



**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: 8140-2025-07-17-3694

PROTECTED B ONCE COMPLETED

January 13, 2025

Registered with acknowledgement of receipt

The purpose of this warning is to inform:

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

c/o Kim Ramsay
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Elmsdale NS B2S 3K5

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That information obtained between July 14, 2025, and January 5, 2026, by the undersigned fishery officer designated by the Minister of Environment and Climate Change under the Fisheries Act, provided reasonable grounds to believe that the **Municipality of the District of East Hants** was in contravention of sections 6(1), 6(7)(h), and 19.1(a) of the Wastewater Systems Effluent Regulations (the Regulations) made pursuant to the *Fisheries Act*, and section 36(3) of the Fisheries Act, thereby committing offences under subsections 40(2) and 40(3) of the *Fisheries Act*.

ALLEGED FACTS

As a result of an on-site inspection and a review of submitted data, I, the undersigned fishery officer determined the following alleged facts:

General

That, the Municipality of the District of East Hants owns and operates the Lantz (Regional) Wastewater Treatment Facility (WWTF) in Lantz, Nova Scotia.

That, Kim Ramsay is the Chief Administrative Officer for the Municipality of the District of East Hants and is the highest non-elected official.

That, the effluent from the Lantz (Regional) WWTF is deposited or permitted to be deposited in water or a place referred to in subsection 36(3) of the *Fisheries Act*, namely the Shubenacadie River.

That, the Lantz (Regional) WWTF is designed to collect an average daily volume of 100m³ or more of influent. The Lantz (Regional) WWTF is required to have a monitoring report containing the required information submitted once per calendar quarter.

That, on July 2, 2025, a written warning was issued to the Municipality of the District of East Hants for alleged violations of sections 6(1), 18(1)(c), and 18(6) of the Regulations.

Acutely Lethal Effluent

That, on July 14, 2025, the Municipality of the District of East Hants reported that the sample collected by the Municipality from the Lantz (Regional) WWTF on July 9, 2025, was determined to be acutely lethal by an RM13 single concentration acute lethality test, contrary to subsection 6(1) of the Regulations and 36(3) of the *Fisheries Act*.

That, on July 15, 2025, an on-site inspection was conducted and samples collected. A test on the effluent collected by Officers that day determined the effluent was not acutely lethal during an RM50 single concentration acute lethality test.

That, on July 18, 2025, the Municipality of the District of East Hants reported that the sample collected by the Municipality from the Lantz (Regional) WWTF on July 16, 2005, was determined to be acutely lethal by

an RM13 single concentration acute lethality test, contrary to subsection 6(1) of the Regulations and 36(3) of the *Fisheries Act*.

That, subsequently, the Municipality of the District of East Hants did the increased frequency acute lethality sampling required by the Regulations and three samples were determined to be not acutely lethal using the RM50 single concentration acute lethality test. Acute lethality tests conducted on effluent collected by Officers in October 2025 also determined the effluent to be not acutely lethal at that time.

Total Residual Chlorine Concentration

That, paragraph 6(7)(h) of the Regulations requires that the concentration of total residual chlorine in a grab sample of effluent does not exceed 0.10 mg/L, if chlorine, or one of its compounds, is being used in the treatment of wastewater.

That, the Municipality of the District of East Hants uses chlorine as a disinfectant at the Lantz (Regional) WWTF and de-chlorinates the effluent before depositing it.

That, on July 15, 2025, during the on-site inspection, I was informed by an employee of the Municipality of the District of East Hants, that, after de-chlorination, the total residual chlorine concentration in the effluent of the Lantz (Regional) WWTF was measured to be greater than 0.10 mg/L.

That, on July 15, 2025, during the on-site inspection, I measured the total residual chlorine concentration after de-chlorination in the effluent of the Lantz (Regional) WWTF to be 0.16 mg/L, contrary to subsection 6(7)(h) of the Regulations.

That, subsection 19.1(a) of the Regulations requires an owner or operator of a wastewater system to provide notification without delay if a test carried out on a sample of effluent indicates that the concentration of total residual chlorine in the effluent exceeds 0.10 mg/L.

That, the Municipality of the District of East Hants did not provide notification without delay that the total residual chlorine was greater than 0.10 mg/L on July 15, 2025, contrary to subsection 19.1(a) of the Regulations.

That, on July 17, 2025, the Municipality of the District of East Hants submitted a written report regarding the total residual chlorine concentration on July 15, 2025, and acknowledged in the report that the required notification was not made without delay.

THE LAW

Wastewater Systems Effluent Regulations

Definitions

1 The following definitions apply in these Regulations.

acutely lethal, in relation to effluent, means that the effluent at 100% concentration kills, during a 96-hour period, more than 50% of the rainbow trout subjected to it.

effluent, means wastewater that is deposited from a wastewater system

final discharge point, means any point of a wastewater system, other than an overflow point, beyond which the owner or operator of the system no longer exercises control over the quality of the wastewater before it is deposited as effluent in water or a place.

wastewater system, means any work or undertaking, at least part of which is located on land, that is used for the collection and deposit of wastewater, whether or not the wastewater is treated, and includes a site that contains a wastewater lagoon.

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.

Prescribed 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, as determined in accordance with subsection (2) — deposit or permit the deposit of effluent that contains any of the deleterious substances prescribed in section 5 of these Regulations via each of the system's final discharge points 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, the maximum concentration of un-ionized ammonia in the effluent is less than 1.25 mg/L, expressed as nitrogen (N), at 15°C ± 1°C, and — during the previous calendar year, previous quarter or previous month, as the case may be — 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

Averaging period

- 6 (2) The maximum concentration and the averages referred to in subsection (1) must be determined on the following basis:
- (a) each calendar year, if the average daily volume of effluent deposited via all of the final discharge points during the previous calendar year was
 - (i) less than or equal to 17 500 m³, for an intermittent wastewater system, and
 - (ii) less than or equal to 2 500 m³, for a continuous wastewater system with a hydraulic retention time of five or more days or for a continuous wastewater system that is the subject of a transitional authorization;
 - (b) each quarter, if the average daily volume of effluent deposited via all of the final discharge points during the previous calendar year was
 - (i) greater than 2 500 m³ and less than or equal to 17 500 m³, for a continuous wastewater system with a hydraulic retention time of five or more days, and

- (ii) less than or equal to 17 500 m³, for any other continuous wastewater system; and
- (c) each month, if the average daily volume of effluent deposited via all of the final discharge points during the previous calendar year was greater than 17 500 m³.

Conditions

- 6 (7) The authorization granted to an owner or operator under subsection (1) is conditional on the owner or operator
 - [...]
 - (d) monitoring effluent in accordance with sections 10 and 11 and sending a monitoring report in accordance with section 19;
 - (e) keeping the record required under section 17
 - [...]
 - (h) installing, operating and maintaining a dechlorination system – if chlorine, or one of its compounds, is being used in the treatment of wastewater – so that the concentration of total residual chlorine in a grab sample of effluent does not exceed 0.10 mg/L when measured using a total residual chlorine instrument or test in accordance with standards of good scientific practice that are generally accepted at the time of the sampling.

Acute Lethality Testing

Taking of samples — continuous wastewater system

- 11 (2) The owner or operator of a continuous wastewater system must take at each of the system's final discharge points, during each calendar year, a grab sample of effluent at the minimum sampling frequency set out in column 2 of the table to this subsection that corresponds to the average daily volume of effluent set out in column 1 deposited via all of the system's final discharge points during the previous calendar year.

TABLE

	Column 1	Column 2
Item	Average Daily Volume Deposited (m ³)	Minimum Sampling Frequency
1	> 2 500 and ≤ 50 000	Quarterly, with each sample taken at least 60 days after any previous sample
2	> 50 000	Monthly, with each sample taken at least 21 days after any previous sample

Acute lethality

- 11 (3) For each sample taken under subsection (1) or (2), the owner or operator must determine or cause the determination of whether it is acutely lethal in accordance with section 15.

Additional tests

- 11 (4) If a sample is determined to be acutely lethal, the owner or operator must take a grab sample without delay, and then subsequently once every two weeks, but at least seven days after the previous sample, and determine or cause the determination of whether it is acutely lethal in accordance with section 15.

Consecutive samples — not acutely lethal

- 11 (5) If three consecutive samples taken in accordance with subsection (4) are determined not to be acutely lethal, subsections (1) to (3) apply to subsequent samples.

Subsequent samples

- 11 (6) For greater certainty, subsection (4) applies to any subsequent sample referred to in subsection (5) that is determined to be acutely lethal when tested under subsection (3).

Monitoring Report and Notice

Information

- 19 (1) The owner or operator of a wastewater system must send, within 45 days after the end of the period referred to in subsection (2), to the authorization officer, for each final discharge point, a monitoring report containing the following information:

- (a) if applicable, a statement that indicates that effluent was not deposited during that period; and
- (b) in any other case,
 - (i) if applicable, a statement that indicates any month in that period during which effluent was not deposited,
 - (ii) the number of days during which effluent was deposited,
 - (iii) the volume of effluent that was deposited, expressed in m³, determined in accordance with subsection 7(1),
 - (iv) the average carbonaceous biochemical oxygen demand due to the quantity of CBOD matter in the effluent,
 - (v) the average concentration of suspended solids in the effluent and a statement as to whether, in accordance with subsection 6(5), the determination of the average concentration referred to in paragraph 6(1)(b) did not take into account the result of any concentration of suspended solids greater than 25 mg/L,
 - (vii) if the owner or operator holds a temporary authorization issued under subsection 36(1),
 - (A) the result of each determination referred to in clause 17(g)(i)(A) and the date on which the sample used to make that determination was taken, and
 - (B) if the period includes an August, the result of the determination referred to in subparagraph 17(g)(ii) for that August, and
 - (viii) for each sample for which a determination of acute lethality was made in accordance with section 15, a statement that indicates
 - (A) the date on which the sample was taken,
 - (B) each procedure referred to in section 15 that was used to determine the sample's acute lethality, and
 - (C) whether the sample was acutely lethal or not.

Period

- 19 (2) For the purpose of subsection (1), the period is

- (a) a calendar year, if the wastewater system deposited an average daily volume of effluent via all of the final discharge points during the previous calendar year in respect of that calendar year of
 - (i) less than or equal to 17 500 m³, for an intermittent wastewater system, or
 - (ii) less than or equal to 2 500 m³, for a continuous wastewater system with a hydraulic retention time of five or more days or for a continuous wastewater system that is the subject of a transitional authorization; and
- (b) a quarter, in any other case.

Period for which information reported

19 (3) The information referred to in subsection (1) is to be reported

- (a) for the period referred to in subsection (2), if that period is a calendar year or a quarter; and
- (b) for each month during that period, if that period is a quarter and the average daily volume of effluent deposited via all of the final discharge points during the previous calendar year in respect of that quarter was greater than 17 500 m³.

Electronic report

19 (4) The report must be sent electronically in the form and format specified by the Minister of the Environment and must bear the electronic signature of the owner or operator, or their duly authorized representative.

Paper report

19 (5) If the Minister of the Environment has not specified an electronic form and format or if it is not feasible to send the report electronically in accordance with subsection (4) because of circumstances beyond the control of the owner or operator, the report must be sent on paper, signed by the owner or operator or their authorized representative, and in the form and format specified by the Minister of the Environment, if applicable.

Notice

19.1 The owner or operator of a wastewater system must notify an inspector, fishery officer, or authority prescribed by any regulations made under the Act without delay if a test carried out on a sample of effluent indicates that

- (a) the concentration of total residual chlorine in the effluent exceeds the maximum concentration set out in paragraph 6(7)(h);
- (b) the concentration of un-ionized ammonia in the effluent, as determined in accordance with section 14, exceeds the limit set out in subsection 6(1); or
- (c) the effluent is acutely lethal, as determined in accordance with section 15.

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.

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 referred to in paragraph 34.4(2)(a) or 35(2)(a), with a condition set out in an authorization or a permit, as the case may be, issued under paragraph 34.4(2)(b) or (c) or 35(2)(b) or (c) or subsection 35.1(3) or 35.2(7), or with a condition imposed by regulations made under subsection 36(5) or (5.2),

Continuing Offences

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 sections 6(1), 6(7)(h), and 19.1(a) of the Regulations and section 36(3) of the *Fisheries Act*. 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 the **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 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]


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