

PIPELINE REGULATION 281/2010

- Unofficial Copy

Updated To:

[Note: This is an Unofficial Copy. includes B.C. Reg. 202/2023, Sch. 10 amendments (effective September 1, 2023)]

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[includes B.C. Reg. 202/2023, Sch. 10 amendments (effective September 1, 2023)]

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

Definitions

1. In this regulation:

"abandon" , in respect of a pipeline or piping, means permanently to remove from service;
"Act" means the *Energy Resource Activities Act*;

"CSA Z662" means the standard published by the Canadian Standards Association as CSA Z662, Oil and Gas Pipeline Systems, as amended from time to time.

[am. B.C. Regs. 147/2014, Sch. 2; 202/2023, Sch. 10.]

Applications for a pipeline permit

2. The following information and records must be submitted on application for a pipeline permit:
- (a) if a fluid containing hydrogen sulphide gas is to be transported in the pipeline,
 - (i) the chemical analysis of the gas or fluid to be transported, and
 - (ii) the expected release volume, expressed at standard conditions of 15° C and 101.3 kPa, of hydrogen sulphide from the pipeline;
 - (b) a map clearly showing
 - (i) the proposed route of the pipeline,
 - (ii) if the pipeline is to be constructed on private lands, the boundaries of the land of each land owner,
 - (iii) surface and environmental features and structures, including stream crossings and lakes, and
 - (iv) the right of way of a highway, road, railway, underground communication or power line or other pipeline to be crossed or within 500 metres of the proposed pipeline.

Standards

3. (1) Subject to subsection (2), a pipeline permit holder must not design, construct, operate, maintain, deactivate, reactivate or abandon any of the following except in accordance with CSA Z662 and Annex A of CSA Z662:
- (a) the pipeline that is the subject of the permit;
 - (b) a pumping station or compressor station associated with the pipeline;
 - (c) an oil storage tank associated with the pipeline.
- (2) A pipeline permit holder who constructs a pipeline under agricultural land must ensure the pipeline has a minimum cover of 0.8 metres.
- (3) *Repealed.* [B.C. Reg. 147/2014, Sch. 2]

[am. B.C. Regs. 147/2014, Sch. 2; 54/2020.]

Notices and other submissions

4. (1) A pipeline permit holder must notify the regulator
- (a) at least 2 days before beginning construction of a pipeline of its intention to begin construction,
 - (b) at least 2 days before beginning a pressure test of a pipeline of its intention to begin testing, and
 - (c) before beginning operation of a pipeline of its intention to begin operation.
- (2) Within 60 days after a pipeline permit holder completes construction of the pipeline and all associated activities, the holder must prepare and submit to the regulator post-construction plot plans showing the location of the pipeline and all associated energy resource activities.
- (3) Within 90 days after a pipeline permit holder completes construction of or any permitted modifications to the pipeline, the holder must
- (a) prepare record drawings,

- (b) have the record drawings signed and sealed by a professional engineer who is licensed or registered under the *Professional Governance Act*, and
- (c) submit to the regulator
 - (i) the record drawings, and
 - (ii) the pipe and component specifications.

[am. B.C. Regs. 147/2014, Sch. 2; 54/2020; 202/2023, Sch. 10.]

Requirements after construction of pipeline

5. (1) Before beginning operation of a pipeline, a pipeline permit holder must do all of the following:
- (a) test the pipeline in accordance with CSA Z662;
 - (b) inspect and test all control and safety devices to ensure that the devices are in good working order;
 - (c) take any other steps reasonably necessary to ensure that the pipeline is safe for use.
- (2) A pipeline permit holder must restore, in accordance with subsection (3), the surface of the land disturbed by the construction of a pipeline by
- (a) removing all structures installed to facilitate construction and not required for the operation of the pipeline, and
 - (b) stabilizing, contouring, conditioning or reconstructing the surface of the land to the extent reasonable in the circumstances.
- (3) Restoration work under subsection (2) must be carried out
- (a) as soon as practicable, considering, without limitation, weather and ground conditions, while construction of the pipeline is underway, and,
 - (b) with respect to any restoration work not completed when construction of the pipeline is completed, as soon as practicable after construction of the pipeline is completed.
- (4) A pipeline permit holder must ensure that, after the pipeline is constructed, the right of way is kept free of garbage, debris and derelict equipment.

[am. B.C. Reg. 54/2020.]

Pipeline crossings

6. (1) If a pipeline is being or has been constructed across, along, over or under a public place or the right of way of a highway, road, railway, underground communication or power line or other pipeline, the pipeline permit holder must
- (a) take all reasonable steps so as not to endanger public safety or the environment, and
 - (b) restore, to the extent reasonable in the circumstances, any infrastructure damaged or removed during the construction of the pipeline.
- (2) A pipeline permit holder must give notice in accordance with subsection (3) before beginning any work of construction, maintenance or repair of a pipeline along, over or under a public place or the right of way of a highway, road, railway, underground communication or power line or other pipeline.
- (3) A notice under subsection (2) must
- (a) be given to the owner of or authority responsible for the public place, highway, road, railway, underground communication line, power line or pipeline, and

- (b) subject to subsection (4), be given at least 5 days before beginning the work, unless the pipeline permit holder and the owner or authority have agreed that the notice is to be provided by another time, in which case the notice must be provided by that other time.
- (4) In the case of emergency, work referred to in subsection (1) may be begun immediately after giving notice under subsection (2).

Integrity management and damage prevention programs

7. (1) In this section:

"damage prevention program" means a program for the purpose of anticipating and preventing damage to a permit holder's pipeline;

"pipeline integrity management program" means a program for the purpose of managing the integrity of a permit holder's pipeline and that complies with CSA Z662 and Annex N of CSA Z662.

- (2) A pipeline permit holder must not operate a pipeline approved by the permit unless
 - (a) the holder has first prepared a damage prevention program, and
 - (b) the pipeline is operated in accordance with the damage prevention program.
- (3) A pipeline permit holder must not construct or operate a pipeline approved by the permit unless the holder has first prepared a pipeline integrity management program.
- (4) A pipeline permit holder must not construct, operate, maintain, repair, deactivate or abandon a pipeline approved by the permit unless the pipeline is constructed, operated, maintained, repaired, deactivated or abandoned in accordance with the permit holder's pipeline integrity management program.
- (5) A pipeline permit holder must not construct, operate, maintain, repair, deactivate or abandon a pipeline approved by the permit, unless
 - (a) the entirety of the pipeline is above ground, or
 - (b) the holder is a member of BC One Call and the holder's records with BC One Call are current.
- (6) On the request of an official, a pipeline permit holder must make the following available to the regulator as requested:
 - (a) a copy of the pipeline integrity management program;
 - (b) a description of the damage prevention program.

[en. B.C. Reg. 54/2020; am. B.C. Regs. 289/2020; 202/2023, Sch. 10.]

Repealed

8. *Repealed.* [B.C. Reg. 204/2013]

Deactivation

9. (1) This section applies if, for a period of 18 consecutive calendar months, a pipeline permit holder does not transport fluids through the holder's permitted pipeline or part of the pipeline.
- (2) The period referred to in subsection (1) begins, as applicable,

- (a) the day after the last day fluid is transported through the permitted pipeline or part of the pipeline, if the pipeline or part has been used to transport fluids, or
 - (b) the day after construction of the permitted pipeline or part of the pipeline is completed, if the pipeline or part has not been used to transport fluids.
- (3) Before the expiry of the period referred to in subsection (1), the pipeline permit holder must do one of the following:
 - (a) deactivate the permitted pipeline or part of the pipeline and notify the regulator on completion of the deactivation;
 - (b) submit to the regulator a plan to deactivate the permitted pipeline or part of the pipeline after the end of that period;
 - (c) submit to the regulator a plan for resuming or beginning, as applicable, the transportation of fluids through the permitted pipeline or part of the pipeline.
- (4) If a plan is submitted to the regulator under subsection (3) (b) or (c),
 - (a) the plan must be approved by the regulator, and
 - (b) the pipeline permit holder must implement the plan as approved by the regulator.

[en. B.C. Reg. 289/2020; am. B.C. Reg. 202/2023, Sch. 10.]

Reactivation

- 10. (1) Before reactivating a pipeline, the pipeline permit holder must notify the regulator of the intention to carry out the reactivation.
- (2) For greater certainty, if a permit relating to a deactivated pipeline has been suspended, the pipeline may not be reactivated unless the suspension is rescinded.

[en. B.C. Reg. 54/2020; am. B.C. Reg. 202/2023, Sch. 10.]

Obligations on cancellation or cessation of operations

- 11. (1) For the purposes of section 40 (e) of the Act, a pipeline permit holder, a former pipeline permit holder, a pipeline authorization holder or a former pipeline authorization holder, as the case may be, must abandon the pipeline.
- (2) A pipeline permit holder who intends to abandon a pipeline on Crown land must do everything referred to in section 19 (1) of the Environmental Protection and Management Regulation.

[en. B.C. Reg. 54/2020.]

Reports

- 12. A pipeline permit holder must maintain records of any spillage and any damage or malfunction likely to cause spillage that could be a risk to public safety or the environment.

[am. B.C. Reg. 147/2014, Sch. 2.]

Invasive plant compliance record

12.1 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. 7; am. B.C. Reg. 202/2023, Sch. 10.]

Record retention

13. A pipeline permit holder must comply with the record retention requirements set out in CSA Z662 and Annex N of CSA Z662.

[am. B.C. Reg. 147/2014, Sch. 2.]

Records

13.1 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. 7.]

Exemptions

14. An official may exempt a pipeline permit holder or former pipeline permit holder from complying with one or more provisions of this regulation if the official is 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.

[am. B.C. Reg. 147/2014, Sch. 2.]

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

