any other person for the purpose of undertaking co-operative, complementary or compatible actions to reduce greenhouse gas emissions or meet other environmental goals set out in this Act and the regulations.

(2) The Governor in Council may not enter into any agreement under subsection (1) unless the Governor in Council is satisfied that the agreement will be consistent with this Act and with the environmental goals for the Province established by this Act and the regulations.

9 (1) The Governor in Council may make regulations

- (a) governing the manner in which economic performance is measured for the purpose of this Act;
- (b) establishing minimum energy efficiency levels for operations and undertakings in Nova Scotia;

(c) governing the maximum levels of emissions of greenhouse gases per unit of energy input or output or per unit of material input or product output for operations and undertakings in the Province;

(d) establishing operating, technological and performance standards for operations and undertakings in the Province for the purpose of reducing or limiting greenhouse gas emissions or for the purpose of increasing energy efficiency or energy conservation;

(e) governing reporting and record-keeping requirements generally for any purpose related to this Act;

(f) governing methods and procedures for conducting sampling, analyses, tests, measurements, verification and monitoring for any purpose related to this Act;

(g) for the purpose of enabling, implementing and carrying out sectoral agreements entered into under Section 5, including regulations respecting the enforcement of rights, obligations and liabilities under a sectoral agreement;

(h) making the terms of a sectoral agreement entered into under Section 5 apply, with necessary modifications, to persons who are not parties to the agreement or otherwise bound by it, and deeming those persons to be bound by the agreement;

(i) governing, in respect of a sector, any matter in respect of which a sectoral agreement may be entered into under Section 5 if there is no sectoral agreement in effect;

(j) respecting the use of economic and financial instruments and market-based approaches directed to any environmental and economic goals or targets;

(k) respecting the manner in which greenhouse gas emission targets are established for the purpose of Section 4;

(l) establishing or providing for the establishment of sectors of the economy of the Province for the purpose of any provision of this Act or the regulations;

(m) governing the charging of fees for the provision of any service, material or program, the performance of any function or the doing of anything under this Act;

(n) defining any word or expression used but not defined in this Act;

(o) respecting any matter that the Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) A regulation under clause (1)(h) may, with respect to persons to whom it applies, impose requirements and obligations that are more stringent than those provided for in the sectoral agreement.

(3) Where regulations are made in respect of a sector under clause (1)(i), the regulations may provide that they constitute a sectoral agreement for the purpose of this Act.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*.

10 (1) A regulation under this Act may adopt or incorporate by reference, in whole or in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

(2) A standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (1) may be adopted or incorporated as it reads on a prescribed day or as it is amended from time to time.

(3) Where a standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (1), the Minister shall ensure that a copy of the standard, rule, regulation, guideline, designation, code or document is made publicly available.

11 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
