

# Environmental Tools:

## Regulatory Approvals

### **What are regulatory approvals?**

In Alberta, the *Environmental Protection and Enhancement Act* (EPEA) and the accompanying regulations set out in detail what activities require approval and the process for obtaining these approvals. Approvals are required from Alberta Environment to ensure proposed projects that could cause an adverse impact on the environment are reviewed. The definition of approval includes renewals of approvals for existing projects. After a detailed review by the department, a decision is made as to whether an approval should be issued or renewed. EPEA supports a streamlined “single window” approach to approvals whereby one Director in each administrative region is responsible for coordinating and integrating the review of potential impacts of proposed projects on the environment, including air, land and water.

### **What are the stages of the approval process?**

The Approval Process consists of five stages:

1. Filing an application
2. Notice requirements for a complete application
3. Review of an application
4. Decision to issue or refuse to issue approval
5. Provisions for appeal

### **Where are they used in Alberta?**

EPEA sets out a broad schedule of activities that could adversely impact the environment. The Activities Designation Regulation lists those activities from the schedule that require an approval, a registration, or a notice.

The activities are grouped into five different categories:

- Division 1 —Waste Management
- Division 2 —Substance Release
- Division 3 —Conservation and Reclamation
- Division 4 —Miscellaneous (Pesticides, Designated Materials, Water Wells)
- Division 5 —Potable Water

Where there is a project that includes activities from different categories, one approval may be issued that covers all the activities in the project. The approval would be issued under the category which best describes the overall project.

## **Tool performance:**

### **Pros**

- Approval conditions detail specific operating requirements all projects must meet.
- The approval process acts as an early warning system by identifying and preventing potential problems before a project proceeds.
- EPEA directs the public be notified of all applications awaiting an approval and offers an opportunity to voice concerns to those persons directly affected.
- Approvals require renewal, as they are issued for specified time periods, allowing Alberta Environment to reassess the potential adverse impacts of an activity.
- Provisions have been made under EPEA that require, for certain activities, that financial security be provided to ensure compliance with the terms of an approval.
- Activities that are not in compliance with the requirement outlined in their approval can be subject to enforcement action, which can include penalties of up to \$1 million and two years in jail.

### **Cons**

- The approval process can be administratively demanding for both Alberta Environment and project proponents.
- With an increasing number of applications coming forth to Alberta Environment, there is a growing risk that project approvals will not be dealt within an appropriate time frame.
- May not provide the best means to entice project proponents to go above and beyond regulatory requirements to enhance environmental performance.
- The current approvals process may not provide the most efficient and effective means to minimize the cumulative impacts to land, air and water in the province.

## **Special considerations:**

Some activities such as pulp mills, oil refineries, large dams and other qualifying projects as defined by EPEA, require an environmental impact assessment to be undertaken in order to have a certificate of approval issued by Alberta Environment.