

Municipality of Colchester

Chapter 58

Disposal of Hazardous Substances By-law

1 Title & Scope

To restrict the disposal of all hazardous or dangerous waste in the County of Colchester to appropriate sites, and to ensure proper insurance and bonding requirements are in place for such sites.

2 Definitions

For the purposes of this By-law:

- 2.1 **Administrator** means the person appointed by the Chief Administrative Officer to administer this By-law, or his/her designate;
- 2.2 **Department of the Environment** means the Nova Scotia Department of the Environment
- 2.3 **Disposal** includes land and/or buildings or part of a building where substances are disposed of by land application or burying, or, where substances that are unsuitable for land application or burying are stored indefinitely. For greater certainty, disposal does not include incineration that is permitted by the Department of the Environment.
- 2.4 **Hazardous Substance** means any hazardous, toxic, dangerous, or waste dangerous substance or material, and includes any substance or material declared or defined to be a hazardous, toxic, dangerous or waste dangerous substance in or pursuant to any applicable law or policy.
- 2.5 **Municipality** means the Municipality of the County of Colchester;
- 2.6 **Permit** means a permit for a particular physical site to accept hazardous and dangerous substances pursuant to this By-law and shall be referred to herein as a Permit;
- 2.7 **Permitted Site** means a physical site for which a Permit has been issued;
- 2.8 **Waste Compliance Officer** means a by-law enforcement officer appointed by the Chief Administrative Officer.

3 Restriction

- 3.1 No Hazardous Substance may be received for Disposal in the Municipality without a Permit issued by the Municipality, and without confirmation having been provided to the Municipality that the proponent has received approval to operate a facility for Disposal of the particular Hazardous Substance(s) from the Department of Environment.

3.2 The Municipality shall only issue Permits for sites located in those geographic areas that are set out in Municipal policy and on those terms set out in Municipal policy or otherwise consented to by the Municipality.

4 Enforcement

4.1 The Administrator and/or Waste Compliance Officer may from time to time enter upon any Permitted Site to ensure compliance.

5 Insurance and Bonds

5.1 The Owner of a Permitted Site shall maintain a minimum of \$5,000,000 or such other amount as the Municipality approves, of third party liability insurance in effect at all times.

5.2 The Owner of a Permitted Site shall maintain Environmental Impairment liability insurance with respect to its operations in the amount of \$5,000,000 per occurrence, or such other amount as the Municipality approves.

5.3 The Owner of a Permitted Site shall post a bond or letter of credit in a form acceptable to the Administrator in the amount of \$50,000, or such other amount as the Municipality approves.

5.4 A bond posted pursuant to subsection 5.3 shall be to secure the proper closing of the Permitted Site in accordance with policy approved by the Municipality.

6 Offence

6.1 Any person who contravenes or fails to comply with any other provision of this By-law shall be liable on summary conviction as follows, and each day that the offence continues shall constitute a new offence:

(a) for a first offence, by a fine of not less than \$100 and not more than \$25,000 and in default of payment to imprisonment for a term of not more than ninety (90) days;

(b) for a second offence, by a fine of not less than \$1,000 and not more than \$35,000 and in default of payment to imprisonment for a term of not more than (90) days; and

(c) for a third or subsequent offence, by a fine of not less than \$5,000 and not more than \$50,000 and in default of payment to imprisonment for a term of not more than (90) days.

6.2 In addition to any fine or imprisonment imposed pursuant to the Sub-Section 6.1 the Court may order the person convicted to pay all expenses incurred in correcting the contravention of the By-law or any damages associated with such contravention.

6.3 Where any person is in contravention of any provision of this By-law, the Administrator may direct in writing that the contravention be remedied by that person and within the time specified in the written direction.

7 Effective Date and Application

7.1 This By-law is effective the date of publication of its approval in accordance with the Municipal Government Act and shall apply as of the effective date.

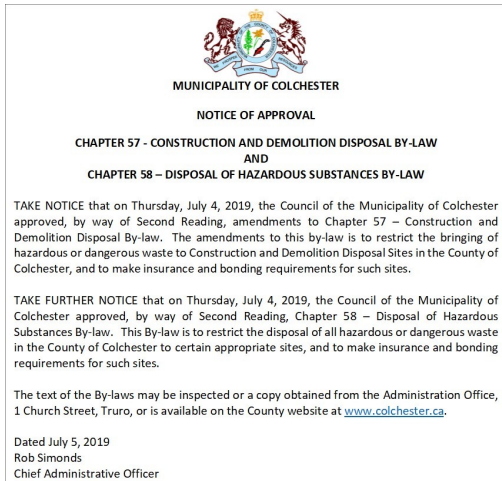
7.2 A site for Disposal of Hazardous Substances existing as of the effective date shall have thirty (30) days from the date of publication of the approval of the By-law in accordance with the Municipal Government Act to arrange for the Insurance and Bonds set out in Section 5.

THIS IS TO CERTIFY that By-law #58, Disposal of Hazardous Substances By-law, was duly approved at a duly called meeting of the Municipality of the County of Colchester, duly convened and held on the 4th day of July, A.D., 2019.

GIVEN under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 15th day of July, A.D., 2019.

Rob Simonds

Rob Simonds, Municipal Clerk



I, Rob Simonds, Municipal Clerk of the Municipality of the Council of Colchester, do hereby certify that the adjacent Notice of Approval is a true copy of the Notice of Approval of Chapter 58 – Disposal of Hazardous Substances By-law, duly advertised in the Saturday, July 6, 2019 issue of the Chronicle Herald.

Given under the hand of the Municipal Clerk and under the corporate seal of said Municipality this 15th day of July, 2019.

Rob Simonds
Municipal Clerk

First Reading – June 18, 2019

Notice of Intent – June 19, 2019 (Chronicle Herald)

Second Reading – July 4, 2019

Notice of Approval – July 6, 2019 (Chronicle Herald)