

# **DORMANCY AND SHUTDOWN REGULATION 112/2019**

## **- Unofficial Copy**

Updated To:

[Note: This is an Unofficial Copy. includes B.C. Reg. 202/2023, Sch. 1 amendments (effective September 1, 2023)]

## **DORMANCY AND SHUTDOWN REGULATION 112/2019**

B.C. Reg. 112/2019

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## PART 1 – Definitions and Interpretation

### Part 1: Division 1 – Definitions

#### Definitions

1. In this regulation:

"Act" means the *Energy Resource Activities Act*;

"assess" , in relation to a dormant site or former site, has the meaning given to it in section 7 [assessment];

"decommission" has the meaning given to it in section 6 [decommissioning];

"facility" has the same meaning as in section 1 of the Drilling and Production Regulation and may include a facility that is not associated with a well;

"facility permit" means a permit that includes permission to construct or operate a facility;

"former site" means a site that is a former site within the meaning of section 3.1 [former sites];

"interested person" , in relation to a dormant site or former site, means

- (a) the land owner of the site,
- (b) a local Indigenous nation that is identified for the site,
- (c) a municipality, if all or part of the site is in the municipality, and
- (d) a regional district, if all or part of the site is in the regional district;

"local Indigenous nation" , in relation to a dormant site or former site, means an Indigenous nation that is identified for the site in a manner specified by the regulator;

"permit holder" means,

- (a) in relation to a dormant site, the person who holds the well permit, facility permit or pipeline permit, as the case may be, for the site, and
- (b) in relation to a former site, the former permit holder who held the well permit, facility permit or pipeline permit, as the case may be, for the site;

"pipeline permit" means a permit that includes permission to construct or operate a pipeline;

"portfolio of current sites" has the same meaning as "portfolio" in section 43.1 of the Act;

"portfolio of former sites" , in relation to a permit holder, means all of the former sites, if any, that are sites for which the permit holder held well permits, facility permits or pipeline permits;

"priority site" means a dormant site or former site identified under section 5 [identifying priority sites];

"reference year" , in relation to a type B or C site, means the following:

- (a) if the site became a dormant site under section 3 (1) (a), 3.01 (1) (a) or 3.02 (1) (a), the last of the 5 calendar years referred to in that section;

- (b) if the site became a dormant site under section 3 (1) (b), 3.01 (1) (b) or 3.02 (1) (b), the calendar year in which the notice referred to in that section was received;
- (c) if the site is a former site, the calendar year in which the well permit, facility permit or pipeline permit, as the case may be, for the former site is cancelled, is declared spent or expires;

**"remediate"** has the meaning given to it in section 8 *[remediation]*;

**"restore"** has the meaning given to it in section 9 *[restoration]*;

**"specified work"** means work to decommission, assess or restore a dormant site or former site;

**"type A site"** means a dormant site or former site classified as a type A site under section 4 (1);

**"type B site"** means a dormant site or former site classified as a type B site under section 4 (2);

**"type C site"** means a dormant site or former site classified as a type C site under section 4 (3);

**"well permit"** means a permit that includes permission to drill or operate a well.

[am. B.C. Regs. 288/2020; 266/2022, Sch. 1; 202/2023, Sch. 1.]

## **Part 1: Division 2 – Dormant Sites and Former Sites**

### **Dormant sites**

- 2. (1) In this section,
  - "dormant facility"** means a facility that is dormant in accordance with section 3.01 *[when facilities are dormant]*;
  - "dormant pipeline"** means a pipeline that is dormant in accordance with section 3.02 *[when pipelines are dormant]*;
  - "dormant well"** means a well that is dormant in accordance with section 3 *[when wells are dormant]*.
- (2) Subject to subsection (3), the operating area for a well permit, a facility permit or a pipeline permit, as the case may be, is a dormant site for the purposes of the definition of "dormant site" in section 43.1 *[definitions]* of the Act if
  - (a) the well, the facility or the pipeline permitted by the permit is a dormant well, a dormant facility or a dormant pipeline, as the case may be, and
  - (b) in the case of a well on a multi-well pad, the other wells on the pad are also dormant wells.
- (3) A portion of an operating area is not a dormant site for the purposes of the definition of "dormant site" in section 43.1 of the Act if any of the following is located in the portion:
  - (a) a facility not solely associated with a dormant well, a dormant facility or a dormant pipeline;
  - (b) a pipeline not solely associated with a dormant well, a dormant facility or a dormant pipeline;
  - (c) a well not solely associated with a dormant well, a dormant facility or a dormant pipeline;

- (d) an energy resource road not solely associated with a dormant well, a dormant facility or a dormant pipeline.

[en. B.C. Reg. 266/2022, Sch. 1; am. B.C. Reg. 202/2023, Sch. 1.]

**When wells are dormant**

- 3. (1) Subject to subsection (2), a well is dormant for the purposes of section 2 if
  - (a) none of the following events has occurred for the well over the last 5 calendar years:
    - (i) production from or injection or disposal into the well occurs for a total of 720 or more hours in a calendar year;
    - (ii) a zone is completed;
    - (iii) a drilling event occurs;
    - (iv) in the case of an observation well, the well is active on at least one day;
    - (v) a certificate of restoration is issued for the site, or
  - (b) the regulator has received a written notice from the permit holder that the well is dormant.
- (2) A well is not dormant for 2 years after the date on which the regulator gives to the permit holder for the well a written notice under subsection (3).
- (3) The regulator may give to a permit holder a written notice for the purposes of subsection (2) in relation to a well if the regulator is satisfied, having regard to the following factors, that an event referred to in subsection (1) (a) will occur for the well within a reasonable period of time:
  - (a) available reserves;
  - (b) economic factors, including, without limitation,
    - (i) the cost to bring the well online, and
    - (ii) forecasted production and prices;
  - (c) safety factors, including, without limitation, well integrity.

[am. B.C. Regs. 266/2022, Sch. 1; 202/2023, Sch. 1.]

**When facilities are dormant**

- 3.01 (1) Subject to subsection (2), a facility is dormant for the purposes of section 2 if
  - (a) neither of the following has occurred for the facility over the last 5 calendar years:
    - (i) the facility has been operated;
    - (ii) a certificate of restoration has been issued for the site, or
  - (b) the regulator has received a written notice from the permit holder that the facility is dormant.
- (2) A facility is not dormant for 2 years after the date on which the regulator gives to the permit holder for the facility a written notice under subsection (3).
- (3) The regulator may give to a permit holder a written notice for the purposes of subsection (2) in relation to a facility if the regulator is satisfied, having regard to the following factors, that the facility will be operated within a reasonable period of time:
  - (a) available reserves of substances to be gathered, processed, measured, stored or disposed of at the facility;
  - (b) economic factors, including, without limitation,
    - (i) the cost to resume the operation of the facility, and

- (ii) forecast production and prices;
- (c) safety factors, including, without limitation, facility integrity.  
[en. B.C. Reg. 266/2022, Sch. 1; am. B.C. Reg. 202/2023, Sch. 1.]

### When pipelines are dormant

- 3.02** (1) A pipeline is dormant for the purposes of section 2 if
- (a) the pipeline or part of the pipeline has not transported fluids over the last 5 calendar years, or
  - (b) the regulator has received a written notice from the permit holder that the pipeline is dormant.
- (2) The 5-year period set out in subsection (1) (a) includes any period for deactivating the pipeline or part of the pipeline set out in a plan approved by the regulator under section 9 (4) [*deactivation*] of the Pipeline Regulation or in a condition imposed with respect to an exemption granted under section 14 [*exemptions*] of the Pipeline Regulation.  
[en. B.C. Reg. 266/2022, Sch. 1; am. B.C. Reg. 202/2023, Sch. 1.]

### Former sites

- 3.1** (1) Subject to subsection (2), the operating area for a well permit, a facility permit or a pipeline permit is a former site for the purposes of this regulation if
- (a) the permit
    - (i) is cancelled under section 26 [*actions by regulator respecting permit*] or 33 [*surrender of permit or permission*] of the Act,
    - (ii) is declared spent under section 27 [*spent permit or permission*] of the Act, or
    - (iii) expires under section 32 [*expiration of permit and authorizations*] of the Act, and
  - (b) a certificate of restoration has not been issued for the site.
- (2) A portion of an operating area is not a former site if any of the following is located on the portion:
- (a) a well not solely associated with the energy resource activity permitted by the permit referred to in subsection (1);
  - (b) a facility not solely associated with the energy resource activity permitted by the permit referred to in subsection (1);
  - (c) a pipeline not solely associated with the energy resource activity permitted by the permit referred to in subsection (1);
  - (d) an energy resource road not solely associated with the energy resource activity permitted by the permit referred to in subsection (1).

[en. B.C. Reg. 266/2022, Sch. 1; am. B.C. Reg. 202/2023, Sch. 1.]

### Classifying dormant sites and former sites

- 4.** (1) A site is a type A site if
- (a) the site became a dormant site under section 3 (1) (a) and the last of the 5 calendar years referred to in that section is 2018, or
  - (b) the site is the former site for a well permit that was cancelled, declared spent or expired in 2018 or an earlier calendar year.

- (2) A site is a type B site if
  - (a) the site became a dormant site under section 3 (1) (a) and the last of the 5 calendar years referred to in that section is after 2018 and before 2024,
  - (b) the site became a dormant site under section 3 (1) (b) and the notice referred to in that section was received before 2024, or
  - (c) the site is the former site for a well permit that was cancelled, declared spent or expired after 2018 and before 2024.
- (3) A site is a type C site if
  - (a) the site became a dormant site under section 3 (1) (a), 3.01 (a) or 3.02 (a) and the last of the 5 calendar years referred to in that section is 2024 or a later calendar year,
  - (b) the site became a dormant site under section 3 (1) (b), 3.01 (b) or 3.02 (b) and the notice referred to in that section was received in 2024 or a later calendar year, or
  - (c) the site is the former site for a well permit, a facility permit or pipeline permit that was cancelled, declared spent or expired in 2024 or a later calendar year.

[am. B.C. Regs. 288/2020; 266/2022, Sch. 1.]

### **Identifying priority sites**

- 5. The regulator may identify a type A, B or C site as a priority site, by giving to a permit holder for the site a written notice, if the regulator considers, having regard to the following factors, that it is in the public interest that the site be decommissioned, assessed and restored on an expedited basis:
  - (a) the age of the site;
  - (b) public safety, including human health;
  - (c) the environment;
  - (d) social and agricultural values;
  - (e) impacts on local communities;
  - (f) cultural and environmental values of local Indigenous nations;
  - (g) the capacity of the permit holder;
- (h) the permit holder's portfolio of current sites and portfolio of former sites.

[am. B.C. Regs. 288/2020; 202/2023, Sch. 1.]

## **Part 1: Division 3 – Shutdown Activities**

### **Decommissioning**

- 6. A dormant site or a former site is decommissioned for the purposes of this regulation if the permit holder for the site
  - (a) does the following, as applicable:
    - (i) if the site is or was the operating area for a well permit, complies with the applicable requirements in section 26 (1) (a) to (c) [*plugging requirements for wells*] of the Drilling and Production Regulation;

- (ii) if the site is or was the operating area for a facility permit, complies with the applicable requirements in section 79 [*obligations on cancellation or cessation of operations*] of the Drilling and Production Regulation;
- (iii) if the site is or was the operating area for a pipeline permit, complies with the applicable requirements in section 11 [*obligations on cancellation or cessation of operations*] of the Pipeline Regulation,
- (b) removes from the site any facilities and other equipment that are associated with an energy resource activity that is permitted by the permit, and
- (c) removes from the site any facilities and other equipment that are associated with a related activity of an energy resource activity that is permitted by the permit.

[en. B.C. Reg. 266/2022, Sch. 1; am. B.C. Reg. 202/2023, Sch. 1.]

## Assessment

### 7.

A dormant site or former site is assessed for the purposes of this regulation if the permit holder for the site

- (a) has the following assessment carried out by or under the supervision of a professional satisfactory to the regulator:
  - (i) both stages of a preliminary site investigation described in section 58 (1) (a) and (b) [*preliminary site investigations*] of the Contaminated Sites Regulation;
  - (ii) unless the preliminary site investigation shows that the site meets the numerical standards under section 17 [*numerical standards*] of the Contaminated Sites Regulation, a detailed site investigation described in section 59 (1) and (2) [*detailed site investigations*] of that regulation;
- (b) submits to the regulator a report that
  - (i) describes the assessment carried out, and
  - (ii) includes the following:
    - (A) the information required to be included in a report under section 58 (5) (c) and (d) of the Contaminated Sites Regulation;
    - (B) if a detailed site investigation is required under paragraph (a) (ii) of this section, the information required to be included in a report under section 59 (3) of the Contaminated Sites Regulation;
    - (C) any other information required by the regulator;
    - (D) any signed statement, of the professional referred to in paragraph (a) or the permit holder, required by the regulator;
- (c) takes the actions identified in paragraphs (a) and (b) in relation to all facilities and other equipment that are associated with an energy resource activity permitted by the well permit or the facility permit, as the case may be, and
- (d) in the case of a dormant site or a former site that includes a pipeline right of way, does the following:
  - (i) ensures that all areas of potential environmental concern associated with the pipeline are identified and investigated by a person who
    - (A) is a registrant within the meaning of the *Professional Governance Act*, and

- (B) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within the person's area of expertise as it relates to this regulation;
- (ii) submits an investigation report to the regulator, in the form and manner required by the regulator.

[am. B.C. Regs. 288/2020; 266/2022, Sch. 1; 202/2023, Sch. 1.]

## Remediation

8. (1) A dormant site or former site is remediated for the purposes of this regulation if the regulator gives written notice to the permit holder for the site that
  - (a) the regulator is satisfied that the site and any neighbouring lands to which contamination has migrated from the site meet the numerical standards under section 17 [*numerical standards*] of the Contaminated Sites Regulation,
  - (b) the regulator is satisfied that
    - (i) the site and any neighbouring lands to which contamination has migrated from the site meet the risk-based standards under section 18 (3) (a) and (b) or (5) [*risk-based standards*], as applicable, of the Contaminated Sites Regulation, and
    - (ii) the permit holder has taken any actions identified under subsection (3), or
  - (c) the regulator is satisfied that
    - (i) the site and any neighbouring lands to which contamination has migrated from the site have been remediated to an extent that provides a permanent solution to the maximum extent practicable, having regard to the following factors:
      - (A) the risks to human health and the environment posed by contamination at the site and any neighbouring lands to which contamination has migrated from the site;
      - (B) the local background concentration of any substances at the site and any neighbouring lands to which contamination has migrated from the site;
      - (C) the potential effects on the environment of remediation to the standards referred to in paragraph (a) or (b);
      - (D) the technical feasibility, risks and costs associated with remediation to the standards referred to in paragraph (a) or (b), and
    - (ii) the permit holder has taken any actions identified under subsection (3).
- (2) For the purposes of subsection (1) (a) and (b) (i), a reference to a director in sections 17 (4) and (5) and 18 (5) of the Contaminated Sites Regulation is to be read as a reference to the regulator.
- (3) For the purposes of subsection (1) (b) (ii) and (c) (ii), the regulator may, by written notice to a permit holder for a dormant site or former site, identify for the site or any neighbouring lands to which contamination has migrated from the site actions to be taken to prevent or mitigate risks to public safety, including human health, or to the environment posed by contamination.
- (4) For certainty, remediation under this section does not relieve a person from liability under Part 4 [*Contaminated Site Remediation*] of the *Environmental Management Act*.

[am. B.C. Regs. 288/2020; 202/2023, Sch. 1.]

## **Restoration**

9. (1) A dormant site is restored for the purposes of this regulation if
- (a) the site is remediated, and
  - (b) the regulator gives written notice to the permit holder for the site that the regulator is satisfied that the permit holder,
    - (i) unless otherwise ordered by the regulator, has performed each obligation imposed
      - (A) under the Act or a specified enactment in relation to the permit, a permission specified in the permit or an authorization held by the permit holder for a related activity of an energy resource activity that is permitted by the permit, and
      - (B) under the permit or an authorization referred to in clause (A), and
    - (ii) in the case of a dormant site on Crown land, has complied with the applicable requirements in section 19 [*areas to be restored*] of the Environmental Protection and Management Regulation or is exempted under that regulation from the applicable requirements.
- (2) A former site is restored for the purposes of this regulation if
- (a) the site is remediated, and
  - (b) in the case of a former site on Crown land, the permit holder has complied with the applicable requirements in section 19 of the Environmental Protection and Management Regulation or is exempted under that regulation from the applicable requirements.

[am. B.C. Regs. 288/2020; 266/2022, Sch. 1; 202/2023, Sch. 1.]

## PART 2 – Dormancy and Shutdown Requirements

### Part 2: Division 1 – Default Requirements

#### Application of this Division

10. (1) The requirements in this Division, as they relate to dormant sites, are prescribed for the purposes of section 43.2 *[requirements to reduce liability]* of the Act.
- (2) The requirements of this Division, as they relate to former sites, are prescribed for the purposes of section 40 (e) *[obligations when permit, permission or authorization expires or is cancelled or spent]* of the Act.
- [en. B.C. Reg. 288/2020.]

#### Annual work plan

11. (1) A permit holder must, in accordance with this section, develop, and submit to the regulator a copy of, an annual work plan for a calendar year if
- (a) the permit holder's portfolio of current sites includes a dormant site, or
  - (b) the permit holder has a portfolio of former sites.
- (1.1) An annual work plan under subsection (1) must do the following:
- (a) identify, by permit and type,
    - (i) the dormant sites and former sites to be decommissioned in the calendar year,
    - (ii) the dormant sites and former sites to be assessed in the calendar year, and
    - (iii) the dormant sites and former sites to be restored in the calendar year;
  - (b) set out the anticipated timelines for the work referred to in paragraph (a);
  - (c) identify any factors that might cause deviations from the plan;
  - (d) include the following contact information:
    - (i) if the permit holder is a corporation, the name, title, telephone number and, if any, email address of a director, officer or employee of the permit holder who may be contacted about the plan;
    - (ii) if the permit holder is an individual, the name, telephone number and, if any, email address of the permit holder;
  - (e) be in the form specified by the regulator.
- (2) An annual work plan under subsection (1) must be developed, and a copy submitted to the regulator, by the following date:
- (a) in the case of an annual work plan for 2019, by August 31, 2019;
  - (b) in the case of an annual work plan for any other calendar year, by the earlier of
    - (i) January 30 of the calendar year, and
    - (ii) the date that is 60 days before the permit holder does specified work at a dormant site in the calendar year.
- (3) A copy of an annual work plan under subsection (1) must be submitted in the manner specified by the regulator.

[am. B.C. Regs. 288/2020; 202/2023, Sch. 1.]

## **Annual report**

12. (1) Within 60 days after the end of each calendar year, a permit holder must, in accordance with this section, submit to the regulator a report on the calendar year if
- (a) the permit holder's portfolio of current sites includes a dormant site, or
  - (b) the permit holder has a portfolio of former sites.
- (2) A report under subsection (1) must do the following:
- (a) demonstrate that the permit holder is on track to meet the applicable requirements in sections 15 to 18 [*type A, B and C sites and priority sites*];
  - (b) identify, by permit and type,
    - (i) the dormant sites and former sites that were decommissioned in the calendar year,
    - (ii) the dormant sites and former sites that were assessed in the calendar year, and
    - (iii) the dormant sites and former sites that were restored in the calendar year;
  - (c) include a copy of the annual work plan for the calendar year and an explanation of any deviations from that plan;
  - (d) be in the form specified by the regulator;
  - (e) include any other information required by the regulator.
- (3) A report under subsection (1) must be submitted in the manner specified by the regulator.

[en. B.C. Reg. 288/2020; am. B.C. Reg. 202/2023, Sch. 1.]

## **Notification of annual work plan**

13. (1) Before doing specified work in a calendar year at a dormant site or former site, the permit holder for the site must give a written notice in accordance with this section to the interested persons, if any, for the site.
- (2) A notice under subsection (1) in relation to specified work to be done in a calendar year must be given by the following date:
- (a) in the case of 2019, by August 31, 2019;
  - (b) in the case of any other calendar year, by the earlier of
    - (i) January 30 of the calendar year, and
    - (ii) the date that is 60 days before the permit holder does specified work at the site in the calendar year.
- (3) A notice under subsection (1) in relation to specified work to be done in a calendar year must include
- (a) a draft of the annual work plan for the calendar year, and
  - (b) a statement that an interested person may do one or both of the following:
    - (i) request a meeting to discuss the plan;
    - (ii) make a written reply referred to in subsection (5).
- (4) If an interested person requests a meeting to discuss the annual work plan, the permit holder must
- (a) make reasonable efforts to meet with the person, and
  - (b) submit a report to the regulator that
    - (i) describes the efforts made to meet with the person, and
    - (ii) if a meeting is held, includes minutes of the meeting that

- (A) note the topics discussed and concerns raised at the meeting, and
  - (B) describe any changes that the permit holder has agreed to make to the annual work plan.
- (5) If an interested person makes a written reply to a notice under subsection (1) within 30 days after receiving the notice, the permit holder must
  - (a) consider any of following that is set out in the reply:
    - (i) reasons why the specified work should be done on different timelines or in a particular way;
    - (ii) scientific, Indigenous and local knowledge,
  - (b) within 30 days after receiving the written reply, give to the person a further written notice that includes
    - (i) a description of any changes made to the annual work plan, and
    - (ii) a statement that the permit holder will submit a copy of the notice, reply and further notice to the regulator, and
  - (c) as soon as practicable after giving the further notice, submit a copy of the notice, reply and further notice to the regulator.

[am. B.C. Regs. 288/2020; 202/2023, Sch. 1.]

#### **Notification of intention to begin work**

- 14.** At least 30 days before doing specified work at a dormant site or former site, the permit holder for the site must notify in writing the interested persons, if any, for the site.

[am. B.C. Reg. 288/2020.]

#### **Type A sites**

- 15.** (1) A permit holder for type A sites that were not decommissioned by December 31, 2018 must decommission those sites as follows:
- (a) by December 31, 2021, the permit holder must have decommissioned at least one or 30% of those sites, whichever is greater;
  - (b) by December 31, 2026, the permit holder must have decommissioned at least 2 or 70% of those sites, whichever is greater, unless there is only one site;
  - (c) by December 31, 2031, the permit holder must have decommissioned all of those sites.
- (2) A permit holder for type A sites must assess each of those sites by the following date:
- (a) if the site was decommissioned by December 31, 2018, by December 31, 2030;
  - (b) in any other case, by December 31 of the calendar year that is 2 calendar years after the calendar year in which the site is decommissioned.
- (3) A permit holder for type A sites must restore those sites as follows:
- (a) by December 31, 2024, the permit holder must have restored at least one or 40% of those sites, whichever is greater;
  - (b) by December 31, 2030, the permit holder must have restored at least 2 or 70% of those sites, whichever is greater, unless there is only one site;
  - (c) by December 31, 2036, the permit holder must have restored all of those sites.
- (4) For the purposes of this section, if the result of taking a percentage of type A sites is not a whole number, the result is to be rounded
- (a) to the nearest whole number, or
  - (b) if the result is equidistant between 2 whole numbers, to the greater of those numbers.

[am. B.C. Reg. 288/2020.]

### Type B sites

16. (1) A permit holder for a type B site must decommission the site by December 31 of the calendar year that is 8 calendar years after the reference year for the site.
- (2) A permit holder for a type B site must assess the site by the following date:
- (a) if the site was decommissioned in or before the reference year for the site, by December 31 of the calendar year that is 10 calendar years after that reference year;
  - (b) in any other case, by December 31 of the calendar year that is 2 calendar years after the calendar year in which the site is decommissioned.
- (3) A permit holder for a type B site must restore the site by December 31 of the calendar year that is 13 calendar years after the reference year for the site.

### Type C sites

17. (1) Subject to subsection (4), a permit holder for a type C site must decommission the site by December 31 of the calendar year that is 5 calendar years after the reference year for the site.
- (2) Subject to subsection (5), a permit holder for a type C site must assess the site by December 31 of the calendar year that is 2 calendar years after the calendar year in which the site is decommissioned.
- (3) A permit holder for a type C site must restore the site by December 31 of the calendar year that is 10 calendar years after the reference year for the site.
- (4) If the permit holder for a type C site complies with the applicable requirements in section 6 [*decommissioning*] of this regulation before December 31, 2024, the site that is the operating area for the permit is decommissioned for the purposes of this regulation.
- (5) If subsection (4) applies, the permit holder for the site must assess the site by December 31, 2031.

[am. B.C. Regs. 288/2020; 266/2022, Sch. 1.]

### Priority sites

18. (1) In this section, "**identification year**", in relation to a priority site, means the calendar year in which the site is identified by notice under section 5 [*identifying priority sites*] as a priority site.
- (2) This section applies despite sections 15 (2) and (3), 16 and 17.
- (3) A permit holder for a priority site must decommission the site by the earlier of
- (a) the applicable date under section 15, 16 or 17, and
  - (b) December 31 of the calendar year that is 2 years after the identification year for the site.
- (4) A permit holder for a priority site must assess the site by the earlier of
- (a) the applicable date under section 15, 16 or 17, and
  - (b) December 31 of the calendar year that is 3 years after the identification year for the site.
- (5) A permit holder for a priority site must restore the site by the earlier of
- (a) the applicable date under section 15, 16 or 17, and
  - (b) December 31 of the calendar year that is 5 years after the identification year for the site.

## Part 2: Division 2 – Liability Reduction Plans

### Liability reduction plans

19. (1) A permit holder may submit to the regulator a liability reduction plan if
- (a) the permit holder is eligible under section 20 of this regulation,
  - (b) if applicable, the permit holder has engaged under section 21 of this regulation with local Indigenous nations in relation to the plan, and
  - (c) the plan meets the requirements in sections 22 to 25 of this regulation.
- (2) Without limiting the authority of the regulator, section 26 (2) to (4) *[actions by regulator respecting permit]* of the Act applies to a determination of whether to approve a liability reduction plan.

[am. B.C. Regs. 288/2020; 202/2023, Sch. 1.]

### Approval of liability reduction plan for former sites

- 19.1 (1) If the regulator approves a liability reduction plan that covers a former site, the requirements in Division 1 do not apply in relation to the former site, except to the extent set out in the liability reduction plan.
- (2) Without limiting any other power of the regulator, if a permit holder does not comply with an approved liability reduction plan that relates to a former site, the regulator may revoke the approval of that plan.

[en. B.C. Reg. 288/2020; am. B.C. Reg. 202/2023, Sch. 1.]

### Eligibility to submit liability reduction plan

20. A permit holder is eligible to submit a liability reduction plan if
- (a) the permit holder's portfolio of current sites and portfolio of former sites includes, in combination, more than 100 type A sites, or
  - (b) the permit holder has previously had a liability reduction plan approved.

[am. B.C. Reg. 288/2020.]

### Notification of liability reduction plan

21. (1) This section applies in relation to a permit holder who intends to submit under section 19 a liability reduction plan that covers a dormant site or former site for which a local Indigenous nation is identified.
- (2) The permit holder must give a written notice to the local Indigenous nation that includes
- (a) a copy of the portion of the liability reduction plan that relates to the nation, and
  - (b) a statement that the nation may do one or both of the following:
    - (i) request a meeting to discuss the plan;
    - (ii) make a written reply referred to in subsection (4).
- (3) If the local Indigenous nation requests a meeting to discuss the liability reduction plan, the permit holder must
- (a) make reasonable efforts to meet with the nation, and
  - (b) submit a report to the regulator that
    - (i) describes the efforts made to meet with the nation, and
    - (ii) if a meeting is held, includes minutes of the meeting that
      - (A) note the topics discussed and concerns raised at the meeting, and

- (B) describe any changes that the permit holder has agreed to make to the liability reduction plan.
- (4) If the local Indigenous nation makes a written reply to a notice under subsection (2) within 30 days after receiving the notice, the permit holder must
  - (a) consider any of following that is set out in the reply:
    - (i) reasons why specified work covered by the plan should be done on different timelines or in a particular way;
    - (ii) scientific, Indigenous and local knowledge;
  - (b) within 30 days after receiving the written reply, give to the nation a further written notice that includes
    - (i) a description of any changes made to the liability reduction plan, and
    - (ii) a statement that the permit holder will submit a copy of the notice, reply and further notice to the regulator, and
  - (c) as soon as practicable after giving the further notice, submit a copy of the notice, reply and further notice to the regulator.

[am. B.C. Regs. 288/2020; 202/2023, Sch. 1.]

### **Basic requirements**

- 22.** (1) A liability reduction plan must identify
- (a) the dormant sites and former sites that are covered by the plan, and
  - (b) any circumstances in which the following sites will become covered by the plan:
    - (i) a site that becomes a dormant site or former site after the plan is approved;
    - (ii) a dormant site for which the permit holder acquires the permit after the plan is approved.
- (2) A liability reduction plan must
- (a) cover a period of no more than 6 calendar years, and
  - (b) for each of those calendar years, specify, by field and type,
    - (i) the number of dormant sites and former sites covered by the plan to be decommissioned in the calendar year,
    - (ii) the number of dormant sites and former sites covered by the plan to be assessed in the calendar year, and
    - (iii) the number of dormant sites and former sites covered by the plan to be restored in the calendar year.
- (3) A liability reduction plan must be consistent with the assessment of the dormant sites and former sites covered by the plan within the following timelines:
- (a) in the case of a type A site that was decommissioned by December 31, 2018, by December 31, 2033;
  - (b) in the case of a type B site that was decommissioned in or before the reference year for the site, by December 31, 2033;
  - (c) in the case of any other dormant site or former site, by December 31 of the calendar year that is 2 calendar years after the calendar year in which the site is decommissioned.
- (4) A liability reduction plan must be consistent with the restoration of the dormant sites and former sites covered by the plan within the following timelines:
- (a) in the case of a type A or B site, by December 31, 2036;

- (b) in the case of a type C site, by December 31 of the calendar year that is 10 calendar years after the reference year for the site.
- (5) A liability reduction plan must include specific plans for the decommissioning, assessment and restoration of priority sites.
- (6) A liability reduction plan must specify, for each type of dormant site that is covered by the plan, the maximum number of dormant sites of that type for which the permit holder may transfer the permit.

[am. B.C. Reg. 288/2020.]

### **Annual work plan**

- 23.** A liability reduction plan must require the permit holder to develop and submit to the regulator, in accordance with section 11 [*annual work plan*], an annual work plan for the calendar year.

[am. B.C. Reg. 202/2023, Sch. 1.]

### **Annual report**

- 24.** (1) A liability reduction plan must require the permit holder to submit to the regulator, within 60 days after the end of each calendar year covered by the plan, a report on the calendar year.
- (2) A report under subsection (1) must do the following:
- (a) identify, by permit and type,
    - (i) the dormant sites and former sites covered by the plan that were decommissioned in the calendar year,
    - (ii) the dormant sites and former sites covered by the plan that were assessed in the calendar year,
    - (iii) the dormant sites and former sites covered by the plan that were restored in the calendar year, and
    - (iv) the dormant sites covered by the plan for which the permit holder transferred the permit in the calendar year;
  - (b) identify whether the permit holder is in compliance with the plan and, if not, the measures the permit holder proposes to take to correct the non-compliance and prevent further non-compliance with the plan;
  - (c) include the following:
    - (i) a copy of the annual work plan referred to in section 23 for the calendar year and an explanation of any deviations from that plan;
    - (ii) any other information required by the regulator;
    - (iii) a statement, signed by the permit holder or a director or officer of the permit holder, that the annual report is accurate and complete;
  - (d) be in the form specified by the regulator.
- (3) A report under subsection (1) must be submitted in the manner specified by the regulator.

[en. B.C. Reg. 288/2020; am. B.C. Reg. 202/2023, Sch. 1.]

### **Notification**

- 25.** A liability reduction plan must require the permit holder to comply with

- (a) section 13 *[notification of annual work plan]*, in relation to the annual work plan referred to in section 23, and
- (b) section 14 *[notification of intention to begin work]*.

### **Pipeline deactivation timelines**

- 25.1** In the event of a conflict, a timeline set out in section 17 *[type C sites]* or 22 *[basic requirements]* of this regulation prevails over a timeline set out in a plan approved by the regulator under section 9 (4) (a) *[deactivation]* of the Pipeline Regulation.
- [en. B.C. Reg. 266/2022, Sch. 1; am. B.C. Reg. 202/2023, Sch. 1.]

## **Part 2: Division 3 – General**

### **Invasive plant compliance record**

- 25.2** A person who carries out energy resource activities within an operating area must prepare and maintain an invasive plant compliance record that describes the activities carried out for the purpose of complying with the obligations described in section 15 of the Environmental Protection and Management Regulation, including all of the following:
- (a) the assessment and monitoring activities carried out for the purpose of determining whether invasive plants
    - (i) are present or established, or may become established, or
    - (ii) have spread to adjacent areas;
  - (b) the location, type and distribution of each species of invasive plants found through assessment and monitoring activities;
  - (c) the activities carried out for the purpose of preventing the following:
    - (i) the transportation of seed, plant parts or propagules of invasive plants;
    - (ii) the establishment of invasive plants, including the removal of invasive plants;
  - (d) the revegetation activities carried out, including the plant species used for revegetation;
  - (e) the activities carried out for the purpose of ensuring that revegetated plants are successfully established;
  - (f) with respect to the activities described in this subsection,
    - (i) the dates on which the activities were carried out, and
    - (ii) the processes and equipment used in carrying out the activities;
  - (g) the qualifications of the persons
    - (i) carrying out assessment and monitoring activities, and
    - (ii) supervising the activities described in this subsection.
- [en. B.C. Reg. 145/2023, App. 1; am. B.C. Reg. 202/2023, Sch. 1.]

### **Records**

- 26.** The records, reports and plans required under this regulation are prescribed for the purposes of section 38 of the Act.
- [en. B.C. Reg. 145/2023, App. 1.]

## **Exemptions**

- 26.1** (1) Subject to subsection (2), an official may exempt a permit holder from complying with any of the following provisions of this regulation:
- (a) section 15 [*type A sites*];
  - (b) section 16 [*type B sites*];
  - (c) section 17 [*type C sites*];
  - (d) section 18 [*priority sites*].
- (2) Before granting an exemption under subsection (1), an official must be satisfied that, in the circumstances,
- (a) compliance with the provision or provisions is not reasonably practicable, or
  - (b) the exemption is in the public interest.
- (3) In granting an exemption under subsection (1), an official may impose any conditions on the exemption the official considers necessary.

[en. B.C. Reg. 266/2022, Sch. 1.]

## **PART 3 – Repealed**

**and 28. Repealed**

**27.**           and 28. *Repealed.* [B.C. Reg. 288/2020]

[Provisions of the *Energy Resource Activities Act*, SBC 2008, c. 36, relevant to the enactment of this regulation: sections 111.1 and 112]