

**Approval and Notification Procedures Regulations**  
**made under Section 66 of the**  
***Environment Act***  
**S.N.S. 1994-95, c. 1**  
**O.I.C. 2013-18 (January 22, 2013), N.S. Reg. 17/2013**  
**as amended to O.I.C. 2017-11 (January 17, 2017), N.S. Reg. 8/2017**

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## **Citation**

- 1 These regulations may be cited as the *Approval and Notification Procedures Regulations*.

## **Definitions**

- 2 In these regulations,

“Act” means the *Environment Act*;

“activity” means an activity listed in the *Activities Designation Regulations*;

“*Activities Designation Regulations*” means the *Activities Designation Regulations* made under the Act;

“Administrator” means an administrator who has been designated by the Minister as the person responsible for the activity to which the application or notification relates;

“application” means an application

- (i) for a class of approval,
- (ii) to make a change to an activity that is the subject of an existing approval,
- (iii) to amend a term or condition of, add a term or condition to or delete a term or condition from an approval,
- (iv) to renew an approval,
- (v) to change the class of an approval,
- (vi) to transfer an approval,
- (vii) for an approval for an activity that is being carried on under a notification;

“class”, in relation to an approval, means a class of approval set out in Section 3 and as designated in the *Activities Designation Regulations* or another regulation;

“completed application” means an application, including additional information submitted under subsection 53(2) of the Act, that contains all the information necessary to enable the Minister to begin a detailed review of the application;

“compliance audit” means an audit under Section 26 conducted by an inspector for the purpose of determining if an activity being carried out under a notification is in compliance with the Act, a regulation or a standard;

“confidential business information” includes a trade secret and know-how, but does not include information about the environmental effects of or associated mitigation measures for a proposed activity;

“fee” means a fee established by the Minister in the *Fees Regulations* made under clause 8(2)(k) of the Act;

**[Note: Effective October 1, 2012, fees are established by the Minister under clause 8A(1)(a) of the *Environment Act* as a result of amendments to the Act made by S.N.S. 2011, c. 61.]**

“notification receipt” means a receipt issued by the Minister to a notifier under Section 25;

“notifier” means a person who submits a notification;

“regulation” means a regulation made under the Act, unless the context otherwise requires;

“security” means any financial or other security required by the *Activities Designation Regulations* or another regulation for an activity for which an approval is required, to be provided by the applicant as required by Section 65A of the Act and in the manner specified in these regulations;

“site” means the lands where an activity or proposed activity will take place, identified

(i) in relation to an approval, in the manner described in clause 6(1)(e) or subsection 16(2), or

(ii) in relation to a notification, in the manner described in clause 24(3)(b);

“trade secret” means a trade secret as defined in the *Freedom of Information and Protection of Privacy Act*.

## **Approvals**

### **Classes of approval**

**3 (1)** The classes of approval are as follows:

(a) Type A approval;

- (b) Type B approval.
- (2) A Type A approval is required for a designated activity unless the activity is designated in the *Activities Designation Regulations* for a Type B approval or for notification.
- (3) A person may apply for a Type A approval for an activity that has been designated for a Type B approval or for notification.

#### **Application form**

- 4 (1) An application must be made on the form approved by the Minister for the class of approval that is sought.
- (2) An application must be made and signed by
  - (a) a person who is an authorized signatory of the applicant, in the case of an application referred to in subclause 2(i) or (vii) [of the definition of “application”];
  - (b) the approval holder, in the case of an application referred to in subclause 2(ii), (iii), (iv), (v) or (vi) [of the definition of “application”]; or
  - (c) by an agent of a person identified in clause (a) or (b) who produces proof of authorization to make the application.

#### **Confidential business information**

- 5 (1) In this Section, “claim” means an applicant’s claim under subsection (4) that information provided by the applicant is to be protected under the *Freedom of Information and Protection of Privacy Act*.
- (2) This Section is subject to the *Freedom of Information and Protection of Privacy Act* and regulations made under that Act.
- (3) All information filed with the Department in support of an application, including information filed under Part V of the Act, is public information.
- (4) Information that an applicant claims to be protected under the *Freedom of Information and Protection of Privacy Act* as confidential business information, must be clearly identified to the Administrator.
- (5) If an applicant claims information to be confidential business information, the Administrator must review the claim and, until a decision is made under subsection (7), must take adequate precautions to prevent disclosure of the information.

- (6) When reviewing a claim, the Administrator may request additional information to support the claim, including what steps the applicant has taken to maintain the confidentiality of the information.
- (7) Within 14 days following the date of receipt of a claim or within any other time period agreed to by the applicant and the Administrator, the Administrator must advise the applicant in writing whether the claim is accepted or rejected in whole or in part.
- (8) An appeal from a decision under subsection (7) is to the Minister.
- (9) Information accepted to be confidential business information under subsection (7) must not be disclosed to the public and the Administrator must take adequate precautions to prevent the disclosure of the information.
- (10) If the Administrator rejects a claim, the applicant must notify the Administrator in writing that
  - (a) the claim is waived and the applicant wishes to continue to proceed with the application; or
  - (b) the application is to be withdrawn, in which case the Administrator must immediately return to the applicant all of the information submitted with the application.

#### **Approval application information**

- 6** (1) Unless specified otherwise on the application form for the class of approval sought or by the Minister under subsection (2), an application must be accompanied by all of the following information:
- (a) the name, address, e-mail address, telephone and fax number of the applicant and, if applicable, proof of current registration with the Registrar of Joint Stock Companies;
  - (b) the location of the site and the 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 of a term or condition, as the case may be;
  - (d) proof that the applicant
    - (i) owns the site,
    - (ii) has a lease or other written agreement or option with the landowner or occupier to enable the applicant to carry out the activity on the site, or

- (iii) has the legal right or ability to carry out the activity without the consent of the landowner or occupier;
- (e) a plan or sketch of the site or, if the Minister considers it necessary, a survey plan prepared by a registered Nova Scotia land surveyor;
- (f) if required by the Minister under subsection 53(4) of the Act, any municipal approval, permit or other authorization referred to in that subsection;
- (g) detailed plans and specifications that, if required by the Minister, are stamped by a professional engineer licensed to practise in Nova Scotia;
- (h) a detailed description of the activity to which the application relates;
- (i) details of site suitability and sensitivity, including proximity to watercourses, residences and institutions, geology and hydrogeology;
- (j) copies of existing approvals relating to the activity that have been issued to the applicant under the Act or a predecessor to the Act;
- (k) copies of any environmental assessment study reports that may pertain to the activity;
- (l) the proposed or actual dates of the commencement of construction, completion of construction, commencement of operation and completion of the project;
- (m) a description of any substance that will or might be released into the environment as a result of the activity, including all of the following:
  - (i) the source of the substance,
  - (ii) the amount of the substance,
  - (iii) the environmental impact of a release of the substance,
  - (iv) the method by which the substance will be released,
  - (v) the measures to be taken to reduce the amount of the substance released or to mitigate its impacts;
- (n) a summary of the required environmental monitoring information not already submitted to the Department that was gathered during any previous approval period or while the activity was regulated by a notification;
- (o) a summary of the performance of substance release control systems used for the activity and not already submitted to the Department, including

performance during any previous approval period or while the activity was regulated by a notification;

(p) an explanation for the release of substances into the environment as a result of the activity;

(q) security, if required;

**Clause 6(1)(q) replaced: O.I.C. 2017-11, N.S. Reg. 8/2017.**

(r) a description of any adverse effect, including surface disturbance, that may or will result from the activity and how it will be controlled;

(s) contingency plans to deal with any reasonably foreseeable sudden or gradual release of a substance that is likely to have an adverse effect;

(t) a preliminary abandonment or rehabilitation plan and, if required, a final abandonment or rehabilitation plan;

(u) a description of any public consultation undertaken or proposed by the applicant;

(v) information required to be submitted as part of or in support of the application under a regulation or standard;

(w) any additional information required by the Minister in a policy or guideline for the type of activity covered by the notification.

(2) The Minister may waive in writing any of the requirements of subsection (1) if the Minister is satisfied that a requirement is not relevant to a particular application or that the application is an application for a renewal.

### **Information to complete application**

7 (1) If an application is not complete, the Department must notify the applicant in writing and request the information necessary to make the application complete.

(2) An applicant who disputes a decision that their application is incomplete may appeal the decision to the Minister.

(3) If information is not supplied by an applicant within 3 months of a request under subsection (1), the Minister may reject the application and must immediately advise the applicant in writing that the application has been rejected.

(4) An applicant may request from the Minister an extension of the 3-month time limit prescribed in subsection (3).

### **Request for additional information during review**

- 8 (1) During the review of an application, the Minister may request oral information or additional written information from any of the following:
- (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 any agency or department of the Government of Canada;
  - (d) any other source that the Minister considers appropriate.
- (2) An applicant must be given an opportunity to respond to information received from a source referred to in clause (1)(b), (c) or (d).
- (3) Before approving an application, the Minister may require that the applicant provide a consultative process in the area where the activity or the proposed activity is or may be located.
- (4) Subsection (3) does not apply if an application has been processed under Part IV of the Act.

**Purpose and scope of review**

- 9 (1) In reviewing an application, the Minister must determine whether the impact of the activity on the environment conforms with the Act and applicable regulations and standards.
- (2) In reviewing an application, the Minister may also consider whether the activity is consistent with established Departmental policies, programs, guidelines, objectives or approval processes.
- (3) A review may include, but is not limited to, the following matters:
- (a) proposed methods of reducing the generation, use and release of substances;
  - (b) available alternative technologies;
  - (c) design plans and specifications for the activity;
  - (d) site suitability, including soils, air and water quality, groundwater conditions, site drainage, water supply quantity and wastewater disposal alternatives;
  - (e) the proposed monitoring programs to measure emissions and their effect on the environment;
  - (f) proposed methods of managing the storage, treatment and disposal of substances;

- (g) proposed plans to complete the rehabilitation required in connection with the activity and available information about the success or failure of similar plans elsewhere;
- (h) the past performance of the applicant in providing for environmental protection with respect to the activity.

### **Issuance of approval**

- 10 (1)** The Minister may issue an approval on payment of the administrative fee and user fee for the class of approval issued.
- (2) If the Minister refuses to issue an approval or the class of approval sought, the Minister must advise the applicant in writing of the decision and inform the applicant about what appeal processes are available.
- (3) If there is a change in the name of an approval holder, the approval holder must advise the Department in writing within 30 days of the change.

### **Duration and renewal of approval**

- 11 (1)** Unless provided otherwise under subsection 58(3) of the Act or a regulation, on issuing or renewing an approval, the Minister must not permit the duration of the approval to exceed 10 years.
- (2) An applicant may request an approval with a shorter duration than the 10-year maximum period permitted by subsection (1).
- (3) The Minister may renew an approval, with or without changes, on application and payment of the administrative fee and the user fee for the class of approval being renewed.

### **Approval transfers**

- 12 (1)** A sale of a controlling interest in a business or a transfer of an approval from a parent company to a subsidiary or an affiliate is deemed to be a transfer requiring consent under subsection 59(1) of the Act.
- (2) If security is required for an activity, the Minister must not approve a transfer, sale, lease, assignment or other disposition of an approval for the activity until the Minister is satisfied that good and valuable security has been provided by the new owner or operator.

### **Providing and maintaining security**

- 13 (1)** If security is required for an activity, the Minister must not issue an approval for the activity until the Minister is satisfied that good and valuable security has been provided.

- (2) An approval holder must ensure that any security provided is kept in effect
  - (a) for the term of the approval and the time period provided in subsection 20(4) if the site is abandoned; or
  - (b) for any other term as required in the *Activity Designation Regulations* or another regulation that establishes the requirement for the security.
- (3) An approval holder who is required to provide security must provide evidence to the Minister at least 60 days before the expiry date of the security that the security has been renewed.

#### **Amount of security**

- 14 (1) Security provided for an activity must be in an amount determined by the Minister to be sufficient to ensure completion of rehabilitation of the site based on all of the following:
  - (a) the estimated costs of rehabilitation submitted by the approval holder;
  - (b) the nature, complexity and extent of the activity;
  - (c) the probable difficulty of rehabilitation, considering factors such as topography, soils, geology, hydrology and re-vegetation;
  - (d) any additional factors that the Minister considers to be relevant.
- (2) An approval holder must provide detailed information in support of their estimate of the costs of rehabilitation.

#### **Apportioning security**

- 15 The Minister may designate portions of a site on which an activity is or will be taking place and determine the amount of security to be provided by the approval holder for each portion so designated.

#### **Adjusting amount of security**

- 16 (1) The Minister may periodically review the amount of security required from an approval holder, and in any of the following circumstances may either increase or decrease the amount of security required:
  - (a) the estimated cost of future rehabilitation changes;
  - (b) the work on the site within the scope of the approval is increased or reduced;
  - (c) the site or any portion of it is rehabilitated;

- (d) a rehabilitation plan in an approval is changed;
  - (e) the approval holder is conducting more than 1 activity for which security is required on the site;
  - (f) any other circumstance that may increase or decrease the estimated cost of rehabilitation.
- (2) To complete a review under subsection (1), the Minister may require the approval holder to supply updated engineering drawings that show such matters as the extent of progressive rehabilitation and the areas of disturbance.
  - (3) The Minister may specify times or establish a schedule for re-evaluating and adjusting security provided by an approval holder.
  - (4) No later than 7 days after deciding to increase or decrease the amount of security required from an approval holder, the Minister must notify the approval holder in writing of the proposed adjustment and, if the amount of security required is increased, the approval holder must immediately post the required additional security with the Department.

#### **Form of security**

**17 (1)** Security must be in 1 or more of the following forms:

- (a) cash;
- (b) cheques or other similar negotiable instruments made payable to the Nova Scotia Department of Finance;

**[Note: Effective October 22, 2013, the reference to the Department of Finance should be read as a reference to the Department of Finance and Treasury Board in accordance with Order in Council 2013-348 under the *Public Service Act*, R.S.N.S. 1989, c. 376.]**

- (c) Government-guaranteed bonds, debentures, term deposits, certificates of deposit, trust certificates or investment certificates assigned to the Nova Scotia Department of Finance;

**[Note: Effective October 22, 2013, the reference to the Department of Finance should be read as a reference to the Department of Finance and Treasury Board in accordance with Order in Council 2013-348 under the *Public Service Act*, R.S.N.S. 1989, c. 376.]**

- (d) irrevocable letters of credit, irrevocable letters of guarantee, performance bonds or surety bonds in a form acceptable to the Minister;
  - (e) any other form of security that provides good and valuable consideration and that is approved in writing by the Minister.
- (2) Any interest that accrues on any security deposited with the Department by an approval holder must be paid to the approval holder.

**Returning security**

- 18 (1)** If the Minister is satisfied that rehabilitation has been performed satisfactorily on all or part of a site, the Minister may return or direct the return of all or part of the security provided by the approval holder.
- (2)** If rehabilitation of a site has been partially completed, the Minister may, on application by the approval holder, return or direct the return of a portion of the security in an amount determined by the Minister.
- (3)** No later than 7 days after deciding under Section 16 to decrease the amount of security required from an approval holder, the Minister must return or direct the return of a portion of the security provided by the approval holder together with any interest that has accrued on the security.
- (4)** No later than 7 days after refusing an application for an approval, the Minister must return or direct the return of any security that the applicant deposited with the Department.
- (5)** On the sale, transfer or other disposition of a site covered by security and on consent being granted under Section 59 of the Act, the Minister must, on application by the approval holder, return the security to the approval holder if an approval is granted to the new owner or operator and security approved by the Minister is provided by the new owner or operator.

**Forfeiting security**

- 19 (1)** The Minister may order that all or part of the security provided by an approval holder be forfeited if any of the following occur[s]:
- (a)** a person fails to comply with an approved abandonment plan, a rehabilitation plan or an order from the Minister regarding rehabilitation of the site and the failure to comply may, in the opinion of the Minister, prevent or otherwise interfere with rehabilitation of the site;
- (b)** a person fails to provide evidence that the security has been renewed in accordance with subsection 13(3) and rehabilitation is not complete.
- (2)** If the Minister orders security to be forfeited, the Minister must give written notice of the decision to the approval holder by fax or mail sent to the most recent known address of the approval holder.
- (3)** The Minister may spend as much of the forfeited security as is reasonably necessary to carry out the rehabilitation of the site and other lands on which the activity has an impact and must keep records of any money spent.
- (4)** If the amount of the forfeited security exceeds the amount required for rehabilitation, the Minister must pay the excess amount to the approval holder.

- (5) If the amount of the forfeited security is insufficient to pay for the cost of rehabilitation, the approval holder remains liable for the balance of the cost.

### **Abandoning site**

- 20** (1) An approval holder may abandon all or part of a site covered by an approval by providing written notice to the Minister at least 60 days before the date of the proposed abandonment.
- (2) Unless the Minister approves otherwise in writing, an abandonment does not relieve the approval holder or other person responsible of any obligation to comply with a requirement
- (a) contained in the Act or a regulation, standard or order made under the Act;
  - (b) contained in an approval; or
  - (c) otherwise directed by the Minister to be met by the approval holder or other person.
- (3) Unless exempted in writing by the Minister, an approval holder must comply with an obligation identified in subsection (2) for a period of 2 years from the date of abandonment or for any longer or shorter time period specified in writing by the Minister.
- (4) Unless exempted in writing by the Minister, the approval holder must ensure that any security provided for an activity on a site that is subsequently abandoned is kept in effect for the time period referred to in subsection (3).

### **Rehabilitating site**

- 21** (1) An approval holder must rehabilitate the site to the satisfaction of the Minister and in accordance with all of the following:
- (a) the approval;
  - (b) the Act;
  - (c) an applicable rehabilitation method, if established by a regulation, or an approved rehabilitation plan.
- (2) An approval holder must submit a rehabilitation plan to the Minister for approval at least 60 days before abandoning the site, unless an applicable rehabilitation method has already been established by a regulation.
- (3) At the Minister's request, an approval holder must submit a final rehabilitation plan to the Minister to replace any initial or conceptual rehabilitation plan that the approval holder previously submitted.

- (4) No later than 14 days after the date a rehabilitation plan is submitted to the Minister, the Minister must notify the approval holder of whether the plan is approved or not.
- (5) The Minister may issue a rehabilitation certificate to an approval holder if the Minister is of the opinion that rehabilitation of the site has been satisfactorily completed.

## **Notifications**

### **Limits on use of notification**

- 22
- (1) A person must not provide a notification for an activity other than an activity designated as requiring a notification.
  - (2) A person must not commence an activity that is designated as requiring a notification before obtaining a notification receipt.
  - (3) A person who is carrying out an activity that is designated as requiring a notification must have a copy of a notification receipt for the activity on the site at all times when the activity is being carried out and must produce the notification receipt on demand by an inspector.
  - (4) An activity carried on under a notification may be commenced or continued only during the time period indicated on the notification receipt for that activity.
  - (5) The time period indicated on the notification receipt for carrying out the activity must not exceed 10 years in duration.
  - (6) A notifier who intends to continue an activity beyond the time period indicated on the notification receipt for the activity must renew the notification by submitting a notification form and paying the applicable fee in accordance with Section 24, and must obtain a new notification receipt.
  - (7) If an activity is to be changed substantially from way it is described in the information that was submitted with the notification for the activity, the notifier must, before making the change, provide a new notification to the Department and obtain a new notification receipt.
  - (8) If the requirements of a regulation, including a standard, for carrying on an activity under a notification cannot be met or are not being met, a person who intends to carry out or has been carrying out the activity must obtain a Type A approval before commencing or continuing the activity.
  - (9) If a person carrying out an activity under a notification does not have the notification receipt for the activity on-site or produce it at the request of an inspector as required by subsection (2), the notification is deemed to be cancelled.

**(10)** A person must not carry on an activity covered by a notification

- (a) once the Minister has given written notice of the cancellation of the notification under subsection 27(2); or
- (b) once the notification is deemed to be cancelled under subsection (8).

**Who may be notifier**

**23** Subject to any further limitation set out in the *Activities Designation Regulations* on who may provide a notification for a designated activity, a notification must be made by 1 of the following:

- (a) the person with primary responsibility for the designated activity to be carried out;
- (b) the owner of the property where the designated activity is to be carried out;
- (c) an agent of a person identified in clause (a) or (b) who produces proof of their authorization to make the notification;
- (d) a person who is a member of a class of persons established by a regulation, including a standard, as able to provide a notification for the designated activity to be carried out.

**Submitting notification**

**24 (1)** A notification must be submitted to the Department, together with the applicable fee, so that it is received by the Department before the occurrence of any of the following:

- (a) the date on which the notifier wishes to commence the activity under the notification;
- (b) if renewing a notification, the expiry of the time period specified in the existing notification receipt;
- (c) the date on which the notifier wishes to implement a change to an activity that is being carried out under a notification and is to be changed substantially.

**Subsection 24(1) amended: O.I.C. 2017-11, N.S. Reg. 8/2017.**

**(2)** A notification must be made on the notification form approved by the Minister.

**(3)** Unless specified otherwise on the notification form or by the Minister under subsection (4), a notification must include all of the following information:

- (a) the name, address, e-mail address, telephone and fax number of the notifier and, if applicable, proof of current registration with the Registrar of Joint Stock Companies;

- (b) the location of the site and the capacity and size of the activity to be carried out under the notification;
  - (c) the nature of the activity, or the substantive change to the activity, as the case may be;
  - (d) proof that the notifier
    - (i) owns the site,
    - (ii) has a lease or other written agreement or option with the landowner or occupier to enable the notifier to carry out the activity on the site, or
    - (iii) has the legal right or ability to carry out the activity without the consent of the landowner or occupier;
  - (e) the proposed or actual dates of the commencement of construction, completion of construction, commencement of operation and completion of the project, or the new dates in the case of a notification under subsection 22(6);
  - (f) confirmation that the activity is an activity designated as requiring a notification;
  - (g) a sworn statement of intent signed by the notifier that the notifier knows and understands the regulations, including standards, that apply to the activity to which the notification relates and that the notifier will carry out the activity in compliance with the Act and the applicable regulations, including standards;
  - (h) any additional information required by the Minister in a standard, policy or guideline.
- (4) The Minister may waive in writing any of the requirements of subsection (3)
- (a) if the Minister is satisfied that the requirement is not relevant to a particular notification or type of activity; or
  - (b) for a notification that is submitted under subsection 22(6) to continue an activity.
- (5) For a notification that is submitted under subsection 22(6), the notifier must document any changes that have happened since the initial notification was submitted.

### **Issuing notification receipt**

- 25 Unless the notification is cancelled under Section 27, the Department must provide a notification receipt to a notifier who submits a notification in accordance with Section 24.

### **Compliance audits**

- 26 (1) Before, while or after carrying out an activity under a notification, the notifier must furnish all information about the activity that is requested by an inspector under Section 118 of the Act to the inspector for a compliance audit, which may include any of the following:
- (a) a plan or sketch of the site or, if the inspector considers it necessary, a survey plan prepared by a registered Nova Scotia land surveyor;
  - (b) any municipal approval, permit or other authorization required for the activity;
  - (c) detailed plans and specifications for the activity that, if required by the inspector, are stamped by a professional engineer licensed to practise in Nova Scotia;
  - (d) a detailed description of the activity to which the notification relates;
  - (e) details of site suitability and sensitivity, including proximity to watercourses, residences and institutions, geology, hydrogeology and water source;
  - (f) a description of any substance that will or might be released into the environment as a result of the activity, including all of the following:
    - (i) the source of the substance,
    - (ii) the amount of the substance,
    - (iii) the environmental impact of a release of the substance,
    - (iv) the method by which the substance will be released,
    - (v) the measures to be taken to reduce the amount of the substance released or to mitigate its impacts;
  - (g) mitigation measures in place for a chemical or bacteria concentration in excess of the permitted level;
  - (h) information about the activity that is required to be submitted under any other regulation;

- (i) if the *Activity Designation Regulations* or another regulation requires that notification for the activity be provided by a member of a prescribed class of persons, proof of membership in that class of persons;
  - (j) any information that the notifier is required to keep under a standard, policy or guideline of the Minister for the type of activity covered by the notification.
- (2) If required to do so by an inspector, a notifier must provide the Department with notice as soon as an activity under a notification is completed.
- (3) If an inspector makes an oral request under this Section, a written request must also be provided as soon as practical.

### **Cancelled notification**

**27 (1)** A notification is cancelled in any of the following circumstances:

- (a) the notifier fails to comply with a request for information by an inspector who is carrying out a compliance audit under Section 26;
  - (b) the notifier fails to comply with the Act, a regulation or a standard;
  - (c) the Minister is satisfied that an adverse effect may occur as a result of the continuation of the activity covered by the notification;
  - (d) the Minister is satisfied that the activity covered by the notification requires an approval rather than a notification.
- (2) The Minister must give written notice to a notifier whose notification is cancelled under subsection (1), stating
  - (a) if a notification receipt has not been issued, that the notification is cancelled and no notification receipt will be issued; or
  - (b) if a notification receipt has been issued, that the notification and the notification receipt are cancelled and permission to carry out the activity covered by the notification is withdrawn.

## **Compliance Monitoring and Service Costs**

### **Compliance monitoring**

**28 (1)** Unless the Minister provides a waiver in writing, an approval holder, notifier or other person responsible for the activity must undertake compliance monitoring as required in the approval or by the Act or a regulation or standard, as applicable.

- (2) An approval holder, notifier or other person responsible for compliance monitoring must submit the results of the compliance monitoring to the Department at the times specified by the Minister or as required by a regulation or standard.
- (3) A person responsible for compliance monitoring must report a release of a substance into the environment that exceeds what is authorized by the approval or permitted under the notification, as applicable, in the manner required by the Act or a regulation or standard.
- (4) An approval holder or notifier is responsible for paying the costs of any required compliance monitoring.

**Costs for sampling and other services**

- 29** The cost of any sampling, analysis or other service required in an approval or for an activity being carried on under a notification must be paid by the approval holder or notifier, as applicable.
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