

# FEE, LEVY AND SECURITY REGULATION 8/2014

Updated To:  
[includes B.C. Reg. 38/2024 amendments (effective March 4, 2024)]

## **FEE, LEVY AND SECURITY REGULATION 8/2014**

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[Provisions of the *Energy Resource Activities Act*, SBC 2008, c. 36, relevant to the enactment of this regulation: sections 106, 109, 110 and 112]

## PART 1 – Definitions

### Definitions

1. In this regulation:

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

"ammonia facility" means a facility that produces ammonia;

"Class A ammonia facility" means an ammonia facility with a capacity to produce less than 5 000 tonnes of ammonia per year;

"Class A hydrogen facility" means a hydrogen facility with a capacity to produce less than 100 000 tonnes of hydrogen per year;

"Class A LNG facility" means an LNG facility with a capacity to process no more than 1.4 million m<sup>3</sup>/day of natural gas;

"Class A methanol facility" means a methanol facility with a capacity to produce less than 5 000 tonnes of methanol per year;

"Class A natural gas facility" means a natural gas facility with a capacity to process no more than 1.4 million m<sup>3</sup>/day of natural gas;

"Class A pipeline" means a pipeline with an outside diameter of less than 168.3 mm;

"Class B ammonia facility" means an ammonia facility with a capacity to produce 5 000 tonnes or more of ammonia per year;

"Class B hydrogen facility" means a hydrogen facility with a capacity to produce 100 000 tonnes or more of hydrogen per year;

"Class B LNG facility" means an LNG facility with a capacity to process more than 1.4 million m<sup>3</sup>/day but no more than 5.6 million m<sup>3</sup>/day of natural gas;

"Class B methanol facility" means a methanol facility with a capacity to produce 5 000 tonnes or more of ammonia per year;

"Class B natural gas facility" means a natural gas facility with a capacity to process more than 1.4 million m<sup>3</sup>/day but no more than 5.6 million m<sup>3</sup>/day of natural gas;

"Class B pipeline" means a pipeline with an outside diameter of 168.3 mm or more and less than 609.6 mm;

"Class C LNG facility" means an LNG facility with a capacity to process more than 5.6 million m<sup>3</sup>/day of natural gas;

"Class C natural gas facility" means a natural gas facility with a capacity to process more than 5.6 million m<sup>3</sup>/day of natural gas;

"Class C pipeline" means a pipeline with an outside diameter of 609.6 mm or more;

"hydrogen facility" means a facility that produces hydrogen;

"LNG" means liquefied natural gas;

"LNG facility" means a facility that processes natural gas and produces LNG;

"major amendment" means an amendment to a permit to do one or more of the following:

- (a) increase by one hectare or more the approved area with respect to a wellsite, facility, pipeline, energy resource road or seismic line;

- (b) shift by 100 m or more the approved area with respect to anything referred to in paragraph (a);
- (c) change the approved activities under a permit to construct or operate a facility in a manner that would cause a change to
  - (i) the class of facility as defined in section 1, or
  - (ii) activities in relation to processing or to the handling of waste;
- (d) change the approved activities under a permit to construct or operate a facility by adding approval for additional storage;

**"marketable gas"** means natural gas that is available for sale for direct consumption as a domestic, commercial or industrial fuel or as an industrial raw material, or is delivered to a storage facility, whether it occurs naturally or results from the processing of natural gas;

**"methanol facility"** means a facility that produces methanol;

**"minor amendment"** is an amendment to a permit that is not a major amendment;

**"natural gas conversion facility"** means a facility for converting natural gas into one or more organic compounds other than methanol;

**"natural gas facility"** means a facility that is

- (a) a compressor station,
- (b) a gas dehydrator, or
- (c) a gas processing plant;

**"non-oil-and-gas facility"** means a facility other than an LNG facility, natural gas facility, oil facility, ammonia facility, hydrogen facility, methanol facility or natural gas conversion facility;

**"oil facility"** means a facility that processes petroleum.

[am. B.C. Regs. 50/2021, Sch. 3; 202/2023, Sch. 4; 38/2024.]

## PART 2 – Energy Resource Activity Fees

### Fees re geophysical permits

2. (1) A \$3 000 fee must be submitted on application under section 24 of the Act for a permit to carry out geophysical exploration.
- (2) A \$1 200 fee must be submitted on application under section 31 of the Act to amend a permit to carry out geophysical exploration.

### Fees re well permits

3. (1) A \$12 400 fee must be submitted on application under section 24 of the Act for a permit to drill or operate a well for the purposes of exploring for or developing petroleum, natural gas or both.
- (2) A \$12 400 fee must be submitted on application under section 24 of the Act for a permit to drill or operate a well that is a water source well.

### Fees on application for amendment of a well permit

4. The following fees must be submitted on application under section 31 of the Act:
  - (a) for an application to make a minor amendment to a permit referred to in section 3 of this regulation, \$1 000;
  - (b) for an application to make a major amendment to a permit referred to in section 3 of this regulation, \$7 000.

### Fees for advice and consultation services

- 4.1 The following fees must be submitted to the regulator for advice and consultation services provided in relation to an energy resource activity that is a reviewable project within the meaning of the *Environmental Assessment Act*:
  - (a) \$180 000 for advice and consultation services provided for 3 or more months, but less than 9 months;
  - (b) \$260 000 for advice and consultation services provided for 9 or more months, but less than 18 months;
  - (c) \$350 000 for advice and consultation services provided for 18 or more months.

[en. B.C. Reg. 105/2016; am. B.C. Regs. 50/2021, Sch. 3; 202/2023, Sch. 4.]

### Fees on application for a pipeline permit

5. (1) In this section, "twinned pipeline" means 2 onshore Class C pipelines that
  - (a) are 50 km or more in length,
  - (b) are part of a Class C pipeline project,
  - (c) are constructed at the same time and in the same right of way, and
  - (d) carry the same kind of fluid.
- (2) The following fees must be submitted on application under section 24 of the Act for a permit to construct or operate a pipeline:
  - (a) for a Class A pipeline,
    - (i) a basic fee of \$1 500, and
    - (ii) \$300 per km of pipeline;
  - (b) for a Class B pipeline,

- (i) a basic fee of \$2 000, and
    - (ii) \$500 per km of pipeline;
  - (c) for a Class C pipeline that is less than 50 km in length,
    - (i) a basic fee of \$2 000, and
    - (ii) \$1 400 per km of pipeline;
  - (d) for a Class C pipeline that is 50 km or more in length,
    - (i) a basic fee of either
      - (A) \$20 000, if a fee has been submitted under section 4.1 respecting any segment of the Class C pipeline project, or
      - (B) \$370 000, in all other cases, and
    - (ii) \$1 400 per km of pipeline;
  - (e) for a twinned pipeline,
    - (i) a basic fee of \$370 000, and
    - (ii) \$2 200 per km of twinned pipeline.
- (3) *Repealed.* [B.C. Reg. 59/2015]

[am. B.C. Reg. 59/2015.]

#### **Fees on application for amendment of a pipeline permit**

6. The following fees must be submitted on application under section 31 of the Act:
- (a) for an application for an amendment for a permit for a Class A pipeline,
    - (i) \$1 000 for a minor amendment, and
    - (ii) \$7 000 for a major amendment;
  - (b) for an application for an amendment for a permit for a Class B pipeline,
    - (i) \$1 000 for a minor amendment, and
    - (ii) \$7 000 for a major amendment;
  - (c) for an application for an amendment for a permit for a Class C pipeline,
    - (i) \$5 000 for a minor amendment, and
    - (ii) \$25 000 for a major amendment.

#### **Fees on application for an approval under section 9 (2) of the Act**

7. (1) In this section, "approval" has the same meaning as in section 9 of the Act.
- (2) The following fees must be submitted on application for an approval respecting a pipeline referred to in section 9 (2) of the Act:
- (a) \$300 per km of Class A pipeline;
  - (b) \$500 per km of Class B pipeline;
  - (c) \$600 per km of Class C pipeline.

#### **Fees on application for a natural gas facility permit**

8. The following fees must be submitted on application under section 24 of the Act for a permit to construct or operate a natural gas facility:
- (a) for an application for a Class A natural gas facility, \$25 000;
  - (b) for an application for a Class B natural gas facility, \$50 000;
  - (c) for an application for a Class C natural gas facility, \$75 000.

**Fees on application for amendment of a natural gas facility permit**

9. The following fees must be submitted on application under section 31 of the Act:
- (a) for an application to make a minor amendment to a permit referred to in section 8 of this regulation, \$1 000;
  - (b) for an application to make a major amendment to a permit referred to in section 8 of this regulation, \$7 000.

**Fees on application for a manufacturing plant permit and petroleum refinery permit**

- 9.1 A person who submits an application under section 24 of the Act for a permit to construct or operate a natural gas conversion facility or petroleum refinery must pay, on receipt of an invoice issued by the regulator, a fee of \$132 per hour for each hour or portion of an hour that an employee or contractor of the regulator spends on reviewing the application.  
[en. B.C. Reg. 147/2017; am. B.C. Regs. 202/2023, Sch. 4; 38/2024.]

**Fees on application for amendment of a manufacturing plant permit and petroleum refinery permit**

- 9.2 A person who submits an application under section 31 of the Act for an amendment to a permit to construct or operate a natural gas conversion facility or petroleum refinery must pay, on receipt of an invoice issued by the regulator, a fee of \$132 per hour for each hour or portion of an hour that an employee or contractor of the regulator spends on reviewing the application.  
[en. B.C. Reg. 147/2017; am. B.C. Regs. 202/2023, Sch. 4; 38/2024.]

**Fees on application for an LNG facility permit**

10. The following fees must be submitted on application under section 24 of the Act for a permit to construct or operate an LNG facility:
- (a) for an application for a Class A LNG facility, \$25 000;
  - (b) for an application for a Class B LNG facility, \$75 000;
  - (c) for an application for a Class C LNG facility,
    - (i) \$300 000, if a fee has been submitted under section 4.1 respecting the Class C LNG facility, and
    - (ii) \$650 000, in all other cases.
- [am. B.C. Reg. 59/2015.]

**Fees on application for amendment of an LNG facility permit**

11. The following fees must be submitted on application under section 31 of the Act:
- (a) for an application for a major amendment to a permit for a Class A LNG facility, \$1 000;



- (b) for an application for a major amendment to a permit for a Class B LNG facility, \$7 000;
- (c) for an application for a major amendment to a permit for a Class C LNG facility, \$15 000.

[am. B.C. Reg. 59/2015.]

### **Fees respecting construction of LNG facility**

- 11.1** For the review of submissions made by an LNG facility permit holder under section 3 (1) (a) to (f) of the Liquefied Natural Gas Facility Regulation, the following fees must be submitted:
- (a) for a Class B LNG facility, \$25 000.
  - (b) *Repealed.* [B.C. Reg. 79/2021]

[en. B.C. Reg. 59/2015; am. B.C. Reg. 79/2021.]

### **Fees respecting operation of LNG facility**

- 11.2** For the review of submissions made by an LNG facility permit holder under section 8 (3) of the Liquefied Natural Gas Facility Regulation and of the results of the tests provided under section 9 (3) of that regulation, the following fees must be submitted:
- (a) for a Class B LNG facility, \$25 000.
  - (b) *Repealed.* [B.C. Reg. 79/2021]

[en. B.C. Reg. 59/2015; am. B.C. Reg. 79/2021.]

### **Fees on application for an oil facility permit**

- 12.** (1) Subject to subsection (2), a \$12 400 fee must be submitted on application under section 24 of the Act for a permit to construct or operate an oil facility.
- (2) Subsection (1) does not apply if the application is in respect of a facility located in an area with respect to which the applicant has a permit.

### **Fees on application for amendment of an oil facility permit**

- 13.** (1) Subject to subsection (2), the following fees must be submitted on application under section 31 of the Act in respect of a permit for an oil facility:
- (a) for an application to make a minor amendment, \$1 000;
  - (b) for an application to make a major amendment, \$7 000.
- (2) Subsection (1) does not apply if the application is in respect of a permit for a facility located in an area with respect to which the applicant has a permit.

### **Fees on application for ammonia facility permit, hydrogen facility permit or methanol facility permit**

- 13.1** The following fees must be submitted on application under section 24 of the Act:
- (a) for an application for a permit to construct or operate a Class A ammonia facility, a class A hydrogen facility or a Class A methanol facility, \$12 400;

- (b) for an application for a permit to construct or operate a Class B ammonia facility, a Class B hydrogen facility or a Class B methanol facility, \$50 000.

[en. B.C. Reg. 38/2024.]

**Fees on application for amendment to ammonia facility permit, hydrogen facility permit or methanol facility permit**

- 13.2** The following fees must be submitted on application under section 31 of the Act:
- (a) for an application to make a minor amendment in respect of a permit to construct or operate a Class A ammonia facility, a class A hydrogen facility or a Class A methanol facility, \$1 000;
  - (b) for an application to make a major amendment in respect of a permit to construct or operate a Class B ammonia facility, a class B hydrogen facility or a Class B methanol facility, \$7 000.

[en. B.C. Reg. 38/2024.]

**Fees on application for a non-oil-and-gas facility permit**

- 14.** (1) Subject to subsection (2), a \$12 400 fee must be submitted on application under section 24 of the Act for a permit to construct or operate a non-oil-and-gas facility.
- (2) Subsection (1) does not apply if the application is in respect of a permit for a facility located in an area with respect to which the applicant has a permit.

**Fees on application for amendment of a non-oil-and-gas facility permit**

- 15.** (1) Subject to subsection (2), the following fees must be submitted on application under section 31 of the Act in respect of a permit for a non-oil-and-gas facility:
- (a) for an application to make a minor amendment, \$1 000;
  - (b) for an application to make a major amendment, \$7 000.
- (2) Subsection (1) does not apply if the application is in respect of a permit for a facility that is located in an area with respect to which the applicant has a permit.

**Fees on application for a permit**

- 16.** The following fees must be submitted on application under section 24 of the Act for a permit to construct an energy resource road:
- (a) \$100 per km, if the energy resource road is 5 km or greater in length and is to be constructed as a winter access road only;
  - (b) \$200 per km, if the energy resource road is 5 km or greater in length and is to be constructed as an all-season access road.

[am. B.C. Reg. 202/2023, Sch. 4.]

**Fees on application for amendment of a permit**

- 17.** A \$500 fee must be submitted on application under section 31 of the Act for a major amendment to a permit for an energy resource road 5 km or greater in length.

[am. B.C. Reg. 202/2023, Sch. 4.]

## PART 3 – Other Fees

### Fees on application for transfer of a permit

18. The following fees must be submitted on application under section 29 of the Act:
- (a) \$100, if the application is accompanied by an amalgamation certificate from the Corporate Registry and the certificate names both the person who applies for the transfer and the person to whom the permit is to be transferred;
  - (b) \$100, if the application is accompanied by a name change certificate from the Corporate Registry naming both the person who applies for the transfer and the person to whom the permit is to be transferred;
  - (c) \$300, in all other cases.

### Core lab fees

19. (1) For the purposes of section 31 (3) of the Drilling and Production Regulation, the following fees are prescribed:
- (a) to examine core and drill cuttings at the core lab,
    - (i) \$150 per day for each examination table,
    - (ii) \$6 per box to examine a well core,
    - (iii) \$50 per well to examine drill cuttings, and
    - (iv) \$15 per sample of core required to be cut;
  - (b) to remove a well core from the core lab, \$300 plus \$6 per box;
  - (c) for services respecting the return of the core, including re-boxing, core box repair and core box replacements, \$60 per hour.

### Certificate of restoration

20. A \$1 500 fee must be submitted on application under section 41 (1) of the Act for a certificate of restoration.

### Other fees

21. A person who requests information from the regulator must submit the following fees:
- (a) \$4 per page printed or copied;
  - (b) \$60 per hour for time spent compiling or retrieving records, reports or other information.

[am. B.C. Reg. 202/2023, Sch. 4.]

## PART 4 – Expense Recovery Levies

### Definitions

22. In this Part, "**collector**" and "**producer**" have the same meanings as in the Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation.

### Repealed

23. *Repealed.* [B.C. Reg. 106/2017]

### Levy – producers

- 23.1 For the purposes of section 110 of the Act, a permit holder that is a producer must pay the following levies:
- (a) \$1.58 per m<sup>3</sup> of petroleum produced by the producer;
  - (b) \$0.70 per 1 000 m<sup>3</sup> of marketable gas produced by the producer.

[en. B.C. Reg. 106/2017; am. B.C. Regs. 240/2018; 109/2020; 79/2021.]

### Levy – pipeline permit holders

- 23.2 (1) For the purposes of section 110 of the Act, a pipeline permit holder must, subject to subsection (2) of this section, pay the following levies:
- (a) for a Class A pipeline, \$50 per km of the pipeline permit holder's Class A pipeline;
  - (b) for a Class B pipeline, \$60 per km of the pipeline permit holder's Class B pipeline;
  - (c) for a Class C pipeline, \$200 per km of the pipeline permit holder's Class C pipeline.
- (2) For the purposes of section 110 of the Act, a pipeline permit holder must pay a levy per km of the permitted length of the pipeline permit holder's pipeline as follows:
- (a) \$1 700 in respect of the Coastal GasLink Pipeline Project;
  - (b) \$200 in respect of
    - (i) the Pacific Trail Pipelines Project, and
    - (ii) the Prince Rupert Gas Transmission Project.

[en. B.C. Reg. 106/2017; am. B.C. Regs. 27/2018; 79/2021; 79/2023.]

### Levy – LNG facility permit holders

- 23.3 (1) For the purposes of section 110 of the Act, a person who holds a Class C LNG facility permit in respect of the LNG Canada Project must pay a levy of \$900 000.
- (2) For the purposes of section 110 of the Act, a person who holds a Class C LNG facility permit in respect of the Woodfibre LNG Project must pay a levy of \$1 200 000.

[en. B.C. Reg. 79/2021; am. B.C. Regs. 79/2023; 38/2024.]

**Levy payment – producers**

- 24.** (0.1) In this section, "**billing month**" means the second calendar month following a production month.
- (1) The collector must invoice each producer, on or about the 23rd day of each billing month, for an amount equal to the aggregate of the following calculations:
    - (a) the marketable gas levy rate applicable in the billing month multiplied by the volume of marketable gas produced by that producer in the production month that is the subject of the invoice;
    - (b) the petroleum levy rate applicable in the billing month multiplied by the volume of petroleum produced by that producer in the production month that is the subject of the invoice.
  - (2) The period of time to be considered by the collector for the purposes of determining production volume under subsection (1) (a) or (b) is the period beginning at 12:00 a.m. Mountain Standard Time on the first day of the production month referred to in the applicable provision and ending at the same time on the first day of the next calendar month.
  - (3) A producer who receives an invoice from the collector must, on or before the last day of the billing month, pay to the collector, in the manner that the collector may from time to time specify, the amount stated in the invoice.
  - (4) If a producer does not agree with the amount invoiced by the collector, the collector must review the invoice if, within 90 days of the date the collector delivered or faxed the invoice to the producer, the producer delivers or faxes to the collector a request for a review with reasons for the disagreement and any supporting documentation.
  - (5) A producer who requests a review is not exempted from the requirement to pay the levies stated in the invoice.
  - (6) If the collector reviews an invoice under subsection (4) and determines that the position of the producer is correct, the collector must
    - (a) invoice the producer for any additional levy owing, or
    - (b) credit the producer on the next invoice for any overpayment.
  - (7) If a producer does not make the levy payment within the time period set out in subsection (3), the producer must pay a penalty of \$50 or 5% of the unpaid invoice amount, whichever is greater.
  - (8) If a penalty is assessed under subsection (7), the collector must give notice of that penalty to the producer at the earliest opportunity.
  - (9) If the production volumes used to invoice a producer under subsection (1) are adjusted after the invoice has been sent, the collector must
    - (a) invoice the producer for any additional levy owing, or
    - (b) credit the producer on the next invoice for any overpayment.
  - (10) If a producer fails to pay an invoice from the collector within 45 days after receiving the invoice, any permit granted to the producer under the Act may be suspended or cancelled on 60 days' notice to the producer.

[am. B.C. Regs. 131/2015; 175/2018.]

**Levy payment – pipeline permit holders**

- 24.1** A levy under section 23.2 (2) is payable by a pipeline permit holder immediately after the approval of the permit.

[en. B.C. Reg. 106/2017.]

## PART 4.1 – Orphan Site Restoration Levies

### Definitions

**24.2** In this Part:

**"designated permit"** means any of the following:

- (a) a facility permit, other than
  - (i) an LNG facility permit, and
  - (ii) a facility permit that includes permission to construct or operate a natural gas conversion facility or petroleum refinery;
- (b) a well permit;

**"facility permit"** has the same meaning as in the Drilling and Production Regulation;

**"LNG facility permit"** has the same meaning as in the Liquefied Natural Gas Facility Regulation;

**"orphan site restoration levy"** means a levy under section 47 of the Act;

**"well permit"** has the same meaning as in the Drilling and Production Regulation.

[en. B.C. Reg. 45/2019; am. B.C. Reg. 38/2024.]

### Levy imposed

**24.3** Holders of a designated permit on April 1 of each year must pay an orphan site restoration levy of \$15 million, apportioned among the permit holders based on their situations on that date.

[en. B.C. Reg. 79/2021.]

### Payment of levy

**24.4** A permit holder who is required to pay an orphan site restoration levy must pay the amount required under section 47 (2) of the Act within 15 days after receiving an invoice for that amount from the regulator.

[en. B.C. Reg. 45/2019; am. B.C. Reg. 202/2023, Sch. 4.]

## PART 5 – Security

### Security

25. (1) Security required under section 23 or 30 of the Act must be submitted in the form of cash or an irrevocable letter of credit from any of the following:
- (a) a bank listed in Schedule I or II, or an authorized foreign bank listed in Schedule III, of the *Bank Act* (Canada);
  - (b) a credit union;
  - (c) a Crown corporation or government agency that is established or continued, under an enactment of a province or Canada, primarily for the purpose of engaging in activities similar in nature to those of a financial institution.
- (2) The amount of the security to be provided under section 23 (2) (b) (i) of the Act is
- (a) for private land, \$50 000 per km of the proposed pipeline according to the preliminary plan referred to in section 23 of the Act, and
  - (b) for Crown land, \$10 000 per km of the proposed pipeline according to the preliminary plan referred to in section 23 of the Act, up to a maximum of \$150 000.
- (3) The minimum security amount to be provided under section 30 of the Act is \$7 500.
- (4) The regulator must return a security in its entirety to a person who provided the security
- (a) under section 23 (2) (b) (i) of the Act, if the person has restored the land to the condition it was in before the land was entered under that section or has, under an agreement with the landowner, compensated the landowner for any damage or disturbance to the land, and
  - (b) under section 30 of the Act, if all permits held by the former permit holder
    - (i) have been cancelled and the former permit holder has complied with section 40 (d) to (f) of the Act or has obtained a certificate of restoration, or
    - (ii) have been transferred to another person under section 29 of the Act.
- (5) On the request of a permit holder, an official may return all or part of a security if the official is satisfied that all or part of the security is not required to secure the permit holder's obligations under the Act or the permit holder's permits or authorizations.
- [am. B.C. Reg. 109/2020; am. B.C. Reg. 202/2023, Sch. 4.]

[Provisions of the *Energy Resource Activities Act*, SBC 2008, c. 36, relevant to the enactment of this regulation: sections 106, 109, 110 and 112]