



Environment and
Climate Change Canada

Environnement et
Changement climatique Canada

ENFORCEMENT
BRANCH
Environmental Enforcement



DIRECTION GÉNÉRALE DE
L'APPLICATION DE LA LOI
Application de la loi en environnement

WRITTEN WARNING

FISHERIES ACT

WASTEWATER SYSTEMS EFFLUENT REGULATIONS

File: 8140-2025-04-15-1905
PROTECTED B ONCE COMPLETED

July 2, 2025

Registered with acknowledgement of receipt

The purpose of this warning is to inform:

Municipality of the District of East Hants
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

c/o Kim Ramsay
Chief Administrative Officer
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

Kim Ramsay
Chief Administrative Officer
Municipality of the District of East Hants
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

Jesse Hulsman
Director of Infrastructure and Operations
Municipality of the District of East Hants
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

Canada

Chelsea MacPherson
Environmental Engineering Technician
Municipality of the District of East Hants
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

Shawn Harris
Environmental Engineering Technician
Municipality of the District of East Hants
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

That information obtained below by the undersigned fishery officer designated by the Minister of Environment and Climate Change Canada under the *Fisheries Act*, provided reasonable grounds to believe that the Municipality of the District of East Hants was in contravention of Wastewater Systems Effluent Regulations made pursuant to the *Fisheries Act*.

ALLEGED FACTS

As a result of a review of submitted data I, the undersigned fishery officer determined the following alleged facts:

Acutely Lethal Effluent

- On April 15, 2025, Environment and Climate Change Canada (ECCC) received a notification from the National Environmental Emergency Center (NEEC) advising of a report of acutely lethal effluent relating to a system owned and operated by the Municipality of the District of East Hants.
- The report was submitted to NEEC by Chelsea MacPherson, Environmental Engineering Technician with the Municipality of the District of East Hants. The acutely lethal effluent was reported to have occurred in a sample collected on April 4, 2025, at the Lantz Regional Wastewater Treatment Facility.
- The Municipality of the District of East Hants conducted the required increased frequency monitoring tests for acute lethality. No additional samples were determined to be acutely lethal.
- The Municipality of the District of East Hants did deposit acutely lethal effluent from the Lantz Regional Wastewater Treatment Facility on April 4, 2025, contrary to subsection 6(1) of the Wastewater Systems Effluent Regulations (WSER).

Identification Report

- On April 15, 2025, Enforcement Officer Zack Branscombe obtained and reviewed System ID Reports for wastewater treatment systems owned and operated by the Municipality of the District of East Hants.
- The Municipality of the District of East Hants owns and operates the following three (3) wastewater systems:
 - o Lantz (Regional) Wastewater Treatment Facility located in Lantz, NS
 - o Milford Wastewater Treatment Plant located in Milford, NS
 - o New Shubenacadie Wastewater System located in Shubenacadie, NS.
- The three (3) wastewater systems deposit wastewater effluent in the Shubenacadie River.

- The System ID reports listed the following contact persons as of April 15, 2025: Terry Matheson (Lantz (Regional) Wastewater Treatment Facility), Lee-Ann Nunn (Milford Wastewater Treatment Plant) and Shawn Harris (New Shubenacadie Wastewater System).
- On April 15, 2025, Enforcement Officer Zack Branscombe, spoke with Chelsea MacPherson via telephone and advised that the contact information in the report ID should be reviewed as it has not been updated since 2013. Chelsea MacPherson indicated that Terry Matheson is no longer an employee of the Municipality of the District of East Hants and that Lee-Ann Nunn is not the appropriate contact person.
- As per subsection 18(6) of WSER, if the information provided in the identification report changes, the owner or operator or authorized representative must update the identification report no later than 45 days after the day on which the change is made.
- In e-mail communication on May 29, 2025, Chelsea MacPherson confirmed to Enforcement Officer, Joshua Fournier, that the contact information in the system ID was not updated within the 45-day requirement.
- The ID reports for the following systems were updated on April 29, 2025:
 - o Lantz (Regional) Wastewater Treatment Facility
 - o Milford Wastewater Treatment Plant
- Shawn Harris, Environmental Engineering Technician is now listed as the contact person for all systems owned and operated by the Municipality of the District of East Hants.
- The Municipality of the District of East Hants did fail to update the identification reports for Lantz (Regional) Wastewater Treatment Plant and Milford Wastewater Treatment Plant within 45 days after a change was made, contrary to subsection 18(6) of WSER.
- Further review of the updated system ID reports conducted on June 6, 2025, identified that the City and Postal Code were incorrect in the ID report for the New Shubenacadie System. The ID report for the New Shubenacadie System indicated the following address for the system: 19 Burgess Road, Elmsdale, Nova Scotia, B2S 3K5.
- The system ID report for the New Shubenacadie System was updated on June 18, 2025, to 19 Burgess Road, Shubenacadie, Nova Scotia, B0N 2H0.
- As per subsection 18(1) of WSER, the owner or operator of a wastewater system must send to the authorization officer an identification report that contains the following information: [...] (c) if any, the wastewater system's name and civic address.
- The Municipality of the District of East Hants did fail to provide an accurate civic address for New Shubenacadie Wastewater System, contrary to paragraph 18(1)(c) of WSER

THE LAW

Wastewater Systems Effluent Regulations

Application:

2(1) These Regulations apply in respect of a wastewater system that, when it deposits effluent via one or more final discharge points, deposits a deleterious substance prescribed in section 5 in any water or place referred to in subsection 36(3) of the Act and that

- (a) is designed to collect an average daily volume of 100 m³ or more of influent; or
- (b) during any calendar year, collects an average daily volume of 100 m³ or more of influent.

Types of wastewater systems

3 For the purpose of these Regulations, there are two types of wastewater systems, as follows:

- (a) an intermittent wastewater system, namely, one with a hydraulic retention time of at least 90 days that deposits effluent via its final discharge point during at most four periods per calendar year, each of which is separated from every other period by at least seven clear days during which no deposit occurs; and
- (b) a continuous wastewater system, namely, any wastewater system other than an intermittent wastewater system.

Deleterious Substances

5 For the purpose of the definition deleterious substance in subsection 34(1) of the Act, the following substances or classes of substances are prescribed as deleterious substances:

- (a) carbonaceous biochemical oxygen demanding matter;
- (b) suspended solids;
- (c) total residual chlorine; and
- (d) un-ionized ammonia.

Authorization to deposit

6 (1) For the purpose of paragraph 36(4)(b) of the Act, the owner or operator of a wastewater system may — during a given calendar year, quarter or month, determined in accordance with subsection (2) — deposit or permit the deposit of effluent that contains any of the deleterious substances prescribed in section 5 via the system's final discharge point in any water or place referred to in subsection 36(3) of the Act if the effluent is not acutely lethal as determined in accordance with section 15 and if — during the previous calendar year, previous quarter or previous month, determined in accordance with subsection (2) — the effluent met the following conditions:

- (a) the average carbonaceous biochemical oxygen demand due to the quantity of CBOD matter in the effluent did not exceed 25 mg/L;
- (b) the average concentration of suspended solids in the effluent did not exceed 25 mg/L;
- (c) the average concentration of total residual chlorine in the effluent did not exceed 0.02 mg/L, if chlorine, or one of its compounds, was used in the treatment of wastewater; and
- (d) the maximum concentration of un-ionized ammonia in the effluent was less than 1.25 mg/L, expressed as nitrogen (N), at $15^{\circ}\text{C} \pm 1^{\circ}\text{C}$.

Conditions

6 (7) The authorization granted to an owner or operator under subsection (1) is conditional on the owner or operator:

- [...]
- (f) sending an identification report in accordance with section 18;

Identification Report

18(1) The owner or operator of a wastewater system must send to the authorization officer an identification report that contains the following information:

- [...]
- c) if any, the wastewater system's name and civic address;

18 (6) If the information provided in the identification report changes, the owner or operator or authorized representative must update the identification report no later than 45 days after the day on which the change is made.

Fisheries Act

Application of Act to His Majesty

3 (2) The Act is binding on His Majesty in right of Canada or a province.

Deposit of Deleterious Substance Prohibited

36(3) Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.

Subsection 36(4) refers to deposits made under the authority of certain types of regulations and does not apply in this instance.

Offence and punishment

40(2) Every person who contravenes subsection 36(1) or (3) is guilty of an offence and liable

(a) on conviction on indictment,

(i) in the case of an individual,

(a) for a first offence, to a fine of not less than \$15,000 and not more than \$1,000,000, and
(b) for a second or subsequent offence, to a fine of not less than \$30,000 and not more than \$2,000,000, or to imprisonment for a term not exceeding three years, or to both,

(ii) in the case of a person, other than an individual or a corporation referred to in subparagraph (iii),

(a) for a first offence, to a fine of not less than \$500,000 and not more than \$6,000,000, and
(b) for a second or subsequent offence, to a fine of not less than \$1,000,000 and not more than \$12,000,000, and

(iii) in the case of a corporation that the court has determined to be a small revenue corporation,

(a) for a first offence, to a fine of not less than \$75,000 and not more than \$4,000,000, and
(b) for a second or subsequent offence, to a fine of not less than \$150,000 and not more than \$8,000,000; or

(b) on summary conviction,

(i) in the case of an individual,

(a) for a first offence, to a fine of not less than \$5,000 and not more than \$300,000, and
(b) for a second or subsequent offence, to a fine of not less than \$10,000 and not more than \$600,000, or to imprisonment for a term not exceeding six months, or to both,

(ii) in the case of a person, other than an individual or a corporation referred to in subparagraph (iii),

(a) for a first offence, to a fine of not less than \$100,000 and not more than \$4,000,000, and
(b) for a second or subsequent offence, to a fine of not less than \$200,000 and not more than \$8,000,000, and

(iii) in the case of a corporation that the court has determined to be a small revenue corporation,

(a) for a first offence, to a fine of not less than \$25,000 and not more than \$2,000,000, and
(b) for a second or subsequent offence, to a fine of not less than \$50,000 and not more than \$4,000,000.

Other offences

40 (3) Every person who

(a) in carrying on a work, undertaking or activity, fails to comply with a prescribed condition of an authorization under paragraph 35(2)(a) or (c), with a condition established by the Minister under paragraph 35(2)(b), or with a condition set out in the regulations or established under any other authorization issued under this Act,

(b) fails to provide or submit any material, information or report that is to be provided or submitted under regulations made pursuant to subsection 37(3),

is guilty of an offence punishable on summary conviction and liable, for a first offence, to a fine not exceeding two hundred thousand dollars and, for any subsequent offence, to a fine not exceeding two hundred thousand dollars or to imprisonment for a term not exceeding six months, or to both.

Continuing Offence

78.1 Where any contravention of this Act or the regulations is committed or continued on more than one day, it constitutes a separate offence for each day on which the contravention is committed or continued.

Offences by corporate officers, directors or agents

78.2 Where a corporation commits an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to the punishment provided for the offence, whether or not the corporation has been prosecuted.

CONCLUSION

This warning alleges a contravention of subsection 6(1) and , 18(6) and paragraph 18(1)(c) of WSER. It is intended to bring this matter to your attention in order for you to take the necessary corrective action to ensure compliance with the *Fisheries Act* or in order for you to exercise due diligence in the future. This document is not a finding of guilt or civil liability, and is not an administrative adjudication.

This warning and the circumstances to which it refers will form part of Environment and Climate Change Canada's records of Municipality of the District of East Hants and will be taken into account in future responses to alleged violations and for internal purposes such as setting the frequency of inspections. Environment and Climate Change Canada will consider taking further action if you do not take all necessary corrective steps to comply or if you do not exercise due diligence in the future.

This warning is issued in accordance with the Compliance and Enforcement Policy for the Habitat Protection and Pollution Prevention Provisions of the *Fisheries Act*. The complete text of this policy is available on Environment and Climate Change Canada's website:

<https://www.canada.ca/en/environment-climate-change/services/environmental-enforcement.html>

The complete text of the *Fisheries Act* and the *Wastewater Systems Effluent Regulations* is available on the Department of Justice website: <http://laws-lois.justice.gc.ca/eng/acts/F-14/>

For more information or to respond to the alleged facts contained in this warning, please call or write the undersigned. Your comments will be considered, and where appropriate, a response provided. Any comments you make, as well as Environment and Climate Change Canada's response, will be maintained on file with this warning in Environment and Climate Change Canada's records.



[Officer Signature]

Joshua Fournier
Fishery Officer
Enforcement Branch
Environment and Climate Change Canada
Environmental Enforcement Directorate

950

[Badge Number]

45 Alderney Drive, 16th Floor
Dartmouth, NS B2Y 2N6
782-640-6744
[Email: Joshua.Fournier@ec.gc.ca]

c.c.

Warden Eleanor Roulston
Box 230, Suite 170
15 Commerce Court
Elmsdale, NS
B2S 3K5

