

OIL AND GAS PROCESSING FACILITY REGULATION 48/2021 - Unofficial Copy

Updated To:

[Note: This is an Unofficial Copy. includes B.C. Reg. 202/2023, Sch. 8 amendments (effective September 1, 2023)]

OIL AND GAS PROCESSING FACILITY REGULATION 48/2021

B.C. Reg. 48/2021

[includes B.C. Reg. 202/2023, Sch. 8 amendments (effective September 1, 2023)]

Contents

PART 1 – Definitions and Adopted Codes and Standards

1. Definitions
2. Adopted codes and standards

PART 2 – Application for Processing Facility Permit

3. Application for processing facility permit
4. Required reports
5. Pre-engagement with local Indigenous nations

PART 3 – Design and Construction of Processing Facility

6. Development of management system
7. Engineering design and siting
8. Storage system
9. General requirements respecting construction
10. Reports respecting changes and updates
11. Fire-related hazards
12. Modular units
13. Site management after construction

PART 4 – Operation of Processing Facility

Part 4: Division 1 – Before Operation Begins

14. Pre-operation testing
15. Signs
16. Notice of operation

Part 4: Division 2 – Operation

17. Record drawings
18. General requirements respecting operation
19. Maintaining safety
20. Notices of equipment and shutdowns
21. Venting and flaring
22. Application of Drilling and Production Regulation

PART 5 – Suspension of Operations and Decommissioning

- 23. Suspension of operations
- 24. Decommissioning of processing facility

PART 6 – General

Part 6: Division 1 – Records

- 25. Construction and post-construction records
- 26. Operating records
- 27. Quantity records
 - 27.1 Invasive plant compliance record
- 28. Suspension records
- 29. Record retention program
- 30. Records

Part 6: Division 2 – Other

- 31. Implementation and review of management system
- 32. Exemptions
- 33. Repealed

SCHEDULE 1

SCHEDULE 2

[Provisions of the *Energy Resource Activities Act*, SBC 2008, c. 36, relevant to the enactment of this regulation: sections 106, 108, 111 and 112]

PART 1 – Definitions and Adopted Codes and Standards

Definitions

1. In this regulation:

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

"codes and standards" means all of the following that apply in the context:

- (a) the codes and standards adopted under section 2 [*adopted codes and standards*];
- (b) the codes and standards referred to in section 3 (1) (c) [*application for processing facility permit*];

"construction" includes assembly;

"engineering design" means an engineering design prepared in accordance with sections 7 [*engineering design and siting*] and 8 [*storage system*];

"gas processing plant" means a facility for the extraction from natural gas of hydrogen sulphide, carbon dioxide, helium, natural gas liquids or other substances, but does not include a facility that

- (a) uses, for the exclusive purpose of processing low-volume fuel gas,
 - (i) a regenerative system for the removal of hydrogen sulphide or carbon dioxide and emits less than 2 tonnes/day of sulphur, or
 - (ii) a liquid extraction process such as refrigeration to extract hydrocarbon liquids from a gas stream, or
- (b) uses a non-regenerative system for the removal of hydrogen sulphide or carbon dioxide;

"hazard" means a condition that poses a material threat to life, health, property or the environment;

"management system" means the most current version of the management system referred to in section 6 [*development of management system*];

"modular unit" means a combination of equipment assembled into one self-contained unit that is integral to the operation of a processing facility;

"natural gas liquids" means any of the following, alone or in combination, recovered from natural gas:

- (a) ethane, propane and butanes;
- (b) pentanes and other condensates;

"processing facility" means the following:

- (a) a gas processing plant;
- (b) a manufacturing plant designed to convert natural gas into other organic compounds;
- (c) a petroleum refinery, other than a battery within the meaning of the Drilling and Production Regulation;

"processing facility permit" means a permit to construct and operate a processing facility;

"processing facility permit holder" means a person who holds a processing facility permit;

"qualified professional" means a person who is authorized under the Engineers and Geoscientists Regulation to use the reserved title "professional engineer" or "professional geoscientist";

"safety critical devices" means equipment, instrumentation, controls or systems at a processing facility

- (a) that, on malfunction, would cause or contribute substantially to the release of hazardous material or energy, or
- (b) that must operate properly to mitigate the adverse effects of a release of hazardous material or energy;

"suspension of operations" means the non-operation of a processing facility or part of a processing facility for at least 12 consecutive months.

[am. B.C. Reg. 202/2023, Sch. 8.]

Adopted codes and standards

2. (1) In this section:

"API" means the American Petroleum Institute;

"ASME" means the American Society of Mechanical Engineers;

"CSA" means the Canadian Standards Association.

(2) The following codes and standards are adopted for the purposes of this regulation:

- (a) API Standard 520, Sizing, Selection, and Installation of Pressure-relieving Devices;
 - (b) API Standard 521, Pressure-relieving and Depressuring Systems;
 - (c) API Standard 526, Flanged Steel Pressure-relief Valves;
 - (d) API Standard 527, Seat Tightness of Pressure Relief Valves;
 - (e) API Standard 537, Flare Details for Petroleum, Petrochemical, and Natural Gas Industries;
 - (f) API Standard 570, Piping Inspection Code: In-service Inspection, Rating, Repair, and Alteration of Piping Systems;
 - (g) API Standard 2000, Venting Atmospheric and Low-pressure Storage Tanks;
 - (h) API Standard 2510, Design and Construction of LPG Installations;
 - (i) ASME B31.3, Process Piping;
 - (j) CSA B149.1, Natural gas and propane installation code;
 - (k) CSA Z767, Process safety management, except clause 7.4.
- (3) Subject to anything to the contrary in a processing facility permit, the codes and standards referred to in
- (a) subsection (2) are adopted as amended from time to time, and
 - (b) subsection (2) (b) are adopted only in relation to processing facilities for which construction begins on or after March 4, 2021.
- (4) For greater certainty, nothing in the description of a program under this regulation is intended to limit a requirement, condition or prohibition in the codes and standards.

PART 2 – Application for Processing Facility Permit

Application for processing facility permit

3. (1) An applicant for a processing facility permit must submit to the regulator an application that includes all of the following information and records respecting the proposed processing facility:
 - (a) a detailed project description;
 - (b) a construction schedule;
 - (c) a summary of the codes and standards for engineering design, siting, construction and operation that the applicant intends to adopt in addition to those adopted under section 2 *[adopted codes and standards]*;
 - (d) preliminary engineering design information, plot plans and process flow diagrams;
 - (e) the design basis for the
 - (i) flaring, venting and relief systems, and
 - (ii) collection, storage, treatment and disposal systems for handling surface runoff and industrial waste water;
 - (f) if the applicant intends to construct a modular unit outside British Columbia,
 - (i) a description of the scope of the module, and
 - (ii) the construction plan for the module;
 - (g) the reports referred to in section 4 (4) *[required reports]*.
- (2) An applicant for a processing facility permit must ensure that qualified professionals prepare the information and records referred to in subsection (1) (c), (d) and (e).

[am. B.C. Reg. 202/2023, Sch. 8.]

Required reports

4. (1) An applicant for a processing facility permit must ensure that qualified professionals complete all of the following respecting the applicant's proposed processing facility:
 - (a) design and safety studies respecting the siting of
 - (i) the proposed processing facility, and
 - (ii) all proposed equipment;
 - (b) hazard identification studies, including studies of both process hazards and natural hazards;
 - (c) assessments of environmental effects, based on the best available science and Indigenous knowledge;
 - (d) preliminary consequence assessments with respect to the potential adverse effects of a spill or leak of gas or liquids at the facility site.
- (2) Subject to subsection (3), an applicant for a processing facility permit must ensure that the social and cultural effects of the applicant's proposed processing facility are assessed based on the following:
 - (a) the best available science and Indigenous knowledge;
 - (b) the best available local knowledge, if all or part of the facility site is within the boundaries of a municipality or regional district.
- (3) Subsection (2) does not apply if the applicant's proposed processing facility is a reviewable project within the meaning of the *Environmental Assessment Act*.
- (4) For the purposes of section 3 (1) (g) *[application for processing facility permit]*, an applicant for a processing facility permit must include with the application all of the following:

- (a) reports that include findings and recommendations respecting each of the studies and assessments described in subsections (1) and (2);
 - (b) a pre-engagement report made in accordance with section 5 [*pre-engagement with local Indigenous nations*];
 - (c) a report that
 - (i) is prepared by a third party acceptable to the regulator or by a qualified professional, and
 - (ii) verifies the quality assurance program for the proposed processing facility, being the processes and procedures to ensure that the facility will be constructed to conform to all applicable requirements of sections 6 [*development of management system*] and 7 [*engineering design and siting*].
- [am. B.C. Reg. 202/2023, Sch. 8.]

Pre-engagement with local Indigenous nations

5. (1) In this section, "**local Indigenous nation**", in relation to a facility site, means an Indigenous nation that is identified for the facility site in a manner specified by the regulator.
- (2) For the purposes of section 4 (4) (b) [*required reports*], a pre-engagement report must describe all of the following respecting the applicant's engagement with local Indigenous nations before making the application:
- (a) the process used to engage local Indigenous nations;
 - (b) any objections or concerns raised during engagement, and the manner in which the application addresses them;
 - (c) whether local Indigenous knowledge was sought during engagement and, if so, whether
 - (i) that knowledge was provided, and
 - (ii) any knowledge that was provided was used in making the environmental, social and cultural assessments referred to in section 4 (1) (c) and (2) and the reports resulting from those assessments.
- (3) A pre-engagement report must
- (a) be made in the form and manner required by the regulator, and
 - (b) include any additional information and records required by the regulator.

[am. B.C. Reg. 202/2023, Sch. 8.]

PART 3 – Design and Construction of Processing Facility

Development of management system

6. (1) Before construction of a processing facility begins, the processing facility permit holder must develop a management system to
 - (a) anticipate potential hazards, and
 - (b) manage potential hazards throughout the life cycle of the processing facility, in a systematic, comprehensive and proactive manner to prevent the hazards from occurring and to mitigate the effects of any hazards that do occur.
- (2) A processing facility permit holder must ensure that the management system for the processing facility
 - (a) addresses all activities with respect to the design, construction, testing, operation, suspension of operations and decommissioning of the processing facility,
 - (b) includes
 - (i) *Repealed* [B.C. Reg. 181/2022, App. 4]
 - (ii) an environmental management program that details the processes and procedures to minimize the adverse effect that the processing facility could have on the environment over the facility's life cycle,
 - (iii) an integrity management program that details the processes and procedures to maintain structures and equipment of the processing facility to avoid the failure of those structures and that equipment, and
 - (iv) a management of change program that details the processes and procedures to identify and manage any change that could adversely affect safety, security or environmental protection,
 - (c) takes into account the findings and recommendations of the reports referred to in section 4 (4) *[required reports]*, and
 - (d) conforms to all requirements of the standard referred to in section 2 (2) (k) *[process safety management]*.

[am. B.C. Reg. 181/2022, App. 4.]

Engineering design and siting

7. (1) A processing facility permit holder must ensure that the engineering design and siting of a processing facility
 - (a) are consistent with
 - (i) the information and records given to the regulator under section 3 *[application for processing facility permit]*, and
 - (ii) the findings and recommendations of the reports referred to in section 4 (4) *[required reports]*, and
 - (b) conform to the codes and standards.
- (2) A processing facility permit holder must ensure that the engineering design of a processing facility includes designs for all of the following:
 - (a) a storage system as described in section 8 *[storage system]*;
 - (b) a source of emergency power that is sufficient to safely stop operating the processing facility and that is protected from hazards;
 - (c) an emergency shutdown system that initiates and maintains a fail-safe condition until the permit holder takes appropriate action;
 - (d) if recommended in a report under section 4 (4), a fire suppression system.

- (3) A processing facility permit holder must ensure that the engineering design of a processing facility includes, and conforms to the requirements of, the following programs:
 - (a) a corrosion and erosion protection program that details the processes and procedures to monitor and manage the integrity of the processing facility;
 - (b) a leak detection program that details the processes and procedures to detect, control and respond to leaks or unplanned releases from the processing facility.
- (4) A processing facility permit holder must ensure that ignited vent stacks and flares are sited so that the thermal radiation flux at the locations identified in column 1 of the applicable table in Schedule 1 does not exceed the maximum thermal radiation flux identified opposite those locations in column 2 of that table.
- (5) A processing facility permit holder must ensure that all equipment in the processing facility is designed and sited such that the equipment can be used safely under all operating conditions anticipated during the life cycle of the processing facility.

[am. B.C. Reg. 202/2023, Sch. 8.]

Storage system

- 8. (1) A processing facility permit holder must ensure that the engineering design of a storage system conforms to the requirements of this section.
- (2) A storage system must provide for both of the following:
 - (a) the safe storage in tanks of energy resources, the products of energy resources, carbon dioxide and any other solids and fluids, including waste;
 - (b) the protection of the storage system from failure, taking into account the design fatigue life of the system equipment.
- (3) The storage system must include spill containment designed to
 - (a) prevent spills of solids or fluids from leaving the containment area, and
 - (b) minimize the pooling of spilled solids or fluids that may endanger the safe operation of the processing facility.
- (4) To prevent leaks from a liquid storage tank, other than a pressurized vessel, from leaving the containment area, the storage system must have an impermeable secondary containment system that has a capacity of at least the following:
 - (a) if secondary containment includes one tank only, 110% of the tank's capacity;
 - (b) if secondary containment includes multiple tanks, the sum of the capacity of the largest tank plus the greater of the following:
 - (i) 10% of the capacity of the largest tank;
 - (ii) 10% of the total capacity of all other tanks in the secondary containment system.

[am. B.C. Reg. 202/2023, Sch. 8.]

General requirements respecting construction

- 9. (1) A processing facility permit holder must notify the regulator at least 2 days before beginning construction of the processing facility or permitted modifications.
- (2) Unless the regulator permits otherwise, a processing facility permit holder must construct a processing facility in accordance with the codes and standards.
- (3) A processing facility permit holder must ensure that construction does not cause excessive noise or light.

[am. B.C. Reg. 202/2023, Sch. 8.]

Reports respecting changes and updates

- 10. (1) A processing facility permit holder must

- (a) report to the regulator, in accordance with subsection (2), respecting any
 - (i) changes to the construction schedule, and
 - (ii) updates to the engineering design, and
- (b) undertake risk assessments respecting any updates to the engineering design.
- (2) Reports under subsection (1) must be made once every 6 months during the period that
 - (a) begins on the date the processing facility permit is issued, and
 - (b) ends on the earliest date that the processing facility permit holder sends notice to the regulator that the permit holder intends
 - (i) to begin operating the processing facility, or
 - (ii) to surrender the processing facility permit.
- (3) In addition to the reports referred to in subsection (1) (a), if the engineering design is updated, a processing facility permit holder must do all of the following:
 - (a) give to the regulator an updated design basis for the systems referred to in section 3 (1) (e) [*application for processing facility permit*];
 - (b) ensure that a qualified professional completes an updated hazard identification study with respect to process hazards;
 - (c) if the qualified professional is of the opinion that it is necessary given the results under paragraph (b), ensure that a qualified professional completes a safety integrity level study, being a study of the extent to which risk reduction is required by the use of safety functions, including automatic instrument controls;
 - (d) give to the regulator a report that includes the findings and recommendations of the studies referred to in paragraph (b) and, if applicable, paragraph (c).

[am. B.C. Reg. 202/2023, Sch. 8.]

Fire-related hazards

- 11. (1) A processing facility permit holder must ensure that buildings where processing occurs do not contain a source of ignitable or flammable gas or liquid unless all of the following requirements are met:
 - (a) air intake flues are located outside the buildings in areas where ignitable or flammable gas or liquid is unlikely to be present;
 - (b) relief valves, burst plates and other sources of ignitable or flammable gas or liquid are vented at a safe location;
 - (c) the buildings are cross-ventilated;
 - (d) any equipment in the buildings that could be a source of ignition is protected.
- (2) A processing facility permit holder must equip buildings where processing occurs with systems that are appropriate to detect, monitor and respond to all of the following:
 - (a) explosive, ignitable, flammable, toxic or noxious gases;
 - (b) fire, the products of combustion or a rapid rise in temperature.

Modular units

- 12. (1) A processing facility permit holder must give to the regulator, on request, a report verifying that any modular units in the processing facility have been constructed and tested in accordance with the management system.

- (2) A verification report must be prepared by a third party acceptable to the regulator or by a qualified professional.

[am. B.C. Reg. 202/2023, Sch. 8.]

Site management after construction

13. (1) In this section, "**disturbed land**" means land within an operating area that
- (a) was disturbed during construction of a processing facility, and
 - (b) is not required for the safe and efficient operation of the processing facility.
- (2) A processing facility permit holder must manage the surface of disturbed land by
- (a) removing all structures that are not required for the operation of the processing facility, and
 - (b) restoring the surface of areas that will not be required for the operation of the processing facility to a state that eliminates hazards, enables weed and precipitation run-off control and prevents erosion.
- (3) Work under subsection (2) must be
- (a) carried out during construction of the processing facility, to the extent practicable given weather, ground and other conditions, and
 - (b) completed as soon as practicable after operation of the processing facility begins, if the work could not practicably be completed during construction.

PART 4 – Operation of Processing Facility

Part 4: Division 1 – Before Operation Begins

Pre-operation testing

14. (1) Before operation of any part of a processing facility begins, the processing facility permit holder must do all of the following:
- (a) inspect and test
 - (i) components and systems in accordance with the engineering design and the requirements of the codes and standards,
 - (ii) control and safety critical devices and systems to verify that the devices and systems are operating in accordance with the engineering design, and
 - (iii) fire suppression systems, if any are included in the engineering design under section 7 (2) (d) [*engineering design and siting*];
 - (b) conduct leak tests of equipment and piping systems;
 - (c) conduct any other inspections or tests reasonably necessary to ensure that the processing facility is safe to operate.
- (2) A processing facility permit holder must give to the regulator a schedule of when the inspections and tests referred to in subsection (1) will be conducted.
- (3) If an official designated under section 7 (4) of the Act for the purposes of this section has reason to believe that an inspection or test should be witnessed, given risks to safety or the environment or of product loss,
- (a) the official may give notice to the processing facility permit holder requiring that the inspection or test not be conducted unless witnessed by an official, and
 - (b) the processing facility permit holder must give notice to the official
 - (i) of the date that the inspection or test is to be conducted, at least 7 days but no more than 14 days before that date, and
 - (ii) of any change to that date, at least 2 days before that date.
- (4) A processing facility permit holder must not begin to operate any part of a processing facility unless
- (a) an inspection or test identified in a notice under subsection (3) (a) has been witnessed by an official, and
 - (b) the results of all inspections and tests conducted under this section indicate that it is safe to operate the processing facility.

[am. B.C. Reg. 202/2023, Sch. 8.]

Signs

15. Before operation of any part of a processing facility begins, the processing facility permit holder must conspicuously display at the processing facility a sign clearly setting out the following information:
- (a) the name of the permit holder;
 - (b) emergency notification information, including a telephone number;
 - (c) the legal description of the facility site;
 - (d) if the processing facility handles flammable gas, the flammable gas symbol in Schedule 2;

- (e) if the processing facility handles gas containing 10 parts per million or greater of hydrogen sulphide, the poisonous gas symbol in Schedule 2.

Notice of operation

16. (1) Before operation of any part of a processing facility begins, a processing facility permit holder must complete all of the following steps, in order:
- (a) give to the regulator the notice and records referred to in subsection (2);
 - (b) wait until either
 - (i) the regulator gives notice under subsection (3) (b), or
 - (ii) 14 days pass after the notice and records referred to in subsection (2) are given to the regulator, if no notice is given by the regulator under subsection (3) (a) or (b);
 - (c) give to the regulator the notice referred to in subsection (4).
- (2) For the purposes of subsection (1) (a), the processing facility permit holder must give to the regulator all of the following:
- (a) notice that the permit holder
 - (i) intends to begin operating the processing facility, and
 - (ii) has implemented the management system;
 - (b) *Repealed* [B.C. Reg. 181/2022, App. 4]
 - (c) a list, completed by a qualified professional, of all safety critical devices at the processing facility.
- (3) For the purposes of subsection (1) (b), the regulator may give one or both of the following notices to the processing facility permit holder:
- (a) a notice that the regulator requires additional time to review the information given to the regulator under subsection (2) (b) and (c) and section 14 (2) *[pre-operation testing]*;
 - (b) a notice that the permit holder may begin operation.
- (4) For the purposes of subsection (1) (c), the processing facility permit holder must give at least 24 hours' notice to the regulator of the date that the permit holder intends to begin operating the processing facility.
- [am. B.C. Regs. 181/2022, App. 4; 202/2023, Sch. 8.]

Part 4: Division 2 – Operation

Record drawings

17. A processing facility permit holder must, within 9 months after the permit holder begins to operate the processing facility, give to the regulator record drawings that
- (a) include piping and instrumentation diagrams, process flow diagrams, metering schematics and plot plans, and

- (b) are signed and sealed by a person who is authorized under the Engineers and Geoscientists Regulation to use the reserved title "professional engineer".

[am. B.C. Reg. 202/2023, Sch. 8.]

General requirements respecting operation

- 18. (1) A processing facility permit holder must operate the processing facility in accordance with
 - (a) the engineering design,
 - (b) the codes and standards, and
 - (c) the management system.
- (2) A processing facility permit holder must maintain a control room for the safe and efficient operation of the processing facility and for emergency situations.
- (3) A processing facility permit holder must ensure that
 - (a) the signs required under section 15 [*signs*] remain posted throughout the operation of the processing facility,
 - (b) the processing facility is maintained in a condition that minimizes hazards, including hazards associated with pits, holes, equipment and storage of materials, and
 - (c) the facility site is clean and free of garbage, debris and derelict equipment.
- (4) A processing facility permit holder must ensure that normal operations at the processing facility do not cause excessive noise or light.
- (5) A processing facility permit holder must ensure that a warning symbol in Schedule 2 is not posted in any place where there is no hazard.

Maintaining safety

- 19. (1) A processing facility permit holder must not bypass or disable the function of a safety critical device unless
 - (a) the purpose of the bypass or disablement is to carry out maintenance or commissioning of the processing facility,
 - (b) the processing facility is continuously monitored,
 - (c) the permit holder has established and documented work procedures sufficient to ensure that the operation can be conducted safely, and
 - (d) the operation is conducted in accordance with those procedures.
- (2) Subject to subsection (1), a processing facility permit holder must lock or cap seal any valve or device that can bypass or disable the function of a safety critical device.
- (3) A processing facility permit holder must ensure that any solids or fluids containing toxic components are handled, treated and processed in a manner that is safe and minimizes hazards.
- (4) If containment or process control is lost or compromised, the processing facility permit holder must ensure that all actions necessary to rectify the situation are taken as soon as practicable.

Notices of equipment and shutdowns

- 20. A processing facility permit holder must notify the regulator at least 24 hours before doing either of the following:
 - (a) putting new or modified equipment into service;

- (b) beginning a planned shutdown of the processing facility or part of the processing facility.

[am. B.C. Reg. 202/2023, Sch. 8.]

Venting and flaring

21. (1) Except as permitted by the processing facility permit, a processing facility permit holder must not
- (a) vent gas from a processing facility unless the gas heating value, volume or flow rate is insufficient to support stable combustion, or
 - (b) flare gas from a processing facility unless flaring is required for emergency or maintenance purposes.
- (2) If venting or flaring occurs, a processing facility permit holder must
- (a) minimize the quantity of vented or flared gas and the duration of venting or flaring,
 - (b) ensure that,
 - (i) during normal operations, there are no visible emissions, and
 - (ii) during emergency or maintenance operations, emissions are visible for no more than 5 minutes in any 2-hour period, and
 - (c) ensure that emissions from vents or flares do not cause
 - (i) a material threat to life or health,
 - (ii) off-lease odours, or
 - (iii) injury to vegetation or wildlife.
- (3) If the quantity of vented or flared gas exceeds or is likely to exceed 10 000 m³, a processing facility permit holder must
- (a) notify the regulator
 - (i) at least 24 hours before a planned venting or flaring event, or
 - (ii) within 24 hours after an unplanned venting or flaring event begins, and
 - (b) give to the regulator, on request, information respecting the events.

[am. B.C. Reg. 202/2023, Sch. 8.]

Application of Drilling and Production Regulation

22. (1) The following sections of the Drilling and Production Regulation apply to a permit holder with respect to a gas processing facility:
- (a) section 41.1 [*leak detection and repair*];
 - (b) sections 52.01 [*definition*] to 52.10 [*sampling and pressure relief systems*];
 - (c) section 52.12 [*measurement equipment*].
- (2) For the purposes of subsection (1), a reference in the Drilling and Production Regulation to a
- (a) "facility" is to be read as a reference to a "processing facility", and
 - (b) "facility permit holder" is to be read as a reference to a permit holder with respect to a gas processing facility.

PART 5 – Suspension of Operations and Decommissioning

Suspension of operations

23. (1) In the event of a suspension of operations, a processing facility permit holder must
- (a) implement a suspension plan prepared by a qualified professional, and
 - (b) give to the regulator a copy of the suspension plan.
- (2) A processing facility permit holder must notify the regulator at least 5 days before operations resume after a suspension of operations.

[am. B.C. Reg. 202/2023, Sch. 8.]

Decommissioning of processing facility

24. (1) If a processing facility permit holder does not resume operations within 2 years after a suspension of operations begins, the processing facility permit holder must do all of the following:
- (a) carry out a contaminated sites assessment;
 - (b) have a qualified professional prepare a plan to remove any facilities and other equipment from the facility site and remediate and restore the facility site;
 - (c) give to the regulator a copy of the plan referred to in paragraph (b) and a schedule of activities under that plan;
 - (d) once the plan referred to in paragraph (b) is approved by the regulator, implement that plan;
 - (e) notify the regulator at least 60 days before beginning the decommissioning process and on completing the decommissioning process.
- (2) Sections 7, 8 and 9 (1) (a) and (b) (i) of the Dormancy and Shutdown Regulation and the provisions referenced in those sections apply to a processing facility permit holder for the purposes of subsection (1) as if, under that regulation,
- (a) processing facilities were dormant sites, and
 - (b) processing facility permit holders were permit holders.
- (3) A processing facility permit holder must ensure that the decommissioning of a processing facility or part of a processing facility is carried out safely.

[am. B.C. Reg. 202/2023, Sch. 8.]

PART 6 – General

Part 6: Division 1 – Records

Construction and post-construction records

25. A processing facility permit holder must keep construction and post-construction records as follows:
- (a) records demonstrating compliance with sections 6 *[development of management system]*, 7 *[engineering design and siting]* and 8 *[storage system]*;
 - (b) verification reports made for the purposes of section 12 *[modular units]*;
 - (c) records of results referred to in section 14 (1) *[pre-operation testing]*;
 - (d) record drawings referred to in section 17 *[record drawings]*.

Operating records

26. A processing facility permit holder must keep operating records as follows:
- (a) maintenance records that must be kept under the integrity management program referred to in section 6 (2) (b) (iii) *[development of management system]* showing
 - (i) the date and type of each inspection, testing and maintenance activity performed on each component, and
 - (ii) the date that a component is placed into and, if applicable, taken out of service;
 - (b) records relating to the relevant training, qualifications and performance reviews of each person who performs work at the processing facility;
 - (c) a list of all safety critical devices;
 - (d) records of all venting and flaring events described in section 21 (3) *[venting and flaring]*;
 - (e) an incident record containing all data recorded with respect to an incident that must be reported under the Emergency Management Regulation.

Quantity records

27. (1) A processing facility permit holder must keep quantity records showing the quantities of all of the following:
- (a) materials that enter the processing facility for processing;
 - (b) non-waste materials produced by the processing facility;
 - (c) waste produced, flared or vented by or from the processing facility.
- (2) A processing facility permit holder must
- (a) ensure that the methods used to determine quantities for the purposes of subsection (1) are suitable for those purposes, and
 - (b) keep a record of those methods and any supporting information and data.

- (3) A processing facility permit holder must ensure that measurement equipment used to determine quantities for the purposes of subsection (1) is
 - (a) suitable for its purpose,
 - (b) calibrated properly and maintained in good operating condition, and
 - (c) safe from adverse weather and interference by unauthorized persons.

Invasive plant compliance record

- 27.1** 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. 5; am. B.C. Reg. 202/2023, Sch. 8.]

Suspension records

- 28.** A processing facility permit holder must keep records detailing the implementation of a suspension plan prepared under section 23 [*suspension of operations*].

Record retention program

29. A processing facility permit holder must have a record retention program in which all records required under a provision referred to in column 1 of the following table are retained for at least the period or until the occurrence of the event referred to in column 2 of the table opposite the provision:

Item	Column 1 Records	Column 2 Retention
1	sections 25 (a), 26 (c) and 28 [<i>compliance, safety critical and suspension records</i>]	The processing facility is removed from the facility site
2	section 25 (b) and (c) and 26 (a) [<i>reports and records respecting modular units, pre-operational testing and maintenance</i>]	The equipment is removed from the facility site
3	section 26 (b) [<i>employment records</i>]	For each person, one year after the person ceases to perform work at the processing facility
4	section 26 (e) [<i>incident records</i>]	If there is an incident investigation: one year after the investigation is closed If there is no incident investigation: 30 days after the incident ends
5	sections 26 (d) and 27 [<i>venting, flaring and quantity records</i>]	6 years after the record is made
6	section 27.1 [<i>invasive plant compliance record</i>]	A certificate of restoration is issued with respect to the facility site

[am. B.C. Reg. 145/2023, App. 5.]

Records

30. 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. 5.]

Part 6: Division 2 – Other

Implementation and review of management system

31. (1) A processing facility permit holder must ensure that the management system is
- (a) implemented when designing, constructing, operating and decommissioning the processing facility and during a suspension of operations, and
 - (b) reviewed and updated according to a schedule set by the processing facility permit holder.

- (2) A processing facility permit holder must give to the regulator, on request, a copy of the management system and any related records.

[am. B.C. Reg. 202/2023, Sch. 8.]

Exemptions

- 32.** An official may exempt, with or without conditions, an applicant for a processing facility permit and a processing facility permit holder from complying with one or more provisions of this regulation.

Repealed

- 33.** *Repealed.* [B.C. Reg. 48/2021, s. 33 (2)]

Schedule 1

[am. B.C. Reg. 181/2022, App. 4.]

(Section 7 (4))

Definitions

1 In this Schedule:

"**boundary**" means the boundary at which access to the processing facility is controlled, as identified in a security management program prepared and maintained under the Security Management Regulation;

"**critical area**" means an unshielded area of critical importance from which it is difficult or dangerous to evacuate people on short notice;

"**remote area**" means an area where people are, generally, present infrequently and in small numbers;

"**sterile area**" means an area in which there is no vegetation growth or combustible materials.

Determining thermal radiation flux

2 For the purposes of determining the allowable thermal radiation flux,

- (a) solar radiation must be excluded,
- (b) the normal flow rate is the flow rate that results from all operating modes within the processing facility design intent, and
- (c) the accidental flow rate is the highest flow rate that
 - (i) results from an uncontrolled or unplanned event, and
 - (ii) is the sum of the combined flow rates from all possible uncontrolled or unplanned scenarios that may occur simultaneously.

**Allowable Thermal Radiation Flux
Inside the Boundary**

Column 1	Column 2	
Location Inside Boundary	Maximum Thermal Radiation Flux (kW/m ²)	
	Normal Flow Rate	Accidental Flow Rate
Within the sterile area	5	9

Outer edges of the sterile area	N/A	5
Roads and open areas	3	5
Storage tanks and process equipment	1.5	5
Control rooms, maintenance workshops, laboratories, warehouses and other occupied structures within the processing facility	1.5	5

**Allowable Thermal Radiation Flux
Outside the Boundary**

Column 1	Column 2	
Location Outside Boundary	Maximum Thermal Radiation Flux (kW/m ²)	
	Normal Flow Rate	Accidental Flow Rate
Remote area	3	5
Critical area	1.5	1.5
Other areas	1.5	3

Schedule 2

(Section 15)

WARNING SIGNS

FLAMMABLE



**WHITE SYMBOL AND
LETTERING ON RED
BACKGROUND**

**BLACK LETTERING AND
SYMBOL OUTLINE ON
WHITE BACKGROUND**

POISONOUS GAS



[Provisions of the *Energy Resource Activities Act*, SBC 2008, c. 36, relevant to the enactment of this regulation: sections 106, 108, 111 and 112]

