



Province of Alberta

AGRICULTURAL OPERATION PRACTICES ACT

AGRICULTURAL OPERATION PRACTICES ACT ADMINISTRATIVE PROCEDURES REGULATION

Alberta Regulation 106/2017

Extract

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Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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ALBERTA REGULATION 106/2017

Agricultural Operation Practices Act

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ADMINISTRATIVE PROCEDURES REGULATION**

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Agricultural Operation Practices Act*;
- (b) “Board” means the chair of the Board and members appointed under the *Natural Resources Conservation Board Act*, or a panel of members designated by the chair;
- (c) “Crown” means Her Majesty the Queen in right of Alberta;
- (d) “document” includes films, photographs, charts, maps, graphs, plans, surveys, books of account, transcripts and video and audio recordings;
- (e) “electronic hearing” means a hearing conducted by conference telephone call or other electronic means where each participant is able to hear and respond to the comments of the other participants at the time the comments are made;

- (f) “hearing” means a process conducted by the Board to decide any matter relating to a review, other than whether to grant a request or application for review;
- (g) “land surveyor” means an Alberta land surveyor as defined in the *Land Surveyors Act*;
- (h) “NRCB” means either the Board, or an approval officer or inspector, as appropriate;
- (i) “oral hearing” means a hearing at which the participants attend in person before the Board;
- (j) “permit” means either an approval, registration or authorization or an amendment to an approval, registration or authorization under the Act;
- (k) “professional engineer” means a professional engineer under the *Engineering and Geoscience Professions Act*;
- (l) “representative” means the agent or solicitor of a person;
- (m) “written hearing” means a hearing held by means of an exchange of documents whether in physical or electronic form.

(2) In this Regulation a reference to an application for an approval, registration or authorization includes an application for an amendment of an approval, registration or authorization.

Part 1

Permit Applications

Approval, registration application

2(1) An application for an approval or for a registration must be made in 2 parts and filed with and in a form satisfactory to an approval officer.

(2) Unless otherwise authorized by an approval officer, Part 1 of an application for an approval or registration must contain the following:

- (a) the name, address and telephone number and the fax number and e-mail address, if any, of the applicant;
- (b) the numbers, category and type of livestock that will be at the confined feeding operation;
- (c) the legal description of the land on which the confined feeding operation is located;

- (d) any other information required by an approval officer.

(3) Part 2 of an application for an approval or registration must be filed within 6 months of the filing of Part 1 of the application and unless otherwise authorized by an approval officer, must contain the following:

- (a) construction plans for one or more of the following:
 - (i) manure storage facilities;
 - (ii) manure collection areas;
 - (iii) surface water control systems;
- (b) hydrogeological assessments as required by an approval officer;
- (c) a soils investigation as required by an approval officer;
- (d) a site plan showing the location of all
 - (i) water bodies,
 - (ii) water wells,
 - (iii) property lines,
 - (iv) barns, corrals and pens,
 - (v) manure storage facilities and manure collection areas, and
 - (vi) surface water control systems, if required by an approval officer;
- (e) an area plan to scale showing
 - (i) legal land locations of the proposed development and immediately surrounding properties,
 - (ii) roadways,
 - (iii) property lines,
 - (iv) distances between the confined feeding operation and neighbouring residences,
 - (v) water courses and common bodies of water,
 - (vi) springs, and

- (vii) runoff patterns;
 - (f) the legal description of the land where manure, composting materials and compost are to be applied during the first year of operation after the granting of the permit;
 - (g) a timeline for the commencement and completion of construction for all facilities included in the application.
- (4) An approval officer may require that documents filed under subsection (3) be prepared by a professional engineer, a land surveyor or a member of another appropriate profession and may, if applicable, require that the documents be stamped.
- (5) An approval officer may extend the time for filing Part 2 of an application on the written request of an applicant, but in no event may the time be extended beyond one year from the filing of Part 1 of the application.

Authorization application

- 3(1)** An application for an authorization must be filed with and in a form satisfactory to an approval officer.
- (2) An approval officer may require an application referred to in subsection (1) to contain any or all of the information and documents referred to in section 2(2) and (3).
- (3) An approval officer may require that documents filed under section 2(3) be prepared by a professional engineer, a land surveyor or a member of another appropriate profession and may, if applicable, require that the documents be stamped.
- (4) For the purposes of this section, the reference in section 2(2)(b) and (c) to a confined feeding operation is to be read as a reference to a manure storage facility or manure collection area.

Additional information

- 4(1)** An approval officer may require a permit applicant to provide any additional information that the approval officer considers necessary to assess whether the applicable requirements under the Act will be met.
- (2) If, in the opinion of an approval officer, a permit applicant fails to provide additional information under this section, the approval officer must give notice to the applicant stating the information that is required.

(3) If the permit applicant fails to provide the required information within 6 months of the approval officer's notice, the approval officer may deny the application in accordance with section 18(3) of the Act.

Notice of application

5 A notice of a permit application if required under Part 2 of the Act must

- (a) describe the subject-matter of the application and state the name of the applicant,
- (b) state the time and place at which
 - (i) affected persons may file submissions concerning the application,
 - (ii) in the case of an application for an approval, persons may file applications for directly affected party status, and
 - (iii) in the case of an application for a registration, affected persons may file applications for directly affected party status,
- (c) state where and when the copies of the application and the information filed in support of the application will be available at a location open to the public, and
- (d) state any other particulars an approval officer requests.

Withdrawal of application

6(1) If a permit applicant wishes to withdraw an application before the approval officer decides whether to issue the requested permit, the applicant must file a written notice of withdrawal of application with an approval officer.

(2) Upon receipt of the notice under subsection (1), the approval officer must give notice of the withdrawal to the directly affected parties and to any other parties who submitted a response to the notice of application.

Copy of permit application

7 Until the latest date for making an application under section 19(4) of the Act in the case of an approval or under section 21(3) of the Act in the case of a registration, an approval officer must supply a copy of the application, including materials filed in support of the application, to any affected person requesting them.

Application for directly affected party status and submission by directly affected party

8(1) An application for directly affected party status under section 19(4) or 21(3)(a) of the Act must

- (a) be filed in writing with an approval officer, and
- (b) contain an explanation of how the party may be directly affected by a decision of an approval officer.

(2) Submissions under sections 20(1)(b)(iii) and 21(3)(b) of the Act must

- (a) be filed in writing with an approval officer, and
- (b) contain a statement indicating
 - (i) whether the party supports or opposes the permit application, and
 - (ii) the reasons for the party's position in subclause (i), including any relevant facts and scientific judgments and any supporting evidence including scientific publications or raw data.

(3) Applications and submissions under subsections (1) and (2) must also include the name, address in Alberta and telephone number and the fax number and e-mail address, if any, of the person making the application or submission or of the person's representative.

(4) An approval officer may allow a person to amend or add to a statement filed by the person under this section.

Approval officer amendment

9 Before amending a permit under section 23 of the Act, an approval officer must provide the holder of the permit with

- (a) a clear and concise statement of reasons for the amendment being considered,
- (b) a copy of any evidence or information that the approval officer has considered, and
- (c) a description of the amendment being considered.

Change of ownership

10(1) When a person buys, receives assignment of or otherwise acquires a permit, the person must provide the NRCB with the following:

- (a) the legal description of the land that is the subject of the permit;
- (b) the permit number, if any;
- (c) the person's address and telephone number;
- (d) if more than one person buys, receives assignment of or otherwise acquires the permit, details of the ownership relationship respecting the permit;
- (e) the type of confined feeding operation, the capacity of the operation claimed by the person, and the type and category of livestock kept at the confined feeding operation or the type of manure storage facility.

(2) A notification filed under subsection (1) does not confirm or require that the NRCB confirm the existence, nature or capacity of the agricultural operation identified, nor does it establish any new permit rights to operate a confined feeding operation or manure storage facility, if those rights did not exist prior to the notification.

Deemed permit

11(1) At the request of an owner or operator for a determination related to a deemed permit under section 18.1 of the Act, or in response to a complaint where a determination of the terms or conditions or existence of a deemed permit is required, an inspector shall conduct an investigation to determine the capacity of a confined feeding operation or manure storage facility

- (a) that was in place on January 1, 2002, or
- (b) that was constructed pursuant to a development permit issued before January 1, 2002.

(2) Prior to making a deemed permit determination under subsection (1)(a), the inspector shall provide notice to those parties who would be entitled to notice under section 19(1) or 21(1) of the Act for a new manure storage facility or confined feeding operation with the same capacity.

(3) An approval officer may waive the notice for indoor confined feeding operations if the inspector finds that the livestock type and the capacity of the structures can be reliably determined by viewing historical aerial photographs and owner or operator records.

- (4)** A notice of a deemed permit determination must
- (a) describe the subject-matter of the inspector's investigation and the name and location of the manure storage facility or confined feeding operation,
 - (b) state the time and place at which
 - (i) affected persons may file submissions concerning the investigation, and
 - (ii) persons may file applications for directly affected party status,
 - (c) state where and when the copies of the information filed in support of the deemed permit will be available at a location open to the public, and
 - (d) state any other particulars an inspector determines appropriate.
- (5)** After considering any submissions and completing the investigation, the inspector shall issue a decision report including reasons for the decision on
- (a) whether affected parties that made a submission under subsection (4) are directly affected parties,
 - (b) whether a deemed permit exists, and
 - (c) any other terms or conditions included in the deemed permit.
- (6)** A decision under subsection (5) will be provided to the permit holder and any other parties who filed a submission under subsection (4).
- (7)** A directly affected party may, within 10 working days of receipt of the decision under subsection (6), request a Board review in accordance with section 13.
- (8)** A party who made a submission under subsection (4) and who was determined by the inspector not to be directly affected may, within 10 working days of receipt of the decision under subsection (6), request a Board review of the directly affected party determination in accordance with section 14 and of the inspector's permit decision in accordance with section 13.

Cancellation of permit

12(1) An approval officer who has been delegated under section 12 of the Act with the power to cancel a permit may cancel a permit

- (a) pursuant to section 29(1)(a) or (a.1) of the Act, without notice to any party, or
- (b) pursuant to section 29(1)(b) of the Act, following notice to the permit holder.

(2) A notice under subsection (1)(b) must state

- (a) why, in the approval officer's opinion, the confined feeding operation, manure storage facility or manure collection area is considered abandoned and of any terms or conditions included in the cancellation,
- (b) that the permit holder may file a statement of intent to object to the cancellation or to any terms or conditions included in the cancellation within 30 days of the date of the notice, and
- (c) that, if the permit holder files a statement under clause (b), the permit holder shall have a further 30 days to file a submission setting out the reasons why the permit should not be cancelled or with respect to the terms and conditions imposed.

(3) If the permit holder files a submission under subsection (2)(c), the approval officer shall provide affected parties with a copy of the submission and the notice issued under subsection (1)(b) and advise them that they have 20 days to make submissions on how they may be directly affected should the permit continue in effect and the reasons why they support the cancellation.

(4) An affected party under subsection (3) is a party who would be entitled to notice under section 19(1) or 21(1) of the Act respecting an application for a new manure storage facility or confined feeding operation with the same capacity as the abandoned facility.

(5) After considering any submissions provided under subsections (2) and (3), the approval officer shall issue a decision, including reasons for the decision,

- (a) on whether affected parties that made a submission under subsection (3) are directly affected parties,
- (b) on whether to cancel the permit, and
- (c) as to any included terms or conditions.

(6) The approval officer shall provide a decision under subsection (5) to the permit holder and any other parties who filed a submission under subsection (3).

(7) A directly affected party may, within 10 working days of receipt of the decision under subsection (6), request a Board review in accordance with section 13.

(8) A party who made a submission under subsection (3) and that was determined not to be directly affected by the approval officer may, within 10 working days of receipt of the decision under subsection (6), request a board review of the directly affected determination and of the permit cancellation decision.

Part 2

Board Reviews

Application or request for Board review

13(1) An application or a request for a Board review under section 20(5), 22(4), 23(3), 41(1) or 42.2(3) of the Act or arising under section 11 or 12 must be filed with the Board in writing and contain the following:

- (a) a clear and concise statement of the facts relevant to the application or request;
- (b) the grounds on which the application or request is made;
- (c) in the case of a review of a permit decision or of an enforcement order, a brief explanation of the harm that has resulted or will result from the decision or order addressed in the application or request;
- (d) in the case of a review of the amount of recoverable costs associated with an emergency order, a brief explanation of the issues that the owner or operator wants the Board to consider in its review;
- (e) a brief description of the remedy sought;
- (f) the name, address in Alberta and telephone number and the fax number and e-mail address, if any, of the applicant for review or the applicant's representative.

(2) On receipt of an application or a request for review of a permit decision, the Board must give notice of the application or request to the directly affected parties.

(3) On receipt of an application or a request for review of an enforcement order under section 41(1) of the Act or of a review of

costs related to an emergency order under section 42.2(3) of the Act, the Board must give notice of the request or application to all persons to whom the order is directed other than the person who has requested or applied for the review.

(4) A directly affected party who receives a notice of an application or a request for review under subsection (3), and who has an adverse interest with respect to the application or request for review, may file a response with the Board with respect to the matters raised in the application or request for review in accordance with any directions provided by the Board.

(5) On considering an application or a request for review, the Board may have regard for publicly available information collected by the approval officer or inspector whose decision is the subject of the application or request.

Application or request for review of directly affected party determination

14(1) An application or a request under section 20(6) or 22(5) of the Act for the Board's review of an approval officer's decision under section 19(7) or 21(5) of the Act as to whether a person is a directly affected party must be filed with the Board within 10 working days of the date the person received the approval officer's written decision on the permit application.

(2) An application or a request under subsection (1) must be in writing and include a statement indicating how the applicant may be directly affected by the decision of the approval officer.

(3) All applications or requests for a review of directly affected status determination should be filed concurrently with the application or request for Board review under section 13.

Deadline for filing an application or a request for Board review

15(1) An application under section 20(5), 22(4) or 23(3) of the Act for review of an approval officer's permit decision must be filed with the Board within 10 working days of the date the person received the approval officer's written decision.

(2) A request under section 41(1) of the Act for review of an enforcement order must be filed with the Board within 10 working days of the date the person received the enforcement order or such longer period specified by the inspector in the enforcement order.

(3) An application under section 42.2(3) of the Act to review costs recoverable by the Board under section 42.2(2) of the Act must be filed with the Board within 30 calendar days of the date the person received notice of the Board costs.

Notice of Board hearing

16(1) If the Board decides to conduct a hearing, the Board must provide notice of its decision to conduct the hearing to the directly affected parties.

(2) A notice under subsection (1) must

- (a) briefly describe the subject-matter of the hearing,
- (b) state the process by which the Board will conduct the hearing,
- (c) if the hearing relates to an approval, state the location where the information filed with respect to the hearing may be viewed by the public,
- (d) state the name and location of the agricultural operation being reviewed,
- (e) if considered appropriate by the Board, state the time and place for the filing of written submissions related to the hearing,
- (f) state the date, commencement time and location for the hearing, and
- (g) state any other particulars that the Board sees fit.

Notice to attend hearing

17(1) The Board may, on its own initiative or at the request of a party, issue a notice requiring a person to attend an oral hearing or an electronic hearing as a witness and to produce the documents and material set out in the notice.

(2) The provisions of the *Alberta Rules of Court* (AR 124/2010) relating to the payment of allowances to witnesses apply to oral hearings and electronic hearings.

(3) Despite subsection (2), the Board may increase the amount payable to an expert witness or in special circumstances where a witness attends an oral hearing or an electronic hearing as a result of a notice to attend.

Evidence

18(1) A written submission for a hearing must be filed with the Board by the date set out in the hearing notice and must include the following:

- (a) the name, mailing address in Alberta, telephone number and e-mail address of the party filing the submission or of that party's representative;
 - (b) all of the documentary evidence that the party wants the Board to consider in the hearing;
 - (c) the reasons why the party believes the Board should decide in the manner advocated by the party;
 - (d) any other information required by the Board.
- (2)** If the Board has scheduled an oral hearing, a party's written submission provided under subsection (1) above must also include
- (a) an identification of all witnesses the party intends to present at the oral hearing,
 - (b) in the case of non-technical testimony, a written summary of each witness's oral hearing testimony, and
 - (c) all technical or expert evidence, including a written summary of each witness's testimony.
- (3)** A written submission must be signed by the party presenting it or by the party's authorized representative.
- (4)** A written or oral submission that includes technical evidence must state the qualifications of the person taking responsibility for the evidence or under whose direction or control the evidence was prepared.
- (5)** For purposes of this section, a requirement to file a document includes providing a copy to all other parties by the filing deadline.
- (6)** If a party is not able to file all of its documentary evidence by the filing deadline stated in the hearing notice, the party must
- (a) by the filing deadline set out in the hearing notice, file all the documentary evidence that is available on that date, and
 - (b) seek leave from the Board to file documentary evidence after the filing deadline set out in the hearing notice by filing a statement
 - (i) identifying the balance of the documentary evidence to be filed,
 - (ii) stating the party's reasons why it could not file all of its documentary evidence by the filing deadline, and

- (iii) stating when the balance of the documentary evidence will be filed.

(7) At an oral hearing

- (a) each party who filed a written submission prior to the oral hearing must make available a witness or witnesses who prepared, supervised or participated substantially in the preparation of the factual or technical elements of the party's written submission, in order to respond to questions from other parties and the Board,
- (b) unless the Board otherwise directs, direct testimony shall be confined to matters adequately set out in the written submission and must be presented by a witness identified in subsection (2)(a), and
- (c) a party entering a document as an exhibit must provide copies of the document to the Board, the staff assisting the Board, the approval officer or inspector attending the oral hearing and each of the directly affected parties participating in the oral hearing.

Direct evidence

19(1) In a hearing, the Board shall not receive evidence unless

- (a) it relates to the issues that the Board has decided to consider in the hearing, or
- (b) it arises from evidence presented in cross-examination.

(2) The Board may hear argument based on evidence before the Board or facts of which the Board can reasonably take judicial notice.

(3) During a recess of an oral hearing or electronic hearing, a witness who is under cross-examination may consult with the witness's counsel only as necessary to respond to the undertakings made before the Board.

Public access to hearings

20(1) Subject to subsections (2) and (3), all oral hearings and electronic hearings are open to the public and all submissions in written hearings are accessible by the public.

(2) If, in the Board's opinion, the need to protect the confidentiality of intimate personal, financial, commercial or other matters outweighs the desirability of an open hearing, the Board may conduct all or part of the hearing in private.

(3) If all or any part of an oral hearing or an electronic hearing is to be held in private, no party may attend the hearing unless the party files an undertaking stating that the party will hold in confidence any evidence heard in private.

Experts assisting the Board

21(1) If, in the opinion of the Board, it is necessary for the parties to be made aware of the views of NRCB staff assisting the Board or of an expert hired by the Board, a written submission by a NRCB staff member or the expert may be filed or presented at a hearing in accordance with the provisions applicable to submissions of the parties.

(2) The NRCB staff member or expert who has been hired by the Board and whose written submission has been filed and presented at a hearing or other proceeding may be examined by the Board and the approval officer or inspector, and may be cross-examined by or on behalf of the other parties.

Oath or affirmation

22 Unless the Board otherwise directs, a witness at an oral hearing or an electronic hearing must be examined orally on oath or affirmation.

Examination of witness

23(1) No cross-examination of a witness is permitted other than cross-examination by or on behalf of a directly affected party.

(2) A witness may be examined by the Board, by experts or NRCB staff assisting the Board, and by or on behalf of the approval officer or inspector or by representatives of any of them.

Written hearings

24(1) If the Board holds a written hearing, it may

- (a) dispose of the hearing on the basis of the documents filed by the parties, or
- (b) require additional information and material from the parties before concluding the hearing.

(2) The Board may determine at any time during a written hearing that the hearing must be conducted by means of an oral hearing or an electronic hearing.

Confidentiality of evidence

25(1) Subject to this section, all documents filed in respect of a hearing become part of the record of the hearing and may be made available to the public.

(2) If a person wishes to keep confidential any information in a document submitted to the Board, the person may, before filing the document, file a request for confidentiality.

(3) The request for confidentiality must

- (a) be in writing,
 - (b) briefly describe
 - (i) the nature of the information in the document, and
 - (ii) the reasons for the request, including the specific harm that would result if the document was available to the public,
- and
- (c) indicate whether all or only a part of the document is the subject of the request.

(4) The Board may, with or without a hearing, grant a request for confidentiality on any terms it considers appropriate

- (a) if the Board is of the opinion that disclosure of the information could reasonably be expected
 - (i) to result in undue financial loss or gain to a person directly affected by the proceeding, or
 - (ii) to harm significantly that person's competitive position,
- or
- (b) if
 - (i) the information is personal, financial, commercial, scientific or technical in nature,
 - (ii) the information has been consistently treated as confidential by a person directly affected by the proceeding, and
 - (iii) the NRCB considers that the person's interest in confidentiality outweighs the public interest in the disclosure of the proceeding.

(5) If the Board grants a request for confidentiality under subsection (4), the Board may allow a party to receive a copy of the document if the party files an undertaking stating that the party will hold the document in confidence and use it only for the purpose of the hearing.

(6) Nothing in this section limits the operation of any statutory provision that protects the confidentiality of information or documents.

(7) The NRCB shall not release a report of an inspection pursuant to section 30 of the Act unless an enforcement order, arising from the report, is issued by an inspector, and a person to whom the enforcement order is directed requests a copy of the report.

On-site visit

26 Pursuant to section 24 of the Act, the Board may, in its discretion and in any manner it chooses, conduct an on-site visit to assess any matter relevant to the disposition of the Board's hearing.

Board directions

27 At any time before the disposition of an application or a request for review or of a hearing, the Board may, on its own initiative or on the request of a party, issue any directions that it considers necessary for the proper consideration and disposition of any issue, including directions

- (a) that some or all of the documents and other matters that were provided to an approval officer under section 2, 3 or 4 be filed with the Board,
- (b) that documents be prepared by a professional engineer, a land surveyor or a member of another appropriate profession and that the documents be stamped,
- (c) that any evidence or argument be amended or struck if, in the opinion of the Board, the evidence or argument is irrelevant or may tend to prejudice, embarrass or delay a fair decision, on the merits, of a proceeding, or
- (d) that, on any conditions it considers proper, enlarge or abridge the time periods set out in this Regulation.

Revisions to document

28(1) Despite any other provision in this Regulation, the Board may, on any terms it considers appropriate,

- (a) allow a revision of all or any part of a document, or

- (b) order the revision of all or any part of a document that, in the opinion of the Board, is
 - (i) not relevant or may tend to prejudice or delay a fair consideration, on the merits, of an application or other proceeding, or
 - (ii) necessary for the purpose of determining the pertinent questions in issue in the proceeding.

(2) At any time before the Board decides to grant an application or a request for review under section 25(1) or 41(1) of the Act or before the end of a hearing, a party shall notify the Board if the party becomes aware of significant new information that is necessary for the Board's determination of the relevant issues.

(3) Any document that is revised must clearly indicate the date of the revision and the part of the document that is revised.

Failure to comply with Regulation

29(1) If a party fails to comply with this Regulation or a direction of the Board respecting an application, a submission or a review, the Board may

- (a) make an order that the Board considers appropriate to ensure the fair determination of an issue, or
- (b) adjourn the proceeding until it is satisfied that this Regulation or the direction of the Board has been complied with.

(2) If a party fails to comply with a time limit specified in this Regulation or by the Board for the filing of documentary evidence or other material, the Board may disregard the documentary evidence or material.

(3) No proceeding is invalid by reason of a defect or other irregularity in form.

Variation of procedures

30 The Board may, at any time, vary the procedures set out in this Regulation.

Part 3

General

Notice

31(1) Subject to subsection (2), any notice required to be given under the Act or this Regulation may be given

- (a) by personal delivery,
- (b) by public advertisement in a daily, weekly, bi-weekly or monthly newspaper in circulation in the community affected by the proceeding,
- (c) by courier service, ordinary mail, fax or electronic means to the address given by the person, or
- (d) by any other method that the Board directs.

(2) A notice may only be given by electronic means if the person being notified has the information technology, equipment, software and processes for receiving or retrieving the notice.

(3) The NRCB may require a person to file an affidavit setting out to whom notice was given and the means taken to give notice.

(4) The NRCB may direct the applicant to give a notice issued by the NRCB in accordance with this section.

(5) Any notice required to be given under this Regulation may be given to a representative.

Filings

32(1) A document is deemed to be filed at the time it is received at the office of the NRCB irrespective of when or how it may have been sent.

(2) A submission or application actually received at the office of the NRCB later in the day than the NRCB's normal business hours is deemed to have been filed on the next day that the office is open.

Filing of additional material

33 After the filing deadline referred to in any notice, no additional information may be filed in respect of an application or submission by or on behalf of a directly affected party or the applicant unless it is at the request of or with the leave of the NRCB.

Affidavits

34(1) An affidavit intended to be used in a proceeding must be confined to those facts within the knowledge of the person making the affidavit or based on the information and belief of the person making the affidavit.

(2) If a statement is made in an affidavit on information and belief, the source of the information and the grounds on which the belief is based must be set out in the affidavit.

(3) If an affidavit refers to an exhibit, the exhibit must be marked as such by the person making the affidavit and attached to the affidavit.

Confidentiality of complainant

35 The NRCB shall not release the identity of a person who submits a complaint about an agricultural operation to the NRCB if the complaint is submitted in confidence.

Identification of inspectors and approval officers

36 The Board must provide an approval officer designated under section 10 of the Act and an inspector designated under section 11 of the Act an identification card that states an expiry date, and bears the photograph and name of the approval officer or inspector and the signature of the chair of the Board.

Part 4**Transitional Provisions and Repeal****Transitional matters**

37 Where a person has made an application for a permit or review, or a request for a review under the Act before this Regulation comes into force and the application or request process has not been concluded by the time this Regulation comes into force, the application or request process must continue to be dealt with in accordance with the Act and the regulations under the Act as they read immediately before the coming into force of this Regulation.

Repeal

38 The *Board Administrative Procedures Regulation* (AR 268/2001) is repealed.



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