



Province of Alberta

ENVIRONMENTAL PROTECTION AND
ENHANCEMENT ACT

**APPROVALS AND REGISTRATIONS
PROCEDURE REGULATION**

Alberta Regulation 113/1993

With amendments up to and including Alberta Regulation 89/2013

Office Consolidation

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(Consolidated up to 89/2013)

ALBERTA REGULATION 113/93

Environmental Protection and Enhancement Act

APPROVALS AND REGISTRATIONS PROCEDURE REGULATION

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Interpretation

1 In this Regulation,

- (a) “Act” means the *Environmental Protection and Enhancement Act*;
- (b) “application” means an application
 - (i) for an approval or registration,
 - (ii) to change the activity that is the subject of an approval, or
 - (iii) to amend a term or condition of, add a term or condition to or delete a term or condition from an approval;
- (c) “complete application” means an application, including additional information submitted under section 66(2) of the Act, that, in the Director’s opinion, is sufficiently complete to enable the Director to commence a review of the application under this Regulation;

- (d) “Director”, in respect of an application, means the person who has been designated by Ministerial order as the Director for the purposes of the activity to which the application relates;
- (e) “referral committee” means
 - (i) a committee established by the Director under section 10(2) of the Act, or
 - (ii) the Conservation and Reclamation Review Committee.

AR 113/93 s1;216/96;251/2001

Applicant

2 An application must be made and signed by

- (a) the person who will be primarily responsible for carrying on the activity, in the case of an application referred to in section 1(b)(i), or
- (b) the approval holder, in the case of an application referred to in section 1(b)(ii) or (iii),

or by an agent of such a person.

AR 113/93 s2;216/96

Requirements of application

3(1) An application must be made to the Director and must be accompanied by the following information relative to the activity, the change to the activity or the proposed amendment, addition or deletion of the term or condition:

- (a) the name and address of the applicant;
- (b) the location, capacity and size of the activity to which the application relates;
- (c) the nature of the activity, the change to the activity or the amendment, addition or deletion, as the case may be;
- (d) where the applicant requires an approval from the Alberta Energy Regulator or the Natural Resources Conservation Board in relation to the activity, the date of the written decision in respect of the application;
- (e) an indication of whether an environmental impact assessment report has been required;

- (f) copies of existing approvals or registrations that were issued to the applicant in respect of the activity under this Act or a predecessor of this Act;
- (g) the proposed or actual dates for construction commencement, construction completion and commencement of operation;
- (h) a list of substances, the sources of the substances and the amount of each substance that will be released into the environment as a result of the activity, the change to the activity or the amendment, addition or deletion, as the case may be, the method by which the substances will be released and the steps taken to reduce the amount of the substances released;
- (i) a summary of the environmental monitoring information gathered during the previous approval or registration period;
- (j) a summary of the performance of substance release control systems used for the activity during the previous approval or registration period;
- (k) the justification for the release of substances into the environment as a result of the activity, the change to the activity or the amendment, addition or deletion, as the case may be;
- (l) the measures that will be implemented to minimize the amount of waste produced, including a list of the wastes that will or may be produced, the quantities and the method of final disposition of them;
- (m) any impact, including surface disturbance, that may or will result from the activity, the change to the activity or the amendment, addition or deletion, as the case may be;
- (n) confirmation that any emergency response plans that are required to be filed with the local authority of the municipality in which the activity is or is to be carried on or with Alberta Public Safety Services have been so filed;
- (o) confirmation that there are contingency plans in place to deal with any unforeseen sudden or gradual releases of substances to the environment;
- (p) the conservation and reclamation plan for the activity;
- (q) a description of the public consultation undertaken or proposed by the applicant;

- (r) information required under any other regulation under the Act to be submitted as part of or in support of the application;
- (s) any other information required by the Director, including information that is addressed in a standard, code of practice or guideline in respect of the activity that is published or adopted by the Department.

(2) The Director may waive any of the requirements of subsection (1)(a) to (q) if the Director is satisfied that a requirement is not relevant to a particular application or that it is appropriate for other reasons to waive the requirement.

AR 113/93 s3;216/96;89/2013

Completed application

- 4(1)** The Director shall not review an application for the purpose of making a decision until it is a complete application.
- (2) Where the application is not complete, the Director shall notify the applicant in writing and request the information necessary to make the application complete.
- (3) Where the information is not supplied by the applicant within a reasonable time, the Director may reject the application and shall forthwith advise the applicant in writing of that fact.

Review of application

- 5(1)** During the review of an application the Director may request oral information or additional written information from
- (a) an applicant or an agent of the applicant,
 - (b) a person who is directly affected by the application,
 - (c) a local authority, the Government, a Government agency or the Government of Canada or an agency or department of that Government, and
 - (d) any other source the Director considers appropriate.
- (2) Before making a decision in respect of an application, the Director may require the applicant to hold meetings in the area where the activity or the proposed activity is or will be carried on in order that the public may obtain information from the applicant respecting the application.

Purposes and scope of review

6(1) The review of an application shall be conducted to determine whether the impact on the environment of the activity, the change to the activity or the amendment, addition or deletion of a term or condition of an approval is in accordance with the Act and the regulations made under the Act.

(2) A review may address the following matters, without limitation:

- (a) proposed methods of minimizing the generation, use and release of substances and any available alternative technologies;
- (b) design plans and specifications for the activity, the change to the activity or the amendment, addition or deletion of a term or condition of an approval;
- (c) site suitability, including soils, air and water quality, groundwater conditions, site drainage, water supply quantity and wastewater disposal alternatives;
- (d) the proposed monitoring programs to determine emissions and their effect on the environment;
- (e) proposed methods of management of the storage, treatment and disposal of substances;
- (f) the adequacy of the quality and quantity of the potable water used in or produced by the activity to which the application relates;
- (g) proposed plans to complete the conservation and reclamation required in connection with the activity;
- (h) the past performance of the applicant in ensuring environmental protection in respect of the activity.

Referral committee

7(1) Where an application is referred to a referral committee for review, the committee shall make its recommendation to the Director within 90 days of receiving the complete application.

(2) A recommendation made by a referral committee must be

- (a) in writing, and
- (b) signed by the chair of the committee.

Circulation of proposed decision

8 Where the Director is considering a decision to

- (a) issue an approval,
- (b) make an amendment, addition or deletion pursuant to an application under section 70(1)(a) of the Act, or
- (c) make an amendment, addition or deletion pursuant to section 70(3)(a) of the Act,

the Director may before making a final decision, circulate the proposed decision or particulars of it for comment among the applicant or approval holder, the persons who have filed statements of concern in accordance with section 73 of the Act and any other persons the Director considers appropriate.

AR 113/93 s8;244/93;251/2001

Security

9 Where pursuant to a regulation under the Act, security or insurance is required in respect of an activity, the Director may not issue an approval or registration in respect of the activity until satisfied that the security or insurance has been provided.

AR 113/93 s9; 216/96

Notice of cancellation or suspension

10 Where the Director cancels or suspends an approval or registration, the Director shall publish notice of the cancellation or suspension in one or more issues of a newspaper that has daily or weekly circulation in the area in which the activity that is the subject of the decision has been carried on.

AR 113/93 s10;216/96

Transfer of approval

11(1) No transfer, sale, lease, assignment or other disposition of an approval or registration is valid without the prior written consent of the Director.

(2) Except where the Director prescribes otherwise under section 75(2) of the Act, the transferor must comply with the terms and conditions of the approval or registration until the approval or registration is transferred.

(3) Where, pursuant to a regulation under the Act, security or insurance is required in respect of an activity, the Director may not approve a transfer, sale, lease, assignment or other disposition of the approval or registration in respect of the activity until he is

satisfied that the security or insurance has been provided by the transferee.

AR 113/93 s11;216/96;251/2001

Coming into force

12 This Regulation comes into force on September 1, 1993.



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