

Appendix B

Regulatory Environment



Legislation/Guidance Document	Responsible Authority or Department	Description or Potential Trigger/Authorization
FEDERAL LEGISLATION, GUIDELINES AND PERMITS		
<i>Fisheries Act</i>	Fisheries and Oceans Canada (DFO)	Aims to provide for the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. The four factors to be taken into account by the Minister in decision-making (e.g. issuing authorizations) or making regulations are: <ul style="list-style-type: none"> • The contribution of the relevant fish to the on-going productivity of commercial, recreational or Aboriginal fisheries; • Fisheries management objectives; • Whether there are measures and standards to avoid, mitigate or offset serious harm to fish that are part of a commercial, recreational or Aboriginal fishery; and, • The public interest. Taken together, these provide a framework and direction to the Minister and Fisheries and Oceans Canada staff for decision-making, developing regulations and implementing the regulatory regime and program.
Freshwater Intake End-of-Pipe Fish Screen Guideline	Fisheries and Oceans Canada (DFO)	The Guidelines assist proponents in the design and installation of fish screens for the protection of anadromous and resident fish where freshwater is extracted from fish-bearing waters. This guideline will also assist regulatory agencies in the review of fish screen proposals.
Guidelines for Canadian Drinking Water Quality Summary Table (October 2014)	Environment Canada	The Guidelines give specific limits for concentrations of water quality parameters including microbiological parameters, chemical and physical parameters, and radiological parameters.
Migratory Birds Convention Acts (MBCA) and Regulations	Environment Canada	Effects on migratory birds or their habitat.
Canadian Environmental Protection Act	Environment Canada/Health Canada	Accidents or spills leading to potential pollution or impacts to the environment and human health
<i>Canadian Environmental Protection Act</i> Environmental Emergency Regulations	Environment Canada/Health Canada	Aims at enhancing the protection of the environment and human health in environmental emergency situations by promoting prevention and ensuring preparedness, response and recovery. They will mandate persons who own or manage specified toxic and hazardous substances at or above the specified thresholds to provide required information on the substance(s), their quantities and to prepare and implement environmental emergency plans.
<i>Canada Labour Code</i>	Human Resources and Skills Development Canada	Provides direction on safety issues to ensure that all projects must be conducted in a safe manner and ensure that no environmental aspects infringe on the safety of a federal site, workers or occupants.
<i>Navigable Waters Protection Act</i>	Transport Canada	The Act authorizes and regulates interferences with the public right of navigation. A primary purpose of the NPA is to regulate works and obstructions that risk interfering with navigation in the navigable waters listed on the schedule to the Act. The NPA also prohibits the depositing or throwing of materials that risk impacting navigation in navigable waters and the dewatering of navigable waters. The Saint John River is considered a Scheduled water under the NPA, a "Notice of Works" is required for all work on navigable waters listed on the schedule to the NPA (except minor work). Water intake lines are considered "Minor Works" under the NPA and therefore allows for works to be built if they meet the criteria for the applicable class of works, as well as specific terms and conditions for construction. Works meeting the assessment criteria of the Minor Works Order are classed as "designated works" under the NPA and may proceed without a Notice to the Minister as long as they comply with the legal requirements. It is the responsibility of the owner of the work to assess the work to ensure that it meets the criteria established for its class. It is also the responsibility of the owner to ensure that all legal requirements set out in the Order are met.
<i>Transportation of Dangerous Goods Act</i>	Transport Canada	The Act applies to all shipping and handling dangerous goods, offering for transport and transporting of dangerous goods by any means of transport whether or not the goods originate from or are destined for any place or places in Canada.
<i>Canadian Electrical Code</i>	Canadian Standards Association	Electrical fixtures and controls in screening areas where hazardous gases may accumulate shall comply.
PROVINCIAL (New Brunswick) LEGISLATION, GUIDELINES AND PERMITS		
<i>Clean Environment Act</i>	New Brunswick Department of Environment and Local Government (DELG)	Undertaking on Schedule A of the EIA Regulation.
<i>Clean Environment Act – Certificate of Approval to Construct and Operate</i>	DELG	The WTP must comply with provincial approvals to operate.
<i>Clean Environment Act - Water Quality Regulation</i>	DELG	The Water Quality Regulation (82-126) - Clean Environment Act requires owners or operators of a source of water contaminants to obtain an approval for the construction, operation, or modification of the source. This applies to anyone constructing, operating, and/or modifying a facility that is considered by the department to be a source of contaminant. This applies to most existing or new industrial and some commercial or institutional facilities in New Brunswick.
<i>Clean Air Act - Air Quality Regulation</i>	DELG	Every source of emissions in the province, whether it's an individual or company, must obtain an Air Quality Approval and specifies operating conditions and emission limits. Approvals are classified according to the volume of emissions released -- the lower the volume of emissions, the lower the class designation. Class 1 sources release the most emissions in the province. Other resources are designated as Class 2, 3 or 4 facilities, depending on the level of their emissions. Only Class 1 sources have a formal, public participation component in their approval process.
<i>Clean Water Act</i>	DELG	Wetland and Watercourse Alteration Regulation for working within 30 m of a wetland/watercourse.
<i>Clean Water Act - Potable Water Regulation</i>	DELG	An owner of a regulated water supply system shall have a sampling plan approved by the Minister and ensure that water in the system is collected and tested in accordance with the plan. The plan shall include frequency of testing, parameters to be tested for, description of sample collection locations, date sampling is to commence, and any other information the Minister considers necessary.
<i>Petroleum Product Storage and Handling Regulation</i>	DELG	Authorization to store and handle petroleum products above and below ground.
Atlantic Canada Guidelines for the Supply, Treatment, Storage, Distribution, and Operation of Drinking Water Supply Systems 2004	DELG	Guide for developing and designing water supply projects in Atlantic Canada.
<i>Guideline for Management of Contaminated Sites Version 2</i>	DELG	Outlines roles and responsibilities for those involved with contaminated site management based on a risk-based approach. Addresses protection of human health and the environment.
<i>Atlantic RBCA User Guidance (Revised January 2015)</i>	DELG	Risk-Based approach to contaminated sites management and applicable criteria for site assessment.
<i>New Brunswick Species at Risk Act</i>	New Brunswick Department of Natural Resources	To prevent wildlife species from being extirpated from the Province, to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity and to conserve species of special concern to prevent them from becoming endangered or threatened.
<i>New Brunswick Heritage Protection Act</i>	Tourism, Heritage and Culture	The Act explicitly confirms the Province's ownership of all archaeological, palaeontological and burial site heritage objects in New Brunswick. Any such objects determined to be of aboriginal origin are specifically 'held in trust' on behalf of First Nations people and their communities. The legislation requires mandatory reporting of all potential heritage object discoveries to provincial authorities, introduces regulations for heritage impact assessment, and prohibits the alteration of any heritage place in the Province without specific government approval.
Duty to Consult Policy	Aboriginal Affairs New Brunswick	Government of New Brunswick will consult with First Nations before an action or decision is taken that may adversely impact Aboriginal and treaty rights.
MUNICIPAL (Town of Oromocto) LEGISLATION, GUIDELINES AND PERMITS		
By-Law 410	Town of Oromocto	By-law Relating to the Municipal Plan for the Town of Oromocto.
By-Law 313	Town of Oromocto	By-law Relating to Noise, Nuisance and Disturbance.

