

Resolution 5C

REQUEST CHANGES TO *ENVIRONMENT ACT*, RE CONSTRUCTION IN A PROTECTED WATER AREA AND MINERALS OF THE ACTIVITIES DESIGNATION (PASSED)

⇒ Town of Bridgewater

WHEREAS public drinking water is one of five statements of Provincial interest within the *Municipal Government Act (MGA)*; and

WHEREAS section 196 of the *MGA* states that Provincial Departments carry out their activities consistent with these statements; and

WHEREAS a municipal drinking water supply Protected Water Area is a multigenerational resource; and

WHEREAS pit and quarry operations and other similar commercial activities tend to be single generation resources; and

WHEREAS it is stated within the Pit and Quarry Guidelines issued by Nova Scotia Department of Environment, that an approval is not required for pit and quarry operations where the aggregate is utilized for public purposes by or for the Department of Transportation and Infrastructure Renewal; and

WHEREAS a pit or quarry established solely to provide fill or aggregate for road building or maintenance contracts with the Department of Transportation and Infrastructure Renewal does not require an environmental assessment under the Environmental Assessment Regulations; and

WHEREAS the environmental assessment process was developed to mitigate impact to the environment and does not adequately address the protection of a municipal drinking water supply Protected Water Area; and

WHEREAS current enforcement of the *Environment Act* regulations is reactive, requiring a violation and the potential for contamination to exist before enforcement can occur; and

WHEREAS most municipalities are limited to only one available good quality Protected Water Area, that if protected will serve the area for the long term foreseeable future; and

WHEREAS the loss or disruption of such Protected Water Area would jeopardize the present and future of that community; and

WHEREAS Municipalities dependent on such Protected Water Area consider the value of a protected water supply resource to far exceed the value of a relatively short duration quarry resource;

THEREFORE BE IT RESOLVED that the UNSM request that Nova Scotia Environment ban activities described in Division 5, Part 2, Construction, Section (e), Section (f) of the Activities Designation Regulations made under Section 66 of the *Environment Act* in a Protected Water Area.

Response from:
Department of Environment

RESPONSE:

Nova Scotia Environment (NSE) recognizes the importance of managing impacts of development activities on public drinking water supplies. A Class 1 Environmental Assessment is required for pits and quarries larger than four hectares in the province, and public consultation and the identification and consideration of water resources are a critical part of the review process. As part of the review process, municipalities are also formally contacted in writing to provide input.

Industrial approvals are also required for quarries and certain pit operations. Industrial approval reviews also include identification and consideration of water resources and may include public consultation requirements for the project proponent. Transportation and Infrastructure Renewal is responsible for ensuring that pits and quarries operated to provide material solely for public highway projects are operated in accordance with the Pit and Quarry Guidelines.

In addition to NSE's permitting requirements, the authority to regulate blasting, pits, and quarries may be requested by a water works operator under Protected Water Area Regulations for a Designated Protected Water Area under Section 106 of the Environment Act.