

## ***Environmental Protection and Enhancement Act*** **Complete Industrial Approval Applications Policy**

### **Issue:**

Poor quality information in applications hinders the Alberta Energy Regulator's (AER's) ability to make informed decisions and places unnecessary burdens on the approval management system. Quality applications can also enhance *EPEA*'s public review process by providing credible information about the activity, its risks, proposed mitigation measures, and anticipated effects.

### **Background:**

Applicants are responsible for identifying, assessing and minimizing the impacts of their activities on the environment and other parties, in addition to meeting government accepted environmental outcomes.

The information submitted to the AER via the application process aids staff in:

- Ascertaining if relevant environmental outcomes will be met and adverse effects mitigated;
- Assuring relevant performance standards and outcomes will be met; and
- Developing appropriate conditions in approvals to hold the applicant accountable for meeting standards and outcomes.

Complete and understandable applications can substantially reduce public concerns regarding an activity's potential impacts and possibly increase confidence in the resulting approval decision.

In addition, processing complete applications improves fairness between applicants as it creates a consistent set of requirements for all.

### ***Intent of the Complete Application Policy***

In order to ensure effective decision making and to improve the speed of processing applications issued under *EPEA*, processing of incomplete applications is discouraged.

*EPEA* currently provides the Director with the ability to reject an incomplete application. This policy is to provide further guidance on both the procedure to reject an application and the considerations for evaluating an application's completeness.

### **Current Practice:**

At present, a significant number of incomplete initial applications are submitted resulting in excessive staff time processing approval applications and managing statements of concern stemming from a lack of information about the project or facility. This also puts applicants who invest in fulfilling the requirements of a complete application at a disadvantage.

Further, incomplete applications have the potential to reduce the quality of the resulting approval, increasing the resources needed to manage information submissions post approval issuance, or to manage overly prescriptive Approvals that may hinder innovation and continuous improvement.

Some applications are more complex and are recognized to take more time to process. Normally, a considerable amount of interaction between the applicant and the approval coordinator occurs during the review phase. However, in some cases, application processing stalls where the applicant appears no longer interested in moving their application forward. For example, if information requests are not receiving a response, the application is left in an uncertain state. This practice increases both the application processing time and staff time administering the stalled files.

The *Approvals and Registrations Procedure Regulation* outlines the information and data that ESRD requires as part of a complete application, while the **Guide to Content for Energy Project Applications** is a comprehensive guidance document that provides comparable, but more detailed, requirements. Historically, applications have been promoted to the status of administratively complete for the purposes of public review, but may have significant outstanding technical deficiencies. The guidance document outlines both administrative and technical completeness requirements that need to be met prior to public notice.

### **Sections of *pertinent legislation*:**

#### ***Environmental Protection and Enhancement Act***

##### *Application for approval or registration*

*66(1) An application for an approval or registration must be made in the manner provided for in the regulations and must contain and be accompanied with the information requested by the regulations.*

*(2) The Director may require an applicant for an approval or registration to submit any additional information that the Director considers necessary.*

### **Approvals and Registrations Procedure Regulation**

1 In this Regulation,

(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;

And

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 through s).

And

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.

### **Policy:**

**As per the pertinent legislation, the Director will reject applications that are determined incomplete.**

### **Procedures:**

The Director will notify the applicant if in the Director's opinion, the application is not complete (inclusive of both administrative and technical details). Deficiencies will be clearly identified in writing to the applicant, along with the expected timeframe, normally up to 90 days, to respond and address the deficiencies. Processing of the application will halt until information deficiencies are submitted.

As soon as deficiencies have been addressed, the Director can continue the application review process. The Director may make subsequent supplemental information requests (SIR's) of a more comprehensive technical nature, as part of the review.

If the applicant does not address identified deficiencies within the identified timeframe or does not request an extension to the deficiency deadline, the Director will reject an application as being incomplete, and written notice will be sent to the applicant of the rejection.

The applicant must then resubmit a complete application. Resubmissions are treated as a new application, with processing priority set from the date of receipt of a new application. New application fees will be required for the resubmission of rejected applications.

**Link to Additional Info:**

Guide to Content for Energy Project Applications

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If you require further information about this document, please contact:

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