

Gas Plant Facility Regulations

made under Section 29 of the
Energy Resources Conservation Act
R.S.N.S. 1989, c. 147 and
Section 44 of the
Pipeline Act
R.S.N.S. 1989, c. 345

O.I.C. 2000-63 (February 16, 2000, effective March 1, 2000), N.S. Reg. 22/2000
as amended to O.I.C. 2015-96 (March 31, 2015, effective April 1, 2015), N.S. Reg. 99/2015

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1 These regulations may be cited as the Gas Plant Facility Regulations.

Interpretation

2 (1) In these regulations,

(a) “abandon” means to permanently remove a gas plant facility from service pursuant to Section 23 or to declare it abandoned by the owner, operator, person responsible, inspector or the Board; Clause 2(1)(a) amended (cross-reference corrected): O.I.C. 2005-283, N.S. Reg. 137/2005.

(b) “Administrator” means a person designated by the Minister pursuant to Section 4 of these regulations and includes an acting administrator;

(c) “Acts” means the Energy Resources Conservation Act and the Pipeline Act and includes regulations made pursuant to the Acts;

(d) “application” means an application made to the Board pursuant to these regulations and includes an application

(i) for a permit or licence,

(ii) to change, modify or expand the activity that is the subject of a permit or licence,

(iii) to amend a term or condition of, add a term or condition to or delete a term or condition from a permit or licence,

(iv) to renew a permit or licence;

(da) “audit” means a systematic review that verifies conformance with established guidelines and standards and employs a well-defined review process to ensure consistency and to allow the auditor to reach defensible conclusions;

Clause 2(1)(da) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(db) “battery” means a system or arrangement of tanks or other surface equipment that receives fluid from or delivers fluid to one or more sources, and includes all of the following:

(i) an injection plant,

(ii) a pump station, and

(iii) equipment or a device designed to separate fluid into oil, gas and water and to measure the amount of oil, gas and water;

Clause 2(1)(db) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(e) “Board” means the Nova Scotia Utility and Review Board;

(ea) “CAN/CSA Z276-01” means Canadian Standards Association standard CAN/CSA Z276-01 “Liquefied Natural Gas (LNG) - Production, Storage and Handling”, as amended;

Clause 2(1)(ea) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(eb) “code of practice” means a guideline prepared or adopted by the Minister or Administrator and, with respect to a LNG plant, means the Nova Scotia Code of Practice for LNG Plants, as amended, published by the Department;

Clause 2(1)(eb) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(f) “Energy Board” means the Energy and Mineral Resources Conservation Board established pursuant to the Energy Resources Conservation Act and includes a person to whom duties or responsibilities of the Energy Board are delegated pursuant to Section 12 of that Act;

(fa) “fees” include[s] amounts payable to the Board

(i) upon application for a permit or licence,

(ii) for renewal, amendment, suspension, expansion, consolidation, transfer, assignment, cancellation, reinstatement or abandonment of a permit or licence, and

(iii) for the purpose of recovering all or part of such direct and indirect expenses as the Board determines to be attributable to its responsibilities under the Acts or these regulations;
Clause 2(1)(fa) added: O.I.C. 2001-575, N.S. Reg. 149/2001.

(fb) “fluid” means natural gas, natural gas liquids or liquefied natural gas;
Clause 2(1)(fb) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(fc) “fracturization plant” means a plant that separates a fluid into its constituted elements;
Clause 2(1)(fc) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(g) “gas” means

(i) raw gas, including coal gas or any constituent of raw gas, or

(ii) marketable gas, including condensate, propane, butane and ethane;
Clause 2(1)(g) replaced: O.I.C. 2005-283, N.S. Reg. 137/2005.

(h) “gas plant facility” means a plant used for processing, extracting or converting a fluid, including all structures located within the boundaries of the plant, such as compressors and other structures integral to the transfer of a fluid, and includes all of the following

(i) a battery processing plant,

(ii) a gas processing plant,

(iii) a fracturization plant,

(iv) a liquefied natural gas plant,

(v) a straddle plant;

Clause 2(1)(h) replaced: O.I.C. 2005-283, N.S. Reg. 137/2005.

(ha) “incident” means an unusual or unexpected occurrence that results in, or has the potential to result in,

(i) serious injury to a person,

(ii) significant damage to property,

(iii) significant adverse environmental impact, or

(iv) a major interruption of process operations;

Clause 2(1)(ha) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(hb) “inspection” means the process of physically examining a gas plant facility;
Clause 2(1)(hb) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(i) “licence” means a licence issued pursuant to the Acts or these regulations to operate a gas plant facility;

(ia) “liquefied natural gas” means a fluid in a liquid state that is composed predominately of methane and that may contain minor quantities of ethane, propane, nitrogen or other components found in natural gas;

Clause 2(1)(ia) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(ib) “liquefied natural gas plant” or “LNG plant” means a plant used to store liquefied natural gas and includes a plant that conditions, liquefies, transfers or vaporizes liquefied natural gas;

Clause 2(1)(ib) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(ic) “marketable gas” means a gaseous mixture that

(i) is composed primarily of methane originating from raw gas that is processed, if necessary, to remove or partially remove some constituents, and

(ii) meets specifications for use as a domestic, commercial or industrial fuel or as an industrial raw material;

Clause 2(1)(ic) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(j) “Minister” means the Minister of Energy;

Clause 2(1)(j) replaced: O.I.C. 2005-283, N.S. Reg. 137/2005.

(ja) “natural gas” means gaseous forms of hydrocarbons, principally methane, with minor amounts of ethane, propane, butanes, pentanes and hexanes along with non-hydrocarbon impurities such as nitrogen, carbon dioxide and hydrogen sulfide;

Clause 2(1)(ja) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(k) “operate” includes repair, maintain, deactivate and reactivate;

(l) “permit” means a permit issued pursuant to the Acts or these regulations to construct a gas plant facility;

(la) “process safety management program” means a program required by and in accordance with Section 17B;

Clause 2(1)(la) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(lb) “raw gas” means a mixture that

(i) contains some or all of the following:

(A) methane or other paraffinic hydrocarbons,

(B) nitrogen,

(C) carbon dioxide,

(D) hydrogen sulfide,

(E) helium and minor impurities,

(ii) is recovered or is recoverable at a well from an underground reservoir, and

(iii) is gaseous at the conditions under which its volume is measured or estimated;

Clause 2(1)(lb) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(m) “straddle plant” means a gas plant facility that is located on a pipeline transporting marketable gas that is used for the purpose of reprocessing the marketable gas;

(n) “transfer of fluid” includes transfer between storage containers and points of receipt or shipment by pipeline, tank car, tank vehicle or marine vessel.

Clause 2(1)(n) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(2) Wherever a word or an expression defined by the Acts or these regulations is used in these regulations, it has the same meaning given to it by the Acts or these regulations except where a contrary intention is expressed or necessarily implied.

Application of regulations

3 (1) These regulations apply to a gas plant facility designed, constructed, operated or abandoned in the Province after March 1, 2000.

(2) These regulations do not apply to an oil refinery.

(3) Permits or licences issued prior to the effective date of these regulations continue in force.

(4) No person shall make or authorize an expansion, modification or major change to a gas plant facility for which a permit or licence described in subsection (3) exists unless the Board amends the permit or licence pursuant to Section 10.

Administrator

4 (1) The Minister shall designate an Administrator to administer these regulations.

(2) The Administrator shall be responsible for preparing

(a) interpretations of these regulations;

(b) amendments to these regulations; and

(c) policies, standards and guidelines under these regulations.

Delegation

5 Pursuant to Section 12 of the Energy Resources Conservation Act and Section 40 of the Pipeline Act, the Governor in Council approves the delegation by the Energy Board to the Board of the powers, duties or authorities conferred or imposed upon the Energy Board under the Acts to administer and enforce these regulations.

Permit to construct

6 (1) No person shall construct or authorize the construction of a gas plant facility unless a permit has been issued for that gas plant facility and the permit is in force.

(2) No person shall construct or authorize the construction of a gas plant facility otherwise than in accordance with the terms and conditions of the permit issued for that gas plant facility.

Licence to operate

7 (1) No person shall operate or authorize the operation of a gas plant facility unless a licence has been issued for that gas plant facility and the licence is in force.

(2) No person shall operate or authorize the operation of a gas plant facility otherwise than in accordance with the terms and conditions of the licence issued for that gas plant facility.

Form of application

8 (1) The Board may prescribe a form for an application for a permit or licence.

(2) An application shall be made and signed by

(a) a person who is an authorized signatory of the applicant, in the case of an application for a permit or licence; or

(b) a person who is an authorized signatory of the permit or licence holder, in the case of an application for a change, amendment or renewal referred to in subclauses 2(d)(ii), (iii) or (iv).

(3) An agent of a person identified in clause 2(a) or (b) may sign on their behalf if the agent produces proof of authorization to sign the application.

Application for permit or licence

9 (1) Unless the Board otherwise directs in writing, the applicant shall apply to the Board

(a) for a permit, at least 90 days prior to proposed construction; and
Clause 9(1)(a) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(b) for a licence,

(i) at least 30 days prior to the commencement of operations, or

(ii) where information has not already been filed pursuant to subsection (2), at least 90 days prior to the commencement of operations.

(2) The following information shall accompany an application pursuant to subsection (1):

(a) the design, capacity and general description of the gas plant facility;
Clause 9(2)(a) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

Clause 9(2)(b) repealed: O.I.C. 2005-283, N.S. Reg. 137/2005.

(c) the procedures for project quality assurance and quality control, including audit and corrective action procedures;

Clause 9(2)(d) repealed: O.I.C. 2005-283, N.S. Reg. 137/2005.

(e) an employment and training plan that gives first consideration to Nova Scotians and those who are disadvantaged;

(f) a commitment to hire employees from the qualified local labour force and use local services where qualified and competitive;

(g) a goods and services procurement plan for the gas plant facility and a timeframe respecting the solicitation of tenders for the goods and services that allow Nova Scotia suppliers to participate;

(ga) information required by a code of practice;
Clause 9(2)(ga) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(h) such other information as the Board may require pursuant to subsection 9(1).
Subsection 9(2) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(3) The principles of full and fair opportunity and first consideration for Nova Scotians shall also be addressed as part of the information provided pursuant to clauses (2)(e), (f) and (g).

Application for amendment of permit or licence

10 (1) On the application by the permit or licence holder, the Board may amend a term or condition of, add a term or condition to, or delete a term or condition from a licence or permit, if the Board considers it appropriate to do so.

(2) Subject to subsection (1), no person shall change the design of a gas plant facility without first applying to the Board for an amendment or modification of an existing permit or licence.

Subsection 10(2) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(3) An application for an amendment of a permit or licence shall contain the following information:

(a) any process changes which may have a substantial impact; and

Clause 10(3)(a) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(b) such other information as may be required by the Board.

(4) Unless the Board otherwise directs, the owner, operator or person responsible for a gas plant facility shall ensure that all modifications, repairs and expansions comply with subsection 15(1).

Application to renew

11 (1) A permit or licence issued under these regulations may be renewed for further terms of no longer than 10 years each.

(2) An application to renew a licence or permit shall comply with these regulations and contain such other information as may be required by the Board.

Application fee

12 (1) An application shall be accompanied by a non-refundable fee of \$124.65.

Subsection 12(1) amended: O.I.C. 2015-96, N.S. Reg. 99/2015.

(2) The Board may bill the applicant for all reasonable costs and expenses in excess of \$124.65 that are incurred directly by the Board to process an application and the applicant shall pay the additional amount before a permit or licence is issued.

Subsection 12(2) amended: O.I.C. 2015-96, N.S. Reg. 99/2015.

(3) If circumstances require, the applicant and the Minister may request the Board to provide documentation to support any bill issued under subsection (2).

(4) Any conflicts respecting documentation provided in subsection (3) may be submitted to be resolved through alternative dispute resolution.

(5) If the Board refuses to issue a permit or licence, the Board shall advise the applicant in writing of the decision together with reasons and forward a copy to the Minister.

Fees and costs

12A(1) The Board may set fees and may order that the fees be paid as the Board considers appropriate.

(2) The Minister may recover costs for services rendered under the Acts or these regulations by the Minister, the Department of Energy, or the Administrator.

Subsection 12A(2) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(3) If circumstances require, a person who is billed under subsection (1) or (2) may ask the Board or the Minister, as the case may be, for documentation to support the bill.

Section 12A added: O.I.C. 2001-575, N.S. Reg. 149/2001.

Application procedures

13 (1) The Board shall determine what information is necessary or required to carry out its powers and duties under the Acts and these regulations and to be submitted with an application.

(2) Except where otherwise required by the Acts or the Utility and Review Board Act, all procedures shall be as the Board may determine.

Review of applications

14 Upon receipt of an application, the Board may

- (a) require an applicant to submit any additional information the Board considers necessary;
- (b) issue a permit or licence to the applicant, subject to such terms and conditions as the Board prescribes;
- (c) amend a permit or licence previously issued to or held by the applicant, subject to such terms and conditions as the Board prescribes;
- (d) refuse to issue a permit or licence to the applicant; or
- (e) cancel a permit or licence previously issued to or held by the applicant and replace it with a new permit or licence.

Submission or amendment to documents ordered by Board

14A(1) The Board may order a holder of a permit or licence to submit, within a specified time, a design, specification, program, manual, practice, procedure, measure, plan or other document that is required to be developed by the holder of the permit or licence under these regulations or by the Board when

- (a) the holder of the permit or licence makes an application to the Board; or
- (b) the Board receives information that the design, construction, operation or abandonment of the gas plant facility, or a part of it, is causing or may cause a hazard to public safety or in the public interest.

(2) The Board may order a holder of a permit or licence to amend a design, specification, program, manual, practice, procedure, measure, plan or other document that is required to be developed by the holder of the permit or licence under these regulations or by the Board if the Board considers the amendments to be necessary for public safety or in the public interest.

Section 14A added: O.I.C. 2005-283, N.S. Reg. 137/2005.

Terms and conditions of permit or licence

15 (1) The holder of a permit or licence shall ensure that the gas plant facility is designed, constructed, operated and abandoned in accordance with

- (a) the Acts;
- (b) these regulations;
- (c) the terms and conditions of any permit or licence issued under these regulations;
- (d) any designs, specifications, or plans developed and approved by the Board in accordance with these regulations;

(e) any applicable codes or standards, as amended from time to time, that apply to the gas plant facility including, with respect to a LNG plant, CAN/CSA Z276-01;

Clause 15(1)(e) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(ea) the design, specification, program, manual, practice, procedure, measure, plan and other documents developed or implemented by the holder of the permit or licence in accordance with these regulations, codes of practice or as directed or ordered by the Board; and

Clause 15(1)(ea) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

(f) all other laws of general application, including the Environment Act and the Occupational Health and Safety Act.

(2) Unless the Board otherwise directs, the holder of a permit or licence shall develop, maintain and apply quality control, quality assurance and process safety management programs in respect of the design, construction, operation, and abandonment of a gas plant facility.
Subsection 15(2) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(3) No permit or licence issued under these regulations shall be in force for a period longer than 10 years.

(4) The Board may require that a bond or other form of financial security be posted with the Board as a term and condition of the permit or licence.

(5) A holder of a permit or licence shall comply with a direction or order of the Board made under these regulations.
Subsection 15(5) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

Transfer or assignment

16 (1) No person shall transfer or assign a permit or licence without the written approval of the Board, which shall not be unreasonably withheld.

(2) A permit or licence holder or proposed assignee of a permit or licence may apply to the Board for an amendment to the permit or licence to formally recognize the proposed assignee as the permit or licence holder.

(3) An assignee of a permit or licence is subject to the duties, obligations and liabilities of the original permit or licence holder and any further terms and conditions that may be imposed by the Board, and the assignor is relieved of the duties, obligations and liabilities under the permit or licence.

(4) Where there is a change in the name of the holder of a permit or licence, the holder of the permit or licence shall advise the Board in writing within 30 days of the change.

(5) The sale of a controlling interest of a partnership or company that holds a permit or licence or the transfer of a permit or licence from a parent company to a subsidiary is deemed to be a transfer requiring the written approval of the Board.

Suspension or termination of permit or licence

17 (1) Where the Board believes on reasonable and probable grounds that a person who holds a permit or licence has contravened or will contravene

- (a) the Acts;
- (b) these regulations; or
- (c) a term or condition of the permit or licence,

the Board may suspend or terminate the permit or licence.

(2) The Board shall give the permit or licence holder prior notice of its intent to suspend or terminate and a reasonable time period to remedy any breach or default.

(3) On suspension or termination of a permit or licence pursuant to subsection (1), the Board shall immediately give notice in writing to the permit or licence holder, together with reasons for the suspension or termination of the permit or licence.

(4) A copy of the notice under subsection (3) shall be forwarded to the Minister.

(5) The Board may reinstate a permit or licence as originally issued at any time it considers appropriate to do so.

Contracted services

17A(1) If a holder of a permit or licence contracts services for the design, construction, operation or abandonment of a gas plant facility, the holder of the permit or licence shall

(a) inform the contractor of all conditions or features that are special to the design, construction, operation or abandonment;

(b) inform the contractor of all special safety practices and procedures to be followed as a result of any special conditions or features;

(c) take all reasonable steps to ensure that design, construction, operation and abandonment activities are conducted in accordance with Section 15; and

(d) authorize a person to halt a construction, operation or abandonment activity if in the person's judgement, the construction, operation or abandonment activity

(i) is not being conducted in accordance with Section 15, or

(ii) is creating a hazard to public safety.

(2) The holder of a permit or licence shall ensure that the person they contract under subsection (1) has sufficient expertise, knowledge and training to competently carry out the contracted work.

Section 17A added: O.I.C. 2005-283, N.S. Reg. 137/2005.

Process safety management program developed and implemented

17B A holder of a permit or licence shall develop and implement a process safety management program to anticipate, prevent, manage and mitigate potentially hazardous conditions and exposure to those conditions during construction, operation, abandonment and emergency activities.

Section 17B added: O.I.C. 2005-283, N.S. Reg. 137/2005.

Reporting

18 (1) A permit or licence holder shall, in the time periods prescribed, file with the Board such reports and returns as may be prescribed in the regulations, contained in documents referred to in Section 15, contained in the permit or in the licence or as may be requested by the Board.

Subsection 18(1) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(2) Unless the Board otherwise directs, a licence holder shall, not later than the 15th day of each month, file with the Board on forms furnished or approved by the Board, a full report of the gas, natural gas liquids or other products processed during the preceding month, showing

(a) volumetric unit (cubic metres) of condensate, raw gas or marketable gas received at the gas plant facility;

(b) volumetric unit (cubic metres) of the marketable gas, ethane, propane, butane, pentane plus, natural gas liquids mix or other products derived from condensate, raw gas or marketable gas;

(c) such other information as may be required by the Board.

(3) The Board may vary the reporting requirements outlined in this Section.

(4) The permit or licence holder shall develop a record retention and handling system and submit it to the Board for approval.

Subsection 18(4) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(5) The Minister may request, and the Board shall immediately deliver, copies of any information filed under these regulations.

(6) The holder of a permit or licence shall immediately notify the Board of an incident at a gas plant facility followed by any written reports that are required under a code of practice or by the Board.

Subsection 18(6) added: O.I.C. 2005-283, N.S. Reg. 137/2005.

Inspections

19 (1) It is a term and condition of every permit or licence that the holder shall immediately on request permit an inspector employed or hired by the Board or the Minister to carry out an inspection of any place, other than a dwelling house, to which the permit or licence relates.

(2) The owner, operator or person responsible for a gas plant facility shall

(a) give the inspector all reasonable assistance to enable the inspector to carry out the inspector's powers and duties;

(b) furnish all information relating to the exercise of the inspector's powers or duties that the inspector may reasonably require.

(3) On entering any place an inspector shall, on request, produce an identification card provided by the Board, the Minister or the Province and provide reasons for the entry.

Permit or licence holder audit or inspection reports

20 (1) A permit or licence holder shall, at its own cost, conduct documented audits and inspections as directed by the Board to ensure that its gas plant facility is designed, constructed, operated or abandoned in compliance with

(a) the Acts;

(b) these regulations; and

(c) the terms and conditions of the permit or licence.

(2) The audit referred to in subsection (1) shall document

(a) all non-compliance noted; and

(b) the corrective actions taken or planned.

(3) A copy of all audits and inspections shall be filed with the Board upon completion.

(4) The Minister may request, and the Board shall immediately deliver, copies of any audits or inspections filed with the Board.

Independent audit or inspection reports

21 (1) When a person constructs or operates a gas plant facility, a contractor independent of any contractor retained by the permit or licence holder shall, upon request of the permit or licence holder and the Board, audit the facility or inspect the construction or operation and provide an independent audit or inspection report containing information as to whether the gas plant facility complies with the requirements of the Acts, these regulations and the terms and conditions of any permit or licence issued under these regulations, and such other information requested by the Board.

Subsection 21(1) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(2) An inspection referred to in subsection (1) shall be performed by an independent contractor who, in the opinion of the Board and the permit or licence holder, has sufficient expertise, knowledge and training to competently carry out the requirements set out in subsection (1).

(3) Upon request, a copy of a report provided pursuant to this Section shall be forwarded to the Minister or to the permit or licence holder.

(4) All costs and expenses for an independent audit or inspection report shall be paid by the permit or licence holder.

Subsection 21(4) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

Section 21 heading replaced: O.I.C. 2005-283, N.S. Reg. 137/2005.

Certifying authority

22 (1) The Board may engage the services of a person to act as a certifying authority to perform such duties as are prescribed by the Board, including a determination of whether the gas plant facility has been or is being constructed, operated, or abandoned in accordance with the Acts, these regulations and the terms and conditions of any permit or licence issued.

Subsection 22(1) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(2) Every holder of a permit or licence, and every person in charge of or responsible for a gas plant facility, and every contractor or employee of the permit or licence holder or person responsible shall permit or assist any member of the Board or any employee or agent of the certifying authority acting in the exercise of the powers and duties conferred by subsection (1) and any further authorization provided to the certifying authority by the Board pursuant to the Acts and these regulations.

Subsection 22(2) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(3) On the completion of the duties described in subsection (1), the certifying authority shall provide the Board with a report that shall

(a) advise whether the gas plant facility has been or is being constructed, operated or abandoned in accordance with the Acts, these regulations, and the terms and conditions of its permit or licence or an amendment thereto;

Clause 22(3)(a) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

Clause 22(3)(b) repealed: O.I.C. 2005-283, N.S. Reg. 137/2005.

(c) provide such other information as is requested by the Board.

(4) The certifying authority shall be engaged by the Board and shall be selected from a list of independent third parties who have engaged individuals, or who are individuals, who are knowledgeable about gas plant facilities.

Subsection 22(4) amended: O.I.C. 2001-575, N.S. Reg. 149/2001.

(5) It shall be a condition of the contract award that an individual selected pursuant to subsection (4) shall perform the duties of the certifying authority.

(6) The remuneration of the certifying authority shall be paid by the Board and the cost shall be recovered from the permit or licence holder or from funds realized by the imposition of fees upon the permit or licence holder.

(7) If circumstances require, the applicant and the Minister may request the Board to provide documentation to support any bill issued under subsection (6).

(8) Any conflicts respecting documentation provided in subsection (7) may be submitted to be resolved through alternative dispute resolution.

(9) The report issued by the certifying authority pursuant to this Section may be used by the Board to assist it in

- (a) evaluating an application for a permit or licence or in amending, suspending, canceling or reinstating a permit or licence;
- (b) approving the alteration or modification of the gas plant facility;
- (c) requiring the installation of additional or other equipment in the gas plant facility; or
- (d) the exercise of its powers and duties conferred by the Act and these regulations.

(10) Upon request, a copy of the report prepared under this Section shall be forward to the Minister or to the permit or licence holder.

Abandonment

23 (1) A permit or licence holder may abandon all or part of a site covered by a permit or licence by notifying the Board in writing at least 6 months prior to the date of the proposed abandonment.

Subsection 23(1) amended: O.I.C. 2005-283, N.S. Reg. 137/2005.

(2) An abandonment plan shall be submitted to the Board for approval at least 6 months before the date of the proposed abandonment.

Subsection 23(2) replaced: O.I.C. 2005-283, N.S. Reg. 137/2005.

(3) Unless the Board approves otherwise in writing, an abandonment pursuant to subsection (1) does not relieve the permit or licence holder or other responsible persons of any requirement contained in the Acts, these regulations, a term or condition of a permit or licence or any direction or order by the Board to be performed by the permit or licence holder.

(4) Unless the Board directs otherwise in writing, a permit or licence holder shall comply with obligations identified in subsection (3) for a period of 2 years from the date of abandonment or for such longer or shorter time period as prescribed in writing by the Board.

Confidential business information

24 (1) Information that the applicant claims to be protected under the Freedom of Information and Protection of Privacy Act, including confidential business information, shall be clearly identified to the Board together with information to support a claim, including information required for consideration of the claim under Section 20 of the Freedom of Information and Protection of Privacy Act.

(2) Where an applicant claims information to be confidential business information, the Board shall review the claim and, until a decision is made pursuant to subsection (4), shall take adequate precautions to prevent disclosure of the information.

(3) When reviewing a claim pursuant to subsection (2), the Board may request additional information to support the claim, including what steps the applicant has taken to maintain the confidentiality of the information.

(4) Within 14 days following the date of receipt of the claim filed pursuant to subsection (1) or within such further time as may be agreed upon by the applicant and the Board, the Board shall advise the applicant in writing whether the claim is accepted or rejected in whole or in part.

(5) Information accepted to be confidential business information pursuant to subsection (4) shall not be disclosed to the public and the Board shall take adequate precautions to prevent the disclosure of the information.

(6) Where the Board rejects a claim under subsection (4) respecting information that is submitted in an application for a permit or licence, an applicant shall, within 7 days following the notice under subsection (4), notify the Board 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 Board shall immediately return all of the information submitted with the application to the applicant and shall take adequate precautions to prevent the disclosure of the information.

Effective date

25 These regulations shall be effective on, from and after March 1, 2000.