

ENERGY RESOURCE ACTIVITIES ACT
CHAPTER 36 [SBC 2008]

[includes 2018 Bill 56, c. 54 (B.C. Reg. 241/2024) amendments (effective July 22, 2024) as amended by 2022 Bill 37, c. 42 (B.C. Reg. 187/2023)]

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PART 1 – Definitions

Definitions

1. (1) Words and expressions used but not defined in this Act or in the regulations for the purposes of this Act, unless the context otherwise requires, have the same meanings as in the *Petroleum and Natural Gas Act*, other than Part 17 of that Act.

- (2) In this Act:

(SUB)
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"appeal tribunal" means the Energy Resource Appeal Tribunal continued under section 19;

"authorization" means, except in sections 34, 39 (1) and 104 and Part 10, an authorization under a specified enactment to carry out a related activity, and includes the conditions, if any, imposed on the authorization under this Act or the specified enactment;

(ADD)
Mar
20/18

"authorization holder" means a person who holds an authorization and is not a permit holder;

(AM)
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"board" means the board of the regulator continued under section 2;

(AM)
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01/23

"certificate of restoration" means a certificate issued by the regulator under section 41;

(SUB)
Feb
17/23

"commissioner" means the commissioner appointed under section 6.1 (1);

(ADD)
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01/23

"energy resource" means

- (a) petroleum,
- (b) natural gas,
- (c) hydrogen,
- (d) methanol, or
- (e) ammonia;

(SUB)
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"energy resource activity" means any of the following:

- (a) the exploration for or development of petroleum or natural gas;
- (b) the production, gathering, processing, storage or disposal of petroleum or natural gas;
- (c) the exploration for or development or use of a storage reservoir
 - (i) in relation to another energy resource activity, or
 - (ii) for the purposes of storing or disposing of carbon dioxide or a prescribed substance, whether or not in relation to another energy resource activity;
- (d) the construction or operation of a facility for the purposes of an activity described in paragraph (a), (b) or (c);
- (e) the construction or operation of any of the following facilities:
 - (i) a facility for manufacturing hydrogen, ammonia or methanol from petroleum, natural gas, water or another substance;
 - (ii) a facility for converting natural gas into organic compounds;
 - (iii) a petroleum refinery;
 - (iv) a prescribed facility;
- (f) the construction or operation of a pipeline;
- (g) the construction or maintenance of a prescribed road;

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(h) a prescribed activity;

(ADD)
Sep
01/23

"energy resource road" means a road referred to in paragraph (g) of the definition of "energy resource activity";

"environmental measure" means an action a person must take or refrain from taking for the protection or effective management of the environment;

(AM)
Sep
01/23

"facility" means a system of vessels, piping, valves, tanks and other equipment that is used to gather, process, measure, store or dispose of an energy resource, water or a substance referred to in paragraph (d) or (e) of the definition of "pipeline";

"flow line" means a pipeline that connects a well head with a scrubbing, processing or storage facility and that precedes the transfer of the conveyed substance to or from a transmission, distribution or transportation line;

"former permit holder" includes a person who was a director of a corporation that

- (a) held a permit with respect to which there has been a cancellation, declaration or expiry referred to in section 40, and
- (b) no longer exists or has amalgamated with another corporation;

"government's environmental objectives" means the prescribed objectives of the government respecting the protection and effective management of the environment;

"highway" has the same meaning as in the *Transportation Act*;

"land owner" means

- (a) a person registered in the land title office as the registered owner of the land surface or as its purchaser under an agreement for sale, and
- (b) a person to whom a disposition of Crown land has been issued under the *Land Act*,

but does not include the government or a person referred to in paragraph (b) of the definition of "unoccupied Crown land" in section 1 of the *Petroleum and Natural Gas Act*;

"off-site environmental mitigation activity", in relation to a permit, means

(ADD)
Jul
22/24

- (a) an activity outside the operating areas of the permit to mitigate or otherwise offset impacts to the environment of
 - (i) an energy resource activity permitted by the permit, or
 - (ii) a related activity of an energy resource activity referred to in subparagraph (i) or of the application for the permit under section 24, and
- (b) any of the following activities in relation to an off-site environmental mitigation activity referred to in paragraph (a):
 - (i) monitoring;
 - (ii) taking samples;
 - (iii) conducting tests and analyses;
 - (iv) submitting records and information to the regulator;

"official", except in sections 6 and 8, means a person designated as an official under section 7 (4);

(ADD)
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01/23

"oil and gas or storage activity" means

- (a) an activity described in paragraph (a), (b), (c) or (d) of the definition of "energy resource activity",
- (b) the construction or operation of a pipeline that is used to
 - (i) transport petroleum or natural gas, or
 - (ii) facilitate the carrying out of an activity described in paragraph (a) of this definition, or

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- (c) the construction or maintenance of an energy resource road, if that activity is being carried out to facilitate the carrying out of an activity described in paragraph (a) or (b) of this definition;

(AM)
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"operating area" means an area, identified in a permit, within which a permit holder is permitted to carry out an energy resource activity;

"permit" means a permit issued under section 25 and includes any conditions imposed on a permit;

"permit holder" means

- (a) a person who holds a permit, and
- (b) a person, if any, who is the holder of a location with respect to that permit;

"pipeline" means, except in section 9, piping through which any of the following is conveyed:

(SUB)
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- (a) an energy resource;
 - (a.1) carbon dioxide;
 - (b) water used for, or produced in the course of, an energy resource activity;
 - (c) solids;
 - (d) substances prescribed under section 133 (2) (v) of the *Petroleum and Natural Gas Act*;
 - (e) other prescribed substances,

and includes installations and facilities associated with the piping, but does not include

- (f) piping used to transmit natural gas at less than 700 kPa to consumers by a gas utility as defined in the *Gas Utility Act*,
- (g) a well head, or
- (h) anything else that is prescribed;

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

"pipeline permit holder" means a permit holder of a pipeline permit;

(SUB)
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"regulator" means the British Columbia Energy Regulator continued under section 2;

"related activity" means an activity

- (a) that, under a specified enactment, must not be carried out except as authorized under the specified enactment or that must be carried out in accordance with the specified enactment, and
- (b) the carrying out of which is required for or facilitates

(SUB)
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- (i) carrying out an energy resource activity,
- (ii) carrying out an off-site environmental mitigation activity, or
- (iii) making an application for a permit under section 24;

"specified enactment" means any of the following Acts:

- (a) *Environmental Management Act*;
- (b) *Forest Act*;
- (c) *Heritage Conservation Act*;
- (d) *Land Act*;

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(SUB)
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(e) *Water Sustainability Act*;

"specified provision" means the following provisions:

(a) any of the following provisions of the *Environmental Management Act*:

- (i) section 9 [*hazardous waste storage and disposal*];
- (ii) section 14 [*permits*];
- (iii) section 15 [*approvals*];

(SUB)
Apr
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(b) any of the following provisions of the *Forest Act*:

- (i) section 47.4 [*licence to cut for persons occupying land or for energy resource purposes*], but only in relation to a master licence to cut;
- (ii) sections 52.03 [*issuance of cutting permit*], 52.10 [*extension of cutting permit*] and 52.11 [*postponement of cutting permit*], but only in relation to a cutting permit for a master licence to cut;
- (iii) section 119.6 [*issuance of road use permit for natural resource development purpose*];

(SUB)
Jun
01/24

(c) any of the following provisions of the *Heritage Conservation Act*:

- (i) sections 12.4 to 12.8 [*permit authorizing certain actions*];
- (ii) sections 12.2 and 12.3 [*heritage inspection and heritage investigation permits and orders*];

(d) any of the following provisions of the *Land Act*:

- (i) section 11, but only in relation to a lease or grant described in section 11 (2) (b) to (d) [*disposing of Crown land*];
- (ii) *Repealed* [2018-54-1 (B.C. Reg. /2024)]

(REP)
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22/24

- (iii) section 38 [*lease of Crown land*], but not to the extent that it relates to the granting of an option to purchase land;
- (iv) section 39 [*licence of occupation*];
- (v) section 40 [*right of way and easement*];
- (vi) section 96 (1) [*occupational rental*];

(SUB)
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29/16

(e) any of the following provisions of the *Water Sustainability Act*, but only in relation to a use approval or a change approval as those terms are defined in section 1 (1) of that Act:

- (i) section 10 [*use approvals*];
- (ii) section 11 [*changes in and about a stream*], in respect of a person other than the government of British Columbia or Canada or a municipality;
- (iii) section 24 [*permits over Crown land*];

(f) a prescribed regulation under a specified enactment;

(AM)
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01/23

"spillage" means an energy resource, oil, solids or other substances escaping, leaking or spilling from

- (a) a pipeline, well, shot hole, flow line, or facility, or
- (b) any source apparently associated with any of those substances.

2008-36-1 (B.C. Reg. 274/2010); 2010-9-15; 2012-27-4; 2014-10-1; 2014-15-187 (B.C. Reg. 35/2016); 2015-23-48 (B.C. Reg. 38/2017); 2015-40-1 (B.C. Reg. 51/2018); 2019-26-37; 2022-42-2(c) (B.C. Reg. 45/2023); 2022-42-2(a), (b), (d) to (i), 62, Sch 3, 64, Sch 5 (B.C. Reg. 187/2023); 2023-43-185 (B.C. Reg. 62/2024); 2018-15-1 (B.C. Reg. 278/2023); 2019-26-33; 2018-54-1 (B.C. Reg. 241/2024); 2022-42-62, Sch 3, 64, Sch 5 (B.C. Reg. 187/2023).

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(ADD) **Application**
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1.1

This Act does not apply in relation to a prescribed energy resource activity.
2022-42-3 (B.C. Reg. 187/2023).

PART 2 – Administration

Part 2: Division 1 – British Columbia Energy Regulator

(SUB) British Columbia Energy Regulator

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17/23

2. (1) The Oil and Gas Commission is renamed as the British Columbia Energy Regulator and is continued as a corporation consisting of a board of directors appointed under this section.
- (2) The board is to consist of at least 5 and no more than 7 directors appointed by the Lieutenant Governor in Council as follows:
- (a) one director who is a deputy minister;
 - (b) one director who is an Indigenous person;
 - (c) at least 3 and no more than 5 additional directors.
- (3) The chair of the board is a director who
- (a) is designated in writing as chair by the minister, or
 - (b) if a chair is not designated under paragraph (a), is appointed by the board in accordance with procedures established under section 5 (1).
- (4) The board must elect a vice chair from among the directors.
- (5) An individual may be appointed as a director for a term of no more than 5 years and may be reappointed.
- (6) A majority of the directors holding office constitutes a quorum at meetings of the board.
- (7) If there is a tie vote, the chair of the board or, in the absence of the chair, the vice chair has the deciding vote.
- (8) A vacancy in the membership of the board or the incapacity of one of the directors does not impair the power of the remaining directors to act.
- (9) If a director dies or is unable to act or if a director's position is otherwise vacant, the minister, by order, may appoint an acting director for a period not longer than 6 months.
- (10) The regulator may pay to a director remuneration and expense allowances at rates set by the minister.

2022-42-5 (B.C. Reg. 45/2023).

Regulator is an agent of the government

(AM)
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01/23

3. The regulator is an agent of the government.

2008-36-3 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(SUB) Purposes

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4. The purpose of the regulator is to regulate energy resource activities in a manner that protects public safety and the environment, supports reconciliation with Indigenous peoples and the transition to low-carbon energy, conserves energy resources and fosters a sound economy and social well-being.

2022-42-6 (B.C. Reg. 187/2023).

Direction and management of regulator

5. (1) The board may pass resolutions it considers necessary or advisable to direct its affairs, exercise its powers and perform its duties, including resolutions for one or more of the following:
- (a) calling and holding meetings of the board and the procedures to be followed at meetings;
 - (b) making regulations of the board;
 - (c) approving the regulator's annual service plan under the *Budget Transparency and Accountability Act*, as well as the regulator's annual budget estimate detailing the expected revenues and planned expenditures of the regulator for the next fiscal year;
 - (d) establishing a plan of organization to carry out the powers of the regulator.
- (2) The board must
- (a) establish, in accordance with the regulations, if any, a conflict of interest policy for the directors that includes provisions respecting
 - (i) the disclosure of interests in contracts or transactions with the regulator,
 - (ii) the duty to account for profits,
 - (iii) the validity of contracts and transactions in which a director has an interest, and
 - (iv) the disclosure of any property owned or office held by a director that may create a conflict of interest or duty,
 - (b) submit the policy referred to in paragraph (a) to the minister, and
 - (c) establish a code of conduct, including conflict of interest provisions, that governs the conduct of employees of the regulator.
- (3) On receipt of a conflict of interest policy under subsection (2) (b) or on the minister's own initiative, the minister may order the board to amend its conflict of interest policy and resubmit that policy to the minister in accordance with the order.
- (4) A resolution of the board that is approved by directors, whether present in person or approving by telephone, facsimile transmission, electronic mail or any other similar means of communication, confirmed in writing or other graphic communication, is as valid as if it had been passed at a meeting of the board properly called and constituted.

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2008-36-5 (B.C. Reg. 274/2010); 2022-42-62, Sch3, 63, Sch 4 (B.C. Reg. 187/2023).

Capacity and powers of regulator

6. (1) For the purposes of this Act, the regulator may do any or all of the following:
- (a) subject to subsection (2), acquire, hold and dispose of property;
 - (b) invest money, and, subject to the prior approval of the Lieutenant Governor in Council, borrow money;
 - (c) subject to subsection (2), negotiate and enter into agreements with any person, including the government of British Columbia, the government of Canada, the government of another province or of a territory, a local government, a First Nation or with an official or agency of any of them;
 - (d) subject to subsection (2), expend money for the purposes of administering the Act;
 - (e) do other things that the Lieutenant Governor in Council may authorize.
- (2) In the prescribed circumstances, the regulator may exercise the power referred to in subsection (1) (a), (c) or (d) only with the approval of the Lieutenant Governor in Council.

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(3) With the prior approval of the Lieutenant Governor in Council, the regulator may in any year pay to a municipality in which it has property a grant not greater than the amount that would be payable as taxes on the property in that year if the property were not exempt from taxation by the municipality.

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(4) If directed to do so by the Lieutenant Governor in Council, the regulator must pay to a municipality in which it has property a grant not greater than the amount that would be payable as taxes on the property in that year if the property were not exempt from taxation by the municipality.

2008-36-6 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

(ADD) Commissioner

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17/23

- 6.1**
- (1) The Lieutenant Governor in Council may appoint an individual, to be known as the commissioner, as the chief executive officer of the regulator.
- (2) If the commissioner dies or is unable to act or if the commissioner's position is otherwise vacant, the minister, by order, may appoint an individual to be the acting commissioner for a period not longer than 6 months.
- (3) The board may appoint a deputy commissioner.
- (4) A deputy commissioner has the powers of the commissioner, unless the board otherwise directs, and is subject to any directions given by the commissioner.

2022-42-7 (B.C. Reg. 45/2023).

Powers of commissioner

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- 7.**
- (1) Subject to the direction of the board, the commissioner must manage the operations of the regulator or supervise the management of those operations.
- (2) The commissioner has the powers and duties of an official and of the regulator under this Act, other than those powers and duties expressly given to the board under this Act.
- (3) The commissioner may hire employees of the regulator necessary to carry on the business and operations of the regulator and may define their duties and determine their remuneration.
- (4) The commissioner may designate a person as an official for the purposes of provisions, specified by the commissioner in the designation, of this Act or the regulations made under this Act.
- (5) The commissioner may
- (a) delegate the exercise of any power or performance of any duty conferred or imposed on the regulator under this Act, other than those powers and duties expressly given to the board under this Act, to an employee or official of the regulator or another public officer, and
- (b) in making a delegation, provide directions that are binding on the delegate respecting the exercise of the power or the performance of the duty.
- (6) A delegation under subsection (5) may be made by name or by designation of the office.

2008-36-7 (B.C. Reg. 274/2010); 2014-10-2; 2022-42-62, Sch3 (B.C. Reg. 187/2023).

Regulator's responsibilities under specified enactments

- (AM)
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- 8.**
- (1) For the regulation of energy resource activities and related activities, the regulator, instead of the official named in a specified provision,

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- (a) has all the powers relating to a discretion, function or duty referred to in the specified provision, including, without limiting this, the powers in the specified enactment relating to the administration and enforcement of an authorization, and
- (b) is charged with all the responsibilities pertaining to that discretion, function or duty.
- (AM) Sep 01/23 (2) Despite subsection (1), both the regulator and the director, as the latter is defined in section 1 of the *Environmental Management Act*, have all the powers referred to in section 14 of that Act and are charged with all the responsibilities pertaining to those powers.
- (AM) Sep 01/23 (3) Subject to this Act, the exercise of the powers conferred on the regulator by subsection (1), the carrying out of each discretion, function and duty referred to in a specified enactment and the responsibilities with which the regulator is charged under this section remain subject to the specified enactment and that specified enactment continues to apply.
- (AM) Sep 01/23 (4) Despite subsections (1) and (3), the regulator and the appropriate officials under the various specified enactments are each responsible for enforcing the specified enactments in relation to the matters described in the specified provisions.

2008-36-8 (B.C. Reg. 274/2010); 2015-40-3 (B.C. Reg. 51/2018); 2022-42-62, Sch3, 65, Sch 6 (B.C. Reg. 187/2023).

Application of section 8 to pipelines under jurisdiction of Canada

- (SUB) Jun 25/12 9. (1) In this section:
- "approval" means an approval, with any conditions imposed, under a specified enactment to carry out an activity
- (a) that, under the specified enactment, must not be carried out except as approved under the specified enactment, and
- (b) the carrying out of which is required for or facilitates
- (SUB) Mar 20/18 (i) making an application under the *Canadian Energy Regulator Act* (Canada) to operate or construct a pipeline, or
- (AM) Sep 01/23 (ii) operating or constructing a pipeline;
- (AM) Sep 01/23 "pipeline" has the same meaning as in the *Canadian Energy Regulator Act* (Canada).
- (AM) Sep 01/23 (2) The regulator's powers under section 8 do not include the power to issue an approval with respect to a pipeline that is subject to the *Canadian Energy Regulator Act* (Canada).
- (AM) Sep 01/23 (3) Despite subsection (2), the Lieutenant Governor in Council may, by regulation, extend the regulator's powers under section 8 to include the power to issue an approval under one or more specified enactments with respect to a pipeline referred to in subsection (2).
- (AM) Sep 01/23 (4) If the regulator's powers are extended as described in subsection (3) in relation to an approval under one or more specified enactments,
- (AM) Sep 01/23 (a) section 8 applies respecting the applicable specified enactments in relation to the pipeline, whether or not the regulator issued the approval,
- (b) section 24 (3) does not apply to the granting of the approval,
- (b.1) section 32 (1.1) does not apply in relation to the approval, and
- (ADD) Nov 27/18 (SUB) Mar 20/18 (c) for the purposes of this Act other than this section and sections 34, 39 (1) and 104 and Part 10, an approval must be considered to be an authorization and a person who holds an approval must be considered to be an authorization holder.

2008-36-9 (B.C. Reg. 274/2010); 2012-27-5 (B.C. Reg. 147/2012); 2015-40-4 (B.C. Reg. 51/2018); 2018-54-2; 2022-42-8, 62, Sch3, 63, Sch 4 (B.C. Reg. 187/2023).

Minister may order independent audit

- (AM) 10. (1) The minister may order an independent audit of the performance of the regulator in
Sep fulfilling its purposes or exercising its powers and performing its functions and duties
01/23 under this Act.
- (AM) (2) The minister responsible for the *Wildlife Act* may order an independent audit of the
Sep performance of the regulator in fulfilling its purposes or exercising its powers and
01/23 performing its functions and duties under this Act in relation to the protection and effective
management of the environment.
- (AM) (3) An order under subsection (1) or (2) must include terms of reference for the audit.
Sep (4) If requested by an auditor appointed for the purposes of subsection (1) or (2), the regulator
01/23 must submit records in its possession that the auditor determines are relevant to the audit.
- (5) Before an audit report is finalized, the auditor must provide to the board
- (a) a copy of the draft audit report, and
 - (b) a reasonable opportunity to review and comment on the report.
- (6) As soon as practicable after completing an audit, the auditor must submit the final audit
report and any comments of the board to
- (a) the minister who issued the order under subsection (1) or (2), and
 - (b) the board.
- 2008-36-10 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Advisory committee

11. (1) The board may establish and appoint an advisory committee to consider or inquire into any
matter and to report its findings and provide its advice to the board.
- (AM) (2) The regulator may pay to a person appointed as a member of an advisory committee
Sep remuneration and expense allowances at rates set by the minister.
01/23
- 2008-36-11 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Inquiries and recommendations

- (AM) 12. (1) At the request of the Lieutenant Governor in Council, the regulator must, at the places and
Sep times and in a manner the Lieutenant Governor in Council considers advisable,
01/23
- (a) make inquiries, conduct investigations and prepare studies and reports on any matter
within the scope of this Act, and
 - (AM) (b) recommend to the Lieutenant Governor in Council any measures the regulator
Sep considers necessary or advisable in the public interest related to energy resource
01/23 activities.
- (AM) (2) Subsection (1) does not apply to a matter that is before the regulator.
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01/23
- 2008-36-12 (B.C. Reg. 274/2010); 2022-42-62,Sch3, 65,Sch 6 (B.C. Reg. 187/2023).

Public Service Act and Public Service Labour Relations Act

- (AM) 13. (1) The *Public Service Act* and the *Public Service Labour Relations Act* do not apply to the
Sep regulator or to its employees.
01/23
- (AM) (2) Despite subsection (1), the Public Service Pension Plan, continued under the *Public Sector*
Sep *Pension Plans Act*, continues to apply to the regulator and to its employees.
01/23
- 2008-36-13 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Financial administration

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
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01/23
14. (1) The regulator must establish and maintain an accounting system satisfactory to the Minister of Finance.
- (AM)
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- (2) The regulator must prepare financial statements in accordance with generally accepted accounting principles.
- (AM)
Sep
01/23
- (3) Whenever required by the Minister of Finance, the regulator must provide detailed accounts of its revenues and expenditures for the period or to the date the Minister of Finance designates.
- (AM)
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- (4) All books or records of account, documents and other financial records of the regulator are at all times open for inspection by the Minister of Finance or a person designated by the Minister of Finance.
- (AM)
Sep
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- (5) The Minister of Finance may direct the Comptroller General to examine and report to Treasury Board on any or all of the financial and accounting operations of the regulator.
- (AM)
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01/23
- (6) The regulator, with the approval of the Minister of Finance, may budget for a deficit in a fiscal year.
- (7) The Minister of Finance, for the purposes of subsection (6), may grant an approval for one fiscal year or for any other number of fiscal years.
- (AM)
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01/23
- (8) The fiscal year of the regulator is a period of 12 months beginning on April 1 in each year and ending on March 31 in the next year.
- (AM)
Sep
01/23
- (9) The Minister of Finance is the fiscal agent of the regulator.

2008-36-14 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Audit

- (AM)
Sep
01/23
15. Unless the Auditor General is appointed in accordance with the *Auditor General Act* as the auditor of the regulator, an auditor appointed by the regulator must, at least once for each fiscal year, audit and report on the accounts of the regulator to the Executive Council through the minister and to the board, and the costs of the audit must be paid by the regulator.

2008-36-15 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Application of *Business Corporations Act*

- (AM)
Sep
01/23
16. (1) Subject to subsection (2), the *Business Corporations Act* does not apply to the regulator.
- (AM)
Sep
01/23
- (2) The Lieutenant Governor in Council, by order, may declare that certain provisions of the *Business Corporations Act* and *Societies Act* apply to the regulator.

2008-36-16 (B.C. Reg. 274/2010); 2015-18-333 (B.C. Reg. 216/2015); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(REP) Repealed

May
10/16

17. *Repealed.* [2015-27-52 (B.C. Reg. 109/2016)]

Appropriation

- (AM)
Sep
01/23
18. (1) In this section, "**revenue**" includes interest but does not include penalties.
- (2) The Minister of Finance, out of the consolidated revenue fund, must pay to the regulator
- (a) the gross revenue received from the levies authorized under section 110,

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
Apr
01/19
- (b) the gross revenue received from the levies authorized under section 47, and
- (c) the gross revenue received from fees in relation to
- (AM)
Sep
01/23
- (i) applications for and issuance of permits and the prescribed authorizations issued by the regulator under this Act, and
- (ii) fees prescribed under section 112 (1) (c).
- (AM)
Sep
01/23
- (3) With the approval of Treasury Board, the minister may pay out of the consolidated revenue fund, on application by the regulator, money required for the purposes of sections 12, 52 and 53.
- 2008-36-18 (B.C. Reg. 274/2010); 2018-15-2 (B.C. Reg. 62/2019); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

Part 2: Division 2 – Oil and Gas Appeal Tribunal

Continuation of Energy Resource Appeal Tribunal

- (SUB)
Sep
01/23
19. (1) The Oil and Gas Appeal Tribunal is continued as the Energy Resource Appeal Tribunal.
- (2) The appeal tribunal is to hear appeals under section 72.
- (3) The appeal tribunal consists of the following members appointed by the Lieutenant Governor in Council after a merit-based process:
- (a) a member designated as the chair;
- (b) one or more members designated as vice chairs after consultation with the chair;
- (c) other members appointed after consultation with the chair.
- 2008-36-19 (B.C. Reg. 274/2010); 2022-42-9 (B.C. Reg. 187/2023).

(SUB) Application of *Administrative Tribunals Act*

- Dec
18/15
20. The following provisions of the *Administrative Tribunals Act* apply to the appeal tribunal:
- (a) Part 1 [*Interpretation and Application*];
- (b) Part 2 [*Appointments*];
- (c) Part 3 [*Clustering*];
- (d) Part 4 [*Practice and Procedure*], except the following:
- (i) section 23 [*notice of appeal (exclusive of prescribed fee)*];
- (ii) section 25 [*appeal does not operate as stay*];
- (iii) section 34 (1) and (2) [*party power to compel witnesses and require disclosure*];
- (e) section 44 [*tribunal without jurisdiction over constitutional questions*];
- (f) section 46.3 [*tribunal without jurisdiction to apply the Human Rights Code*];
- (g) Part 6 [*Costs and Sanctions*], except section 47.2 (1) (a) and (c) [government and agents of government];
- (h) Part 7 [*Decisions*];
- (i) Part 8 [*Immunities*];
- (j) section 57 [*time limit for judicial review*];
- (k) section 59 [*standard of review without privative clause*];
- (l) section 59.1 [*surveys*];
- (m) section 59.2 [*reporting*];
- (n) Part 10 [*Miscellaneous*], except section 62 [*application of Act to BC Review Board*].

2015-10-146 (B.C. Reg. 240/2015).

PART 3 – Energy Resource Activities

Part 3: Division 1 – Permits

Permit required

- (AM) 21. Subject to section 23, a person must not carry out an energy resource activity unless
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01/23
- (a) either
- (AM) (i) the person holds a permit that gives the person permission to carry out that
Sep energy resource activity, or
01/23
- (AM) (ii) the person is required to carry out that energy resource activity by an order
Sep issued under section 49, and
01/23
- (AM) (b) the person carries out the energy resource activity in compliance with
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01/23
- (i) this Act and the regulations,
(ii) a permit issued to the person, if any, and
(iii) an order issued to the person, if any.
2008-36-21 (B.C. Reg. 274/2010); 2022-42-64, Sch 5 (B.C. Reg. 187/2023).

Consultation and notification

22. (1) In subsection (3), "**prescribed applicant**" means a person who intends to submit an application under section 24 and who is in a prescribed class of persons.
- (AM) (2) Before submitting an application under section 24, a person must notify the land owner of
Sep the land on which the person intends to carry out an energy resource activity of the
01/23 person's intention to submit the application, and the notice must advise the land owner that the land owner may make a submission to the regulator under subsection (5) of this section with respect to the application or proposed application.
- (AM) (3) Subject to subsection (4), before submitting an application under section 24, a prescribed
Jul applicant must carry out the prescribed consultations or provide the prescribed notices, or
22/24 both, as applicable, with respect to the energy resource activities, off-site environmental mitigation activities and related activities, if any, that will be the subject of the prescribed applicant's application.
- (AM) (4) The regulator, on written request, may exempt a person from one or more of the applicable
Sep consultation or notification requirements under subsection (3) and, on making an
01/23 exemption, substitute other consultation or notification requirements than those prescribed for the purposes of subsection (3).
- (AM) (5) A person, other than the applicant, may make a written submission to the regulator with
Sep respect to an application or a proposed application under section 24.
01/23
- (AM) (6) If a person makes a submission under subsection (5), the regulator must send a copy of the
Sep submission to the applicant or to the person intending to apply for a permit, as the case
01/23 may be.
- 2008-36-22 (B.C. Reg. 274/2010); 2010-9-16; 2012-27-6; 2023-10-745; 2022-42-62, Sch 3, 64, Sch 5, 65, Sch 6 (B.C. Reg. 187/2023); 2018-54-3 (B.C. Reg. 241/2024); 2022-42-65, Sch 6 (B.C. Reg. 187/2023).

Preliminary plan

ENERGY RESOURCE ACTIVITIES ACT

(AM)
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23. (1) Before submitting an application under section 24 for a pipeline permit, a person may submit to the regulator a preliminary plan of the proposed route of the pipeline.
- (2) Subject to subsection (3), a person may enter on land as necessary for making surveys, examinations or other arrangements for the purpose of fixing the site of the pipeline referred to in subsection (1), if the person
- (a) has submitted a preliminary plan under subsection (1), and
 - (b) has either
 - (i) provided the prescribed security to the regulator to compensate the land owner or the Crown for any damage or disturbance that may be caused by the entry on the land by the person, or
 - (ii) entered into an agreement with the land owner regarding entry on the land.
- (3) A person who has not entered into an agreement referred to in subsection (2) (b) (ii) must notify, in accordance with the regulations, the owner of the land of the person's intention to enter on that land.
- (4) The right of entry under subsection (2) does not extend to any of the following:
- (a) land occupied by a building;
 - (b) the curtilage of a dwelling house;
 - (c) protected heritage property, unless the person is authorized by the local government or the minister responsible for the protection of the protected heritage property.
- (5) In subsection (4) (c), "**protected heritage property**" means land or an object that is

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2008-36-23 (B.C. Reg. 274/2010); 2010-9-17; RS2015-1-RevSch (B.C. Reg. 257/2015); 2019-26-38; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Application for permit and authorization

(AM)
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(AM)
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24. (1) Subject to subsection (4), a person may apply to the regulator for a permit by submitting, in the form and manner the regulator requires,
- (a) a description of the proposed site of the energy resource activity,
 - (b) the information, plans, application form and records required by the regulator,
 - (c) a written report, satisfactory to the regulator, regarding the results of the consultations carried out or notification provided under section 22, if any,
 - (d) the prescribed information,
 - (e) the prescribed records, and
 - (f) the security required under section 30.
- (2) An application for a permit under subsection (1) may be consolidated with an application for an authorization.
- (3) Despite anything in a specified enactment, the regulator may not grant an authorization to a person for a related activity unless the person meets the prescribed requirements.
- (4) A person may not submit an application for a permit to drill or operate a well, other than a water source well, unless

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- (a) the person is the owner of the petroleum and natural gas rights or is the holder of the location in respect of the well,
 - (b) the person has an agreement with the owner or the holder of the location referred to in paragraph (a) authorizing the drilling or operation, as applicable,
 - (c) the person is the holder of a storage reservoir licence issued under section 130 of the *Petroleum and Natural Gas Act*, or
 - (d) the minister has approved the submission under subsection (5).
- (5) For the purposes of subsection (4) (d), the minister may
- (a) approve the submission by a person of an application for a permit to drill a well if the well is to be drilled for exploratory or research purposes only, and
 - (b) in approving a submission under paragraph (a), declare that, if a permit is issued to the person on the basis of the submission, the person is not required to be an owner or holder referred to in subsection (4) or have the agreement referred to in that subsection in order to drill or operate the well for the purposes referred to in paragraph (a).

2008-36-24 (B.C. Reg. 274/2010); 2010-9-18; 2014-10-3; 2015-40-5 (B.C. Reg. 51/2018); 2022-42-11; 2022-42-62, Sch 3, 64, Sch 5 (B.C. Reg. 187/2023).

Permits and authorizations issued by regulator

(AM)
Sep
01/23

25. (1) Subject to subsection (1.1), on application by a person under section 24 and after considering

- (a) written submissions made under section 22 (5), if any, and
- (b) the government's environmental objectives, if any have been prescribed for the purposes of this section,

the regulator may issue a permit to the person if the person meets the requirements prescribed for the purposes of this section.

(AM)
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(1.1) The Lieutenant Governor in Council, by regulation, may issue a direction to the regulator with respect to the exercise of the regulator's power under section 8 or subsection (1) of this section, and the regulator must comply with the direction despite any other provision of

- (a) this Act, the regulations or an order made under this Act, or
- (b) a specified enactment.

(AM)
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(2) In issuing a permit under subsection (1), the regulator

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(a) must specify the energy resource activities the person is permitted to carry out, and

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(b) may impose any conditions on the permit that the regulator considers necessary.

(3) A permit and any authorizations granted to the applicant for the permit may be issued as a single document.

(AM)
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01/23

(4) If the regulator issues a permit under subsection (1), the regulator must provide notice, in accordance with subsection (5), to the land owner of the land on which an operating area is located.

(AM)
Sep
01/23

(5) A notice under subsection (4) must

- (a) advise the land owner of the issuance of the permit and of the location of the proposed site of an energy resource activity on the land owner's land, and
- (b) state that the land owner may appeal under section 72 the decision to issue the permit, and include an address to which an appeal may be sent.

(AM)
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01/23

- (6) A permit holder must not begin an energy resource activity on a land owner's land before the expiry of 15 days from the day the permit was issued, unless the land owner consents in writing to the activity beginning before the expiry of that period.

2008-36-25 (B.C. Reg. 274/2010); 2010-9-19; 2014-10-4; 2015-40-6 (B.C. Reg. 51/2018); 2022-42-62, Sch 3, 63, Sch 4, 64, Sch 5, 65, Sch 6 (B.C. Reg. 187/2023).

(ADD) **Off-site environmental mitigation activities**

Jul
22/24

25.1 (1) In this section:

"energy resource management area" means an energy resource management area established under section 105.1 (1) (b) (i).

"mitigation area", in relation to an energy resource management area, means a mitigation area established under section 105.1 (1) (b) (ii) as a mitigation area for the energy resource management area;

- (2) Subject to subsection (3) and the regulations, in issuing or amending a permit that permits an energy resource activity in a prescribed class of energy resource activities to be carried out in an energy resource management area, the regulator

- (a) must specify in the permit
- (i) the off-site environmental mitigation activities the permit holder is required to carry out, and
 - (ii) the mitigation area for the energy resource management area, or a location in that mitigation area, where those off-site environmental mitigation activities must be carried out, and
- (b) may specify in the permit when and how those off-site environmental mitigation activities must be carried out, including, without limitation, by specifying methods to be used or results to be achieved.

- (3) In amending a permit, the regulator may not specify off-site mitigation activities in relation to any of the following:

- (a) an energy resource activity that is or was permitted by the permit before the amendment, unless the amendment will increase the potential impacts to the environment of the energy resource activity;
- (b) in the case of an amendment that will increase the potential impacts to the environment of an energy resource activity described in paragraph (a), the actual or potential impacts to the environment of the energy resource activity permitted by the permit before the amendment.

2018-54-4 (B.C. Reg. 241/2024); 2022-42-73, 62, Sch 3, 64, Sch 5, 65, Sch 6 (B.C. Reg. 187/2023).

Actions by regulator respecting permit

(ADD)
May
17/18

- 26.** (0.1) In this section, **"associate"**, in relation to a permit holder or applicant, means any of the following, as applicable:

- (a) an agent of the applicant or permit holder;
- (b) a director, officer or shareholder of the applicant or permit holder;
- (c) a person who, in the opinion of the regulator,

(AM)
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- (i) may have influence over the applicant or permit holder, or
- (ii) may be able to affect the activities permitted by the permit.

(AM)
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- (1) The regulator may

- (a) refuse to issue a permit,

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- (b) suspend a permit or a permission specified in a permit,
 - (c) cancel a permit or a permission specified in a permit, or
 - (d) amend a permit.
- (AM) Sep 01/23 (2) Without limiting the authority of the regulator under subsection (1), the regulator may make a decision under subsection (1) if the applicant or permit holder, or an associate of the applicant or permit holder, does any of the following:
- (a) contravenes or has contravened
 - (i) this Act, the regulations, a permit, an authorization or an order issued under this Act, or
 - (ii) the *Petroleum and Natural Gas Act* or regulations made under that Act;
 - (b) fails to meet or no longer meets any of the conditions of section 24 (4);
 - (c) fails to meet or no longer meets the requirements prescribed for the purposes of section 25 (1), if any;
 - (AM) Sep 01/23 (d) begins an energy resource activity permitted by a permit but then fails to carry out or continue that energy resource activity;
 - (e) engages in or has engaged in a pattern of conduct that shows, in the commissioner's opinion, that the person is unfit to have a permit;
 - (f) is or has been convicted of an offence under
 - (i) this Act or any other enactment, or
 - (ii) a law enacted by the government of Canada, another province of Canada or a foreign jurisdictionfor conduct that shows, in the commissioner's opinion, that the person is unfit to have a permit.
- (AM) Sep 01/23 (3) Without limiting the authority of the regulator under subsection (1), the regulator may make a decision under subsection (1) with respect to an applicant or permit holder if the applicant or permit holder is an employer, employee, officer, director or agent of a
- (AM) Sep 01/23 (a) permit holder against whom the regulator has made a decision under subsection (1), or
 - (AM) Sep 01/23 (b) permit holder that has an employee, officer, director or agent against whom the regulator has made a decision under subsection (1).
- (AM) Sep 01/23 (4) Without limiting the authority of the regulator under subsection (1), the regulator may make a decision under subsection (1) with respect to a permit holder who holds more than one permit for any contravention by the permit holder of
- (AM) Jul 22/24 (a) any of the permit holder's permits, or
 - (b) any order issued to the permit holder with respect to energy resource activities permitted, or off-site environmental mitigation activities required, under any of the permit holder's permits.
- (AM) Jul 22/24 (5) If the regulator suspends or cancels a permit or a permission under subsection (1) (b) or (c) or a permit expires under section 32 (1), the regulator may also suspend or cancel an authorization issued to the permit holder for a related activity of an energy resource activity permitted, or an off-site environmental mitigation activity required, by the permit, whether or not a specified enactment prohibits the suspension or cancellation of the authorization or requires the regulator to make a finding other than the suspension or cancellation of a permit before suspending or cancelling an authorization.
- (AM) Sep 01/23 (6) The regulator must give a permit holder an opportunity to be heard before making a decision under subsection (1) (b), (c) or (d) or (5) and must notify the permit holder of its decision under any of those provisions.

(AM) Sep 01/23 (7) If the regulator refuses under subsection (1) to issue a permit, the regulator must provide notice, in accordance with subsection (8), to the land owner of the land notified by the applicant under section 22 (2).

(AM) Sep 01/23 (8) A notice under subsection (7) must advise the land owner

- (a) that the regulator has refused to issue a permit,
- (b) that the applicant for the permit may, in relation to the refusal, request a review under section 70 or appeal under section 72, and
- (c) that the land owner may, on request, be a party to an appeal referred to in paragraph (b).

2008-36-26 (B.C. Reg. 274/2010); 2014-10-5; 2018-15-3; 2022-42-62,Sch3, 64,Sch 5, 65,Sch 6 (B.C. Reg. 187/2023); 2018-54-5 (B.C. Reg. 241/2024); 64,Sch 5, 65,Sch 6 (B.C. Reg. 187/2023).

Spent permit or permission

(AM) Sep 01/23 27. (1) The regulator, on its own initiative or on application by a permit holder or authorization holder, may declare to be spent

- (a) a permit, if the regulator considers that the permit holder no longer requires the permit,
- (b) a permission specified in a permit, if the regulator considers that the permit holder no longer requires the permission, and
- (c) despite anything in a specified enactment prohibiting the declaration, an authorization held by the permit holder or authorization holder, if the regulator considers that the permit holder or authorization holder no longer requires the authorization.

(AM) Sep 01/23 (2) Before the regulator makes a declaration under subsection (1) on its own initiative, the regulator must give the permit holder or authorization holder an opportunity to be heard.

(AM) Sep 01/23 (3) If the regulator declares a permit or permission or an authorization to be spent under subsection (1), the regulator must provide written notice of that declaration to the permit holder, former permit holder, authorization holder or former authorization holder.

2008-36-27 (B.C. Reg. 274/2010); 2015-40-7 (B.C. Reg. 51/2018); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Permitted activity under pipeline permits

28. (1) In this section:
"applicable Act" means the *Forest Act*, the *Forest and Range Practices Act*, the *Railway Act* and the *Railway Safety Act*;

(SUB) Sep 01/23 **"authority"** means a person authorized to grant an approval under an applicable Act.

(AM) Sep 01/23 (2) Despite anything in an applicable Act but subject to subsection (3),

- (a) the regulator, in a pipeline permit, may give permission to the pipeline permit holder to construct or operate a pipeline across, along, over or under any highway, road, public place, railway, underground communication or power line or another pipeline, and
- (b) the pipeline permit holder may carry out the activities referred to in paragraph (a) in accordance with the pipeline permit and this Act.

- (AM)
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01/23
- (3) If, but for subsection (2), a permit holder would not be entitled to carry out the activities referred to in subsection (2) (a) without obtaining an approval under an applicable Act, the authority, on application made by the pipeline permit holder in accordance with the applicable Act, must grant the approval to the pipeline permit holder, but may impose, with respect to the carrying out of those activities, any conditions that the authority is authorized to impose on the approval under the applicable Act.
- 2008-36-28 (B.C. Reg. 274/2010); 2010-9-20; 2022-42-12, 62,Sch3 (B.C. Reg. 187/2023).

Transfer of permit and authorizations

- (AM)
Sep
01/23
- 29.** (1) On application in writing signed by both a permit holder and a person who wants to acquire the permit, the regulator
- (AM)
Sep
01/23
- (a) may transfer the permit to that person, subject to any conditions the regulator considers necessary, and
- (AM)
Jul
22/24
- (b) if the regulator transfers the permit under paragraph (a), must transfer, despite anything in a specified enactment prohibiting the transfer, all authorizations issued to the permit holder for related activities of an energy resource activity permitted, or an off-site environmental mitigation activity required, by the permit.
- (AM)
Sep
01/23
- (1.1) On application in writing signed by both an authorization holder and a person who wants to acquire the authorization, the regulator may transfer, despite anything in a specified enactment prohibiting the transfer, the authorization to that person, subject to any conditions the regulator considers necessary.
- (ADD)
May
17/18
- (1.2) Despite subsection (1), an application under that subsection is not required to be signed by the permit holder if
- (AM)
Mar
29/19
- (a) the permit is cancelled under section 26, 33 or 43.3,
- (b) the permit is declared to be spent under section 27,
- (c) the permit relates to an orphan site under section 45, or
- (AM)
Sep
01/23
- (d) the regulator is satisfied that the permit holder no longer exists or cannot be located.
- (AM)
Sep
01/23
- (2) In deciding whether to grant an application under subsection (1), the regulator may consider
- (a) any of the matters referred to in section 26 (2) to (4), and
- (b) any other matter that may be considered under a specified enactment, as though the person who wants to acquire the permit were an applicant for the permit and an authorization referred to in subsection (1) (b) of this section.
- (ADD)
Mar
20/18
- (2.1) Subsection (2) applies to a transfer under subsection (1.1).
- (AM)
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01/23
- (2.2) If the regulator decides to grant an application under subsection (1) in relation to a permit described in subsection (1.2) (a) or (b), the permit is reinstated.
- (AM)
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01/23
- (2.3) If the regulator decides to grant an application under subsection (1) in relation to a permit described in subsection (1.2) (c), the orphan site designation is cancelled.
- (SUB)
Mar
20/18
- (3) A person to whom a permit or authorization is transferred under subsection (1) or (1.1) has the same rights and obligations as if the permit or authorization had been issued to that person.

2008-36-29 (B.C. Reg. 274/2010); 2010-9-21; 2015-40-8 (B.C. Reg. 51/2018); 2018-15-4; 2018-15-5 (B.C. Reg. 62/2019); 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-6 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Required security

- (AM) Sep 01/23 **30.** (1) The regulator, by order or by imposition of a condition under section 25 (2) (b), may require a holder or applicant to provide security to the regulator, in the amount the regulator requires and in accordance with the regulations, to ensure the performance of an obligation under this Act, a permit or an authorization.
- (ADD) Mar 20/18 (2) In this section, "**holder or applicant**" means a permit holder, an applicant for a permit, a transferee of a permit, an authorization holder, an applicant for an authorization or a transferee of an authorization.

2008-36-30 (B.C. Reg. 274/2010); 2014-04-6; 2015-40-9 (B.C. Reg. 51/2018); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Amendment of permit

- (AM) Apr 09/14 **31.** (1) Before submitting an application under subsection (4) for an amendment to a permit, a permit holder must provide notice to the land owner of the land on which an operating area is located, and the notice must
- (AM) Sep 01/23 (a) provide a description of the proposed amendment, and
- (AM) Sep 01/23 (b) advise the land owner that the land owner may make a submission to the regulator under subsection (2).
- (AM) Sep 01/23 (1.1) The regulator may exempt a person or a class of persons from the requirement to provide notice under subsection (1) to a land owner or a class of land owners if the regulator is satisfied that
- (AM) Sep 01/23 (a) the activity respecting the proposed amendment would not be carried out on the land of the land owner or class of land owners, and
- (AM) Sep 01/23 (b) the proposed amendment would not change the effect of the permit on the land of the land owner or class of land owners.
- (AM) Sep 01/23 (2) A land owner who receives a notice under subsection (1) may make a written submission to the regulator regarding the proposed amendment within 15 days of receiving the notice.
- (AM) Sep 01/23 (3) If a land owner makes a submission under subsection (2), the regulator must send a copy of the submission to the permit holder.
- (AM) Sep 01/23 (4) After complying with subsection (1), a permit holder may apply to the regulator for an amendment to the permit holder's permit by submitting an application in writing.
- (AM) Sep 01/23 (5) On receipt of an application under subsection (4), the regulator may require the permit holder to carry out one or more of the prescribed consultations or provide one or more of the prescribed notices, as applicable, with respect to the proposed amendment.
- (AM) Sep 01/23 (6) A permit holder required to carry out consultations or provide notice under subsection (5) must submit a written report to the regulator regarding the results of the consultations or notice.
- (AM) Sep 01/23 (7) On receipt of an application under subsection (4) and after considering a submission made under subsection (2), if any, and the results of consultations carried out or notices provided under subsection (5), if any, the regulator may amend the permit holder's permit or refuse to amend the permit.
- (AM) Sep 01/23 (8) An amendment made under subsection (7) is effective on and after the day it is made, unless the amendment changes the effect of the permit on the land of the land owner referred to in subsection (1), in which case the amendment is effective on and after the earlier of the following:
- (AM) Sep 01/23 (a) the 15th day following the day it is made;
- (AM) Sep 01/23 (b) the day the permit holder obtains written consent from the land owner to treat the amendment as being in effect on and after the date the consent is given.

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
Sep
01/23
- (9) If the regulator amends a permit under subsection (7), the regulator must provide notice to the land owner referred to in subsection (1) in accordance with subsection (10), unless notice was not required under subsection (1.1).
- (10) A notice under subsection (9) must
- (a) advise the land owner of the amendment,
- (b) state that the land owner may appeal under section 72 the decision to amend the permit if the amendment changes the effect of the permit on the land of the land owner, and
- (c) provide an address to which an appeal may be sent.
- (AM)
Apr
09/14
- (11) If the regulator refuses to amend a permit under subsection (7), the regulator must provide to the land owner referred to in subsection (1) notice in accordance with subsection (12).
- (12) A notice under subsection (11) must advise the land owner
- (a) that the applicant for the amendment may, in relation to the refusal, request a review under section 70 or appeal under section 72, and
- (b) that the land owner may, on request, be a party to an appeal referred to in paragraph (a).

2008-36-31 (B.C. Reg. 274/2010); 2010-9-22; 2012-27-7; 2014-10-7; 2015-40-10; 2023-10-745; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Expiration of permit and authorizations

- (AM)
Jul
22/24
- 32.** (1) Subject to subsections (8) and (9), a permit and, despite anything in a specified enactment, any authorization issued to the permit holder for a related activity of an energy resource activity permitted, or an off-site environmental mitigation activity required, by the permit expire on the day after the prescribed period has elapsed if the permit holder has not by that day begun an energy resource activity permitted by the permit.
- (ADD)
Mar
20/18
- (1.1) Despite anything in a specified enactment, an authorization issued to an authorization holder expires if the authorization holder has not applied for a permit before the prescribed period has elapsed.
- (AM)
Sep
01/23
- (2) A permit holder, before the expiry of the permit holder's permit under subsection (1), may apply to the regulator for an extension of the prescribed period with respect to the permit holder's permit and authorizations by submitting to the regulator the information, application form and records required by the regulator.
- (AM)
Sep
01/23
- (3) On receipt of an application under subsection (2), the regulator may require the permit holder to carry out one or more of the prescribed consultations or provide one or more of the prescribed notices with respect to the extension for which the application is made.
- (AM)
Sep
01/23
- (4) A permit holder required to carry out consultations or provide notice under subsection (3) must submit a written report to the regulator regarding the results of the consultations or notice.
- (AM)
Sep
01/23
- (5) On application under subsection (2), the regulator may
- (a) extend by not more than one year the prescribed period with respect to the applicant's permit, and
- (b) in granting an extension, impose additional conditions on the permit and the authorizations.
- (AM)
Sep
01/23
- (6) Despite anything in a specified enactment, if the regulator grants an extension under subsection (5) for a period of time, the regulator may also extend the term of an authorization referred to in subsection (1), other than an authorization under section 10 *[use approvals]* of the *Water Sustainability Act*.

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
Sep
01/23
- (7) An extension with respect to a permit holder's permit and authorizations may be granted under this section only once, unless the regulator is satisfied there are special circumstances to justify one or more further extensions.
- (AM)
Sep
01/23
- (8) Despite subsection (1), a permit or an authorization does not expire under that subsection if the regulator grants an extension under subsection (5) with respect to the permit or the term of the authorization is extended under subsection (6).
- (ADD)
Jul
22/24
- (9) Despite subsection (1), an authorization issued to a permit holder for a related activity of an off-site environmental mitigation activity required by the permit does not expire under that subsection if the permit holder has begun to carry out the off-site environmental mitigation activity by the day referred to in that subsection.
- 2008-36-32 (B.C. Reg. 274/2010); 2010-9-23; 2012-27-8; 2014-15-188 (B.C. Reg. 35/2016); 2015-40-11 (B.C. Reg. 51/2018); 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-7 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Surrender of permit or permission

- (AM)
Sep
01/23
- 33.** (1) A permit holder may send a notice to the regulator advising the regulator of the permit holder's intention to surrender the permit or a permission specified in a permit.
- (AM)
Sep
01/23
- (1.1) An authorization holder may send a notice to the regulator advising the regulator of the authorization holder's intention to surrender the authorization.
- (AM)
Sep
01/23
- (2) On receipt of a notice under subsection (1), the regulator may
- (a) cancel the permit holder's permit or permission, as the case may be, and
- (b) despite anything in a specified enactment, cancel an authorization issued to the permit holder for a related activity of
- (i) the energy resource activity with respect to which the notice was submitted, or
- (ii) an off-site environmental mitigation activity required by the permit in relation to that energy resource activity.
- (SUB)
Jul
22/24
- (2.1) On receipt of a notice under subsection (1.1), the regulator, despite anything in a specified enactment, may cancel the authorization.
- (AM)
Sep
01/23
- (3) A cancellation under subsection (2) or (2.1) is effective on the date specified by the regulator.
- 2008-36-33 (B.C. Reg. 274/2010); 2015-40-12 (B.C. Reg. 51/2018); 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-8 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Part 3: Division 2 – Rights and Obligations

Required ownership, interest or authorization

- 34.** (1) In this section:
- "entry agreement"** means an agreement
- (a) that is between
- (i) a specified permit holder, and
- (ii) a land owner of an area of land, and
- (b) that authorizes the specified permit holder to enter, occupy or use the land owner's area of land for the purposes of constructing and operating a pipeline other than a flow line;
- "specified permit holder"** means a pipeline permit holder who holds a permit respecting a pipeline other than a flow line.

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
Jul
22/24
- (2) Subject to sections 23 and 39 and subsection (3) of this section, a permit holder must not begin or carry out an energy resource activity or an off-site environmental mitigation activity on or under an area of land unless the permit holder,
- (a) if the area of land is not a highway, either is the owner in fee simple of the area of land or has acquired the area of land or the necessary interests in the area of land in accordance with
- (i) the *Land Act* or the *Ministry of Lands, Parks and Housing Act*,
- (ii) Part 16 or 17 of the *Petroleum and Natural Gas Act*, or
- (iii) subsection (3) of this section, or
- (b) if the area of land is a highway, has obtained an authorization required under an enactment to enter, occupy or use the area of land.
- (3) Subject to subsection (4), if a specified permit holder has failed to obtain an entry agreement, the specified permit holder may expropriate, in accordance with the *Expropriation Act*, as much of the land or interests in it of any person as may be necessary for constructing and operating the pipeline authorized by the permit.
- (4) The land that may be expropriated under subsection (3) must not exceed 18 m in breadth.
- (AM)
Sep
01/23
- (5) On application by a specified permit holder, the regulator may authorize, on any conditions the regulator considers appropriate, an expropriation, in accordance with the *Expropriation Act*, that exceeds the breadth specified in subsection (4).
- 2008-36-34 (B.C. Reg. 274/2010); 2010-9-24; 2018-54-10; 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-9 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Obligations in carrying out energy resource activities

- (AM)
Jul
22/24
- 35.** (1) In carrying out energy resource activities, off-site environmental mitigation activities and related activities, a permit holder, an authorization holder or a person entering land under section 23 must minimize
- (a) damage and disturbance to the sites of those activities, and
- (b) waste.
- (AM)
Sep
01/23
- (2) A pipeline permit holder must make reasonable efforts to ensure that its energy resource activities do not prevent access to or use of a highway, road, railway or public place.
- (3) A pipeline permit holder, as soon as reasonably possible after constructing a pipeline, must restore, in accordance with the regulations, if any, the land and surface disturbed by the construction.
- 2008-36-35 (B.C. Reg. 274/2010); 2015-40-13 (B.C. Reg. 51/2018); 2022-42-65,Sch 6 (B.C. Reg. 187/2023); 2018-54-3 (B.C. Reg. 241/2024); 2022-42-65,Sch 6 (B.C. Reg. 187/2023).

Environmental protection and management

- (AM)
Jul
22/24
- 36.** (1) A permit holder and a person carrying out an energy resource activity or an off-site environmental mitigation activity must comply with environmental measures established under the authority of a regulation made under section 104.
- (AM)
Jul
22/24
- (2) Subject to regulations made under section 98, the regulator, by order, may exempt, on any conditions the regulator considers necessary, a permit holder or a person carrying out an energy resource activity or an off-site environmental mitigation activity from a requirement imposed by regulation under section 103.
- 2008-36-36 (B.C. Reg. 274/2010); 2010-9-25; 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-9 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Spillage

ENERGY RESOURCE ACTIVITIES ACT

- (AM) Jul 22/24 **37.** (1) A permit holder, an authorization holder and a person carrying out an energy resource activity or an off-site environmental mitigation activity must
- (AM) Sep 01/23 (a) prevent spillage, and
- (AM) Jul 22/24 (b) promptly report to the regulator any damage or malfunction likely to cause spillage that could be a risk to public safety or the environment.
- (AM) Sep 01/23 (2) If spillage occurs, a permit holder, an authorization holder or person carrying out an energy resource activity or an off-site environmental mitigation activity must promptly do all of the following:
- (AM) Sep 01/23 (a) remedy the cause or source of the spillage;
- (AM) Sep 01/23 (b) contain and eliminate the spillage;
- (AM) Sep 01/23 (c) remediate any land or body of water affected by the spillage;
- (AM) Sep 01/23 (d) if the spillage is a risk to public safety or the environment, report to the regulator
- (AM) Sep 01/23 (i) the location and severity of the spillage, and
- (AM) Sep 01/23 (ii) any damage or malfunction causing or contributing to the spillage.
- (AM) Sep 01/23 (3) A person who is aware that spillage is occurring or likely to occur must make reasonable efforts to prevent or assist in containing or preventing the spillage.
- 2008-36-37 (B.C. Reg. 274/2010); 2015-40-14 (B.C. Reg. 51/2018); 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-9 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Records, reports and plans

- (AM) Mar 20/18 **38.** (1) A permit holder and an authorization holder must do all of the following:
- (AM) Sep 01/23 (a) prepare and maintain the prescribed records, reports and plans;
- (AM) Sep 01/23 (b) prepare and maintain an emergency response program and a response contingency plan satisfactory to the regulator or as prescribed by regulation, if any;
- (AM) Sep 01/23 (c) prepare and maintain the records, reports and plans the regulator orders the permit holder or authorization holder to maintain;
- (AM) Sep 01/23 (d) at the request of the regulator, produce the records, reports and plans referred to in paragraph (a), (b) or (c) for inspection and copying;
- (AM) Sep 01/23 (e) at the request of the regulator or as prescribed by regulation, submit to the regulator, in the form and manner the regulator requires, the records, reports and plans referred to in paragraph (a), (b) or (c).
- (REP) Mar 20/18 (2) *Repealed.* [2015-40-15 (B.C. Reg. 51/2018)]
- 2008-36-38 (B.C. Reg. 274/2010); 2010-9-26; 2015-40-15 (B.C. Reg. 51/2018); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(ADD)Disclosure

- (AM) Mar 20/18 **38.1** The regulator, in accordance with and to the extent required by the regulations, must
- (AM) Sep 01/23 (a) disclose to the public, or keep confidential, the records, reports and plans referred to in section 38, and
- (AM) Sep 01/23 (b) disclose to the public applications received under sections 24 and 31.
2015-40-16 (B.C. Reg. 51/2018); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Suspension of activity

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
Sep
01/23
- 39.** (1) If a permit holder begins an energy resource activity but ceases to have the interests in land or authorization referred to in section 34 necessary to carry out that activity, the permit holder must immediately suspend all energy resource activities and related activities being carried out on that land, unless the regulator approves the continuation of those activities under subsection (2).
- (AM)
Sep
01/23
- (2) The regulator, on application by a permit holder referred to in subsection (1), may
- (AM)
Sep
01/23
- (a) approve the continuation of the permit holder's energy resource activities and related activities, and
- (b) on granting an approval under paragraph (a), impose additional conditions on the permit holder's permit and authorizations, if any.
- (3) A permit holder with permission to drill or operate a well must immediately suspend its drilling and operations if
- (AM)
Nov
24/22
- (a) the permit holder ceases
- (i) to be the owner of the petroleum and natural gas rights or the holder of the location in respect of the well,
- (ii) to have a valid agreement with the owner of the rights or the holder of the location referred to in subparagraph (i) authorizing the drilling or operation, as applicable, or
- (iii) to hold a storage reservoir licence issued under section 130 of the *Petroleum and Natural Gas Act*, or
- (b) the minister rescinds a declaration made under section 24 (5) with respect to the permit holder and those activities.
- (4) A permit holder who suspends activities under subsection (1) or (3) must
- (AM)
Sep
01/23
- (a) immediately notify the regulator of the suspension,
- (AM)
Sep
01/23
- (b) comply with the prescribed requirements, and
- (c) carry out any actions as directed by the regulator.

2008-36-39 (B.C. Reg. 274/2010); 2010-9-27; 2022-42-11; 2022-42-62,Sch3, 64,Sch 5, 65,Sch 6 (B.C. Reg. 187/2023).

Obligations when permit, permission or authorization expires or is cancelled or spent

- (AM)
Mar
20/18
- 40.** If a permit, a permission specified in a permit or an authorization
- (AM)
Mar
29/19
- (a) is cancelled under section 26, 33 or 43.3,
- (b) is declared to be spent under section 27, or
- (c) expires under section 32,
- the permit holder, former permit holder, authorization holder or former authorization holder, as the case may be, must
- (AM)
Sep
01/23
- (d) unless otherwise ordered by the regulator, perform each obligation imposed
- (i) in relation to the permit, permission or authorization under this Act or a specified enactment, and
- (ii) under the permit or authorization that has not been performed by the date of the cancellation, declaration or expiry,

- (AM) Sep 01/23
- (e) comply with the prescribed requirements, and
 - (f) carry out any other actions for the purposes of restoration or the protection of public safety that the regulator orders the permit holder, former permit holder, authorization holder or former authorization holder to carry out.

2008-36-40 (B.C. Reg. 274/2010); 2015-40-17 (B.C. Reg. 51/2018); 2018-15-5 (B.C. Reg. 62/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Certificate of restoration

- (AM) Sep 01/23
- 41.** (1) A person, other than a person in a prescribed class of persons, to whom
- (a) section 40 (a) or (b) applies, or
 - (b) an order has been issued under section 49
- may apply to the regulator for a certificate of restoration by submitting, in the form and manner the regulator requires, the information and other records required by the regulator.
- (AM) Sep 01/23
- (2) On application by a person under subsection (1), the regulator may issue to the person a certificate of restoration certifying, on the basis of the information known to the regulator at the time of certification, that the regulator is satisfied
- (a) in the case of an application by a person referred to in subsection (1) (a), that the person has complied with section 40 (d) to (f), or
 - (b) in the case of an application by a person referred to in subsection (1) (b), that the person has complied with the order referred to in that subsection.
- (AM) Sep 01/23
- (3) The issuance of a certificate of restoration does not relieve a person from any obligations under section 40 or under an order referred to in subsection (1) (b) of this section in respect of any matter that was not known to the regulator at the time the certificate of restoration was issued.

2008-36-41 (B.C. Reg. 274/2010); 2010-9-28; 2019-19-45 (B.C. Reg. 161/2020); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Continuing liability

- (AM) Sep 01/23
- 42.** A transfer under section 29, 43.09 or 43.10, a cancellation, declaration or expiry referred to in section 40 or the issuance of a certificate of restoration under section 41 does not affect or relieve the permit holder, former permit holder, authorization holder or former authorization holder from
- (a) the consequences of any contravention or offence or any related fine, imprisonment, fee, charge or penalty, if the contravention or offence occurred before the transfer, cancellation, declaration or expiry, or
 - (b) any liability imposed on the permit holder, former permit holder, authorization holder or former authorization holder under a specified enactment.
- (AM) May 17/18
- (AM) Mar 20/18

2008-36-42 (B.C. Reg. 274/2010); 2015-40-18 (B.C. Reg. 51/2018); 2018-15-6; 2022-42-13 (B.C. Reg. 187/2023).

(REP) Repealed

Feb 01/21

- 43.** *Repealed.* [2019-19-46 (B.C. Reg. 161/2020)]

Part 3: Division 2.1 – Expanded Responsibility

(ADD) Definitions

Sep 01/23

- 43.01** In this Division:
"former permit holder" means a person who held a permit that

- (a) was cancelled under section 26, 33 or 43.3,
- (b) was declared spent under section 27, or
- (c) expired under section 32;

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

"principal" , in relation to a corporation, means an individual who

- (a) is a director or officer of the corporation,
- (b) is directly or indirectly in control of the corporation, or
- (c) in the case of a corporation that has ceased to exist, was a person described in paragraph (a) or (b) immediately before the corporation ceased to exist;

"responsible person" , in relation to a permit, has the meaning given to it in section 43.02.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Responsible person**

Sep
01/23

- 43.02 (1)** The following are responsible persons for a permit:
- (a) a person who holds the petroleum or natural gas rights or the location for the permit;
 - (b) a person who has a legal or beneficial interest in the petroleum or natural gas rights or the location for the permit;
 - (c) a person who has a legal or beneficial interest in production or profits resulting from an energy resource activity authorized by the permit;
 - (d) a person who is made responsible for the permit under
 - (i) section 43.05 (2) [*register of responsible persons*], or
 - (ii) section 43.06 [*evasion of responsibility*].
- (2) Without limiting subsection (1), the following are also responsible persons for a permit:
- (a) if the location for the permit is cancelled, reverts or is abandoned, a person who was described in subsection (1) (a) or (b) immediately before that event;
 - (b) if the permit is cancelled under section 26, 33 or 43.3, is declared spent under section 27 or expires under section 32, a person who was described in subsection (1) (c) immediately before that event.
- (3) Despite this section, the following are not responsible persons:
- (a) the government;
 - (b) a person excluded by regulation.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Application of this Division**

Sep
01/23

- 43.03** This Division applies in relation to any of the following:
- (a) a permit for an oil and gas or storage activity;
 - (b) a permit for a prescribed energy resource activity.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Identifying responsible persons**

Sep
01/23

- 43.04 (1)** A permit holder and a responsible person for a permit must
- (a) prepare and maintain the prescribed records, and
 - (b) at the request of the regulator or as prescribed by regulation, submit those records to the regulator.

- (2) Subsection (1) does not apply in relation to a permit that is cancelled under section 26, 33 or 43.3, is declared spent under section 27 or expires under section 32.
- (3) The following persons must, at the request of the regulator, submit to the regulator any information or records in the custody or control of the person that might assist the regulator in identifying responsible persons for a permit:
 - (a) the permit holder or former permit holder;
 - (b) a responsible person for the permit;
 - (c) a person who the regulator has reasonable grounds to believe has information or records that might assist the regulator in identifying responsible persons for the permit.
- (4) Information and records required to be submitted under this section must be submitted in the form and manner the regulator requires.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Register of responsible persons**

Sep
01/23

- 43.05** (1) Subject to the regulations, the regulator may establish a register of responsible persons.
- (2) A person who is listed in the register as a responsible person for a permit is conclusively deemed to be a responsible person for the permit for the purposes of this Division unless the person
 - (a) satisfies the regulator that the person is not a responsible person, and
 - (b) if required by the regulator, submits to the regulator any information or records that might assist the regulator in identifying responsible persons for the permit.
 - (3) Information and records required to be submitted under this section must be submitted in the form and manner the regulator requires.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Evasion of responsibility**

Sep
01/23

- 43.06** The regulator, by order, may designate a person who has ceased to be a responsible person for a permit as a responsible person for the permit, after giving the person an opportunity to be heard, if
 - (a) the regulator is satisfied, having regard to the circumstances in which the person ceased to be a responsible person, that the person intended to evade responsibility, or
 - (b) the person ceased to be a responsible person in prescribed circumstances and the regulator is not satisfied that the person did not intend to evade responsibility.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Expanded responsibility – orders**

Sep
01/23

- 43.07** (1) In this section, "**specified provision**" means any of the following:
 - (a) section 30 (1) [*order requiring security*];
 - (b) section 40 (f) [*order to carry out restoration or protection*];
 - (c) section 49 (1) [*order issued by official*];
 - (d) section 50 (1) (c) [*order to repay regulator*];
 - (e) section 53 (3) [*order to pay costs of proceedings*].

- (2) If a permit holder or former permit holder has ceased to exist or fails to comply with an order under a specified provision, the regulator may make an order under the specified provision against
- (a) a responsible person for the permit, or
 - (b) a principal of the permit holder or former permit holder or of a responsible person described in paragraph (a).

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Expanded responsibility – limited work order**

Sep
01/23

- 43.08** (1) The regulator may make an order in relation to an orphan site against
- (a) a responsible person for the permit for the orphan site, or
 - (b) a principal of the permit holder or former permit holder for the orphan site or of a responsible person described in paragraph (a).
- (2) An order under subsection (1) may require a person to
- (a) perform an obligation described in section 40 (d),
 - (b) comply with a requirement described in section 40 (e), or
 - (c) carry out an action that might have been ordered under section 40 (f).

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Expanded responsibility – transfer of permit**

Sep
01/23

- 43.09** (1) The regulator, by order, may transfer a permit in relation to an orphan site to
- (a) a responsible person for the permit for the orphan site, or
 - (b) a principal of the permit holder or former permit holder for the orphan site or of a responsible person described in paragraph (a).
- (2) A transfer under this section may be made without the consent of the permit holder or former permit holder or the person to receive the permit.
- (3) Section 29 (2.2), (2.3) and (3) applies in relation to a transfer under this section.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Expanded responsibility – transfer of authorization**

Sep
01/23

- 43.10** (1) In this section, "**linked authorization**", in relation to an orphan site, means an authorization issued to the permit holder or former permit holder for the orphan site for related activities of an energy resource activity permitted by the permit.
- (2) The regulator, by order, may transfer a linked authorization for an orphan site to a person, despite anything in a specified enactment prohibiting the transfer, if
- (a) an order under section 43.08 (1) in relation to the orphan site is made against the person, or
 - (b) the permit for the orphan site is transferred under section 43.09 (1) to the person.
- (3) A transfer under this section may be made without the consent of the permit holder or former permit holder or the person to receive the linked authorization.
- (4) Section 29 (3) applies in relation to a transfer under this section.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Expanded responsibility – administration in relation to orders**

Sep
01/23

- 43.11** (1) This section applies to

- (a) an order contemplated by section 43.07 (2), or
 - (b) an order under section 43.08 (1), 43.09 (1) or 43.10 (2).
- (2) Before making an order to which this section applies against a principal, the regulator must give the principal an opportunity to be heard.
- (3) An order to which this section applies is not unreasonable, if made against a person other than a principal, only because the order imposes a burden on the person that is disproportionate to that person's interest in, control over or benefit from the relevant energy resource activity.

2022-42-14 (B.C. Reg. 187/2023).

(ADD) **Compensation for restoration by responsible persons**

Sep
01/23

43.12 Subject to the regulations, the regulator may, on application by a responsible person who has restored an orphan site in whole or in part, pay to the person an amount of compensation determined as follows out of the fund:

$$\text{compensation} = \text{costs} \times \text{compensable share}$$

where

costs = the costs reasonably incurred by the person in carrying out the restoration, as determined by the regulator;

compensable share = the permit holder's interest in the energy resource activity that was carried out at the orphan site, expressed as a percentage of all interests in that activity, as determined by the regulator.

2022-42-14 (B.C. Reg. 187/2023).

PART 3.1 – Dormant Sites

(ADD)Definitions

Mar
29/19

43.1 In this Part:

(AM)
Sep
01/23

"**dormant site**" means a site of an energy resource activity that is a dormant site in accordance with the regulations;

"**liability reduction plan**" means a plan under section 43.4 (2);

(AM)
Sep
01/23

"**portfolio**" , in relation to a permit holder, means all of the sites of an energy resource activity that are sites for which the permit holder holds a permit;

"**shutdown obligations**" means the obligations under section 40 (d) to (f).

2018-15-7 (B.C. Reg. 62/2019); 2022-42-64,Sch 5 (B.C. Reg. 187/2023).

(ADD)Requirements to reduce liability

Mar
29/19

43.2 Subject to section 43.4, a permit holder must comply with the prescribed requirements if the permit holder's portfolio

- (a) includes one or more dormant sites, and
- (b) meets the prescribed criteria, if any.

2018-15-7 (B.C. Reg. 62/2019).

(ADD)Automatic cancellation of permit

Mar
29/19

43.3 Subject to section 43.4, if a site of an energy resource activity in a prescribed class of sites is a dormant site for longer than the prescribed period of time, the permit in relation to the site is cancelled on the day immediately after that period.

2018-15-7 (B.C. Reg. 62/2019); 2022-42-64,Sch 5 (B.C. Reg. 187/2023).

(ADD)Liability reduction plan

Mar
29/19

43.4 (1) Sections 43.2 and 43.3 do not apply in relation to a site of an energy resource activity if the site is subject to an approved liability reduction plan.

(AM)
Sep
01/23

(2) Subject to the regulations, a permit holder may submit to the regulator a plan to reduce the permit holder's shutdown obligations in relation to one or more sites.

(AM)
Sep
01/23

(3) The regulator may approve a liability reduction plan.

(AM)
Sep
01/23

(4) An approved liability reduction plan is an order of the regulator.

(AM)
Sep
01/23

(5) Without limiting any other power of the regulator, if a permit holder does not comply with an approved liability reduction plan, the regulator may revoke the approval of that plan.

(AM)
Sep
01/23

2018-15-7 (B.C. Reg. 62/2019); 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023).

PART 4 – Orphan Sites

Definitions

(AM)
Sep
01/23

44. In this Part:

"former Act" means the *Oil and Gas Commission Act*, S.B.C. 1998, c. 39, as it was immediately before its repeal;

(ADD)
Apr
09/14

"former permit holder" means a person who held a permit that

(AM)
Mar
29/19

(a) was cancelled under section 26, 33 or 43.3,

(b) was declared spent under section 27, or

(c) expired under section 32;

"fund" means the fund continued under section 45 (3);

"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 that is delivered to a storage facility, whether it occurs naturally or results from the processing of natural gas;

"orphan site" means a site designated under section 45 (2);

(SUB)
Sep
01/23

"parties" , in relation to an orphan site, means

(a) the permit holder or former permit holder for the orphan site,

(b) the responsible persons for that permit holder or former permit holder, and

(c) an individual who is designated by order under section 44.1;

(ADD)
Sep
01/23

"principal" has the same meaning as in section 43.01;

(ADD)
Sep
01/23

"responsible person" has the same meaning as in section 43.01;

"restore" includes the requirements under section 40;

"surface lease" means

(a) a surface lease as defined in section 141 of the *Petroleum and Natural Gas Act*, and

(b) an order of the Surface Rights Board under the *Petroleum and Natural Gas Act*.

2008-36-44 (B.C. Reg. 274/2010); 2010-9-29; 2014-10-8; 2018-15-8 (B.C. Reg. 62/2019); 2022-42-15 (B.C. Reg. 187/2023).

(ADD) Parties – designating principals

Sep
01/23

44.1 (1) The regulator, by order, may designate a principal of a party described in paragraph (a) or (b) of the definition of "parties" in section 44 as a party for the purposes of paragraph (c) of that definition.

(2) Before making an order under subsection (1) against a principal, the regulator must give the principal an opportunity to be heard.

2022-42-16 (B.C. Reg. 187/2023).

Reclamation of orphan sites

(AM)
Sep
01/23

45. (1) The regulator may restore orphan sites.

ENERGY RESOURCE ACTIVITIES ACT

(AM)
Sep
01/23

(2) The regulator may designate as an orphan site

(AM)
Sep
01/23

(a) a well, facility, pipeline, or energy resource road if

(AM)
Sep
01/23

(i) the permit holder or former permit holder with respect to the well, facility, pipeline, or energy resource road is insolvent, or

(AM)
Sep
01/23

(ii) the regulator has not been able to identify the permit holder or former permit holder in respect to the well, facility, pipeline, or energy resource road or is satisfied that that permit holder or former permit holder no longer exists or cannot be located, or

(AM)
Jul
22/24

(b) an area, if the regulator is satisfied that the area requires restoration as a direct or indirect result of the carrying out of an energy resource activity or an off-site environmental mitigation activity by

(ADD)
May
17/18

(i) a person who is insolvent, or

(AM)
Sep
01/23

(ii) a person the regulator has not been able to identify or is satisfied no longer exists or cannot be located.

(AM)
Sep
01/23

(3) The fund held by the regulator under section 6.2 of the former Act is continued, and the purposes of the fund are to provide money as follows:

(AM)
Sep
01/23

(a) to pay the costs of restoration in respect of orphan sites;

(b) to pay costs incurred in pursuing reimbursement for the costs referred to in paragraph (a) from the person responsible for paying them;

(c) to pay any other costs directly related to the operations of the regulator in respect of the fund;

(d) to pay compensation for the purposes of section 46.

(AM)
Sep
01/23

(4) The following must be deposited to the credit of the fund:

(a) money paid to the regulator under section 18 (2) (b);

(b) money borrowed to meet any deficit in the fund;

(AM)
Sep
01/23

(c) money recovered or received by the regulator under subsection (7) of this section;

(AM)
Sep
01/23

(c.1) money received by the regulator specifically for a purpose set out in subsection (3);

(ADD)
Sep
01/23

(c.2) money received by the regulator from a disposition described in section 45.03 (1) or (2);

(d) any interest or other income of the fund.

(AM)
Sep
01/23

(4.1) For certainty, nothing in this section prevents the regulator from depositing money not described in subsection (4) to the credit of the fund.

(AM)
Sep
01/23

(5) The regulator may do one or more of the following:

(a) pay money from the fund for any of the purposes referred to in subsection (3) in accordance with any regulations made for the purposes of this section and section 46;

- (AM)
Sep
01/23
- (b) from the fund, repay any money borrowed by the regulator for the purposes of the fund;
- (c) determine the date on which an orphan site has been satisfactorily restored.
- (AM)
Apr
09/14
- (6) For the purposes of subsection (2), a permit holder or former permit holder must be considered to be insolvent if the permit holder or former permit holder files for protection under the *Companies' Creditors Arrangement Act* (Canada) or is a bankrupt or an insolvent person under the *Bankruptcy and Insolvency Act* (Canada).
- (AM)
Sep
01/23
- (7) If the regulator restores an orphan site, the costs paid out of the fund in respect of that orphan site are a debt payable by the parties, jointly and severally, to the regulator and the regulator has a right of action against the parties for the recovery of that debt and may issue and file a certificate under section 93.1 (1) naming any of them.
- (AM)
Sep
01/23
- (8) For the purpose of restoring an orphan site, the regulator has the same powers as it has under sections 53 and 57.
- 2008-36-45 (B.C. Reg. 274/2010); 2010-9-30; 2014-10-9; 2018-15-9; 2022-42-17, 62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-9 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

(ADD) **Reclamation of orphan sites – limitation periods**

Sep
01/23

- 45.01** (1) In this section, "restoration debt proceeding" means
- (a) an action referred to in section 45 (7), or
- (b) the filing of a certificate under section 93.1 for the purposes of section 45 (7).
- (2) A restoration debt proceeding may be commenced at any time within 7 years after the date on which the debt becomes payable.
- 2022-42-18 (B.C. Reg. 187/2023).

(ADD) **Registry of orphan sites**

Sep
01/23

- 45.02** The regulator must publish, on a publicly accessible website maintained by or on behalf of the regulator,
- (a) a list of orphan sites, and
- (b) a notice that property abandoned at the listed orphan sites may be available for disposition.
- 2022-42-19 (B.C. Reg. 187/2023).

(ADD) **Disposition of abandoned property**

Sep
01/23

- 45.03** (1) If the regulator, in the course of restoring an orphan site under section 45 (1), disposes of property abandoned at the orphan site, the regulator must pay into the fund any money received in relation to the disposition.
- (2) If the regulator transfers a permit to a person under section 29, in circumstances described in section 29 (1.2), or under section 43.09 (1), the regulator
- (a) may dispose of property abandoned at the site of the permit to the person or another person, and
- (b) must pay into the fund any money received in relation to the disposition.
- (3) Good and sufficient title vests in a person to whom property is disposed of under this section, as against any other person who claims or might claim against the property.

- (4) Subject to subsection (5) and the regulations, if the regulator is satisfied that a person has a claim to property disposed of by the regulator in relation to which money has been paid into the fund under subsection (1) or (2) (b), the regulator may pay out of the fund to the person an amount in relation to the claim.
- (5) The total amount that may be paid to persons under subsection (4) in relation to property disposed of by the regulator must not exceed the difference between
 - (a) the amount of money paid into the fund in relation to the disposition of the property, and
 - (b) the amount of money paid out of the fund in relation to the disposition of the property.

2022-42-19 (B.C. Reg. 187/2023).

(ADD) **Reclamation of orphan sites – use of security**

May
17/18

(AM) **45.1**

Despite section 45, if the regulator receives money from the realization of security provided under section 30 in relation to an orphan site,

Sep
01/23

(AM)
Sep

(a) the regulator must deposit the money received to the credit of the fund,

Sep
01/23

(b) if applicable, the debt under section 45 (7) in relation to the orphan site is reduced by the amount of the money received, and

(AM)
Sep

(c) subject to and in accordance with the regulations, the regulator must, if the regulator determines under section 45 (5) (c) that the orphan site has been satisfactorily restored, repay from the fund the portion, if any, of the money received that exceeds the sum of

01/23

(AM)
Sep

(i) the debt under section 45 (7) in relation to the orphan site, and

01/23

(ii) the costs, estimated by the regulator, of continuing to manage the orphaned site.

2018-15-10; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Compensation for land owners respecting orphan sites

(AM)
Sep

46.

(1) On application by a land owner on whose land the regulator expends money in accordance with section 45, the regulator may make payments from the fund to compensate the land owner for the loss of use of the land owner's land as a result of the failure by the permit holder or former permit holder referred to in section 45 (2) to restore the land, subject to the maximums, conditions and limitations prescribed by regulation.

01/23

(AM)
Sep

(2) In determining the amount of compensation to be paid to a land owner under subsection (1), the regulator may consider any payments due to the land owner or a previous land owner under a surface lease with respect to the site.

01/23

(AM)
Sep

(3) Before it compensates a land owner under subsection (1), the regulator may require as a condition of compensation that the land owner assign to the regulator the land owner's rights, if any, to overdue payments under a surface lease.

01/23

(REP)
May

(4) *Repealed.* [2018-15-11]

17/18

2008-36-46 (B.C. Reg. 274/2010); 2014-10-10; 2018-15-11; 2023-10-746; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(SUB) **Orphan site restoration levy**

Apr
01/19

47. (1) Subject to this section, the board, for the purposes of raising revenue for the fund, may make regulations as follows:
- (a) subject to the approval of Treasury Board,
 - (i) requiring permit holders or a class of permit holders to pay a levy to the government, and
 - (ii) establishing the amount to be raised by the levy;
 - (b) respecting payment of the levy and providing for the imposition of penalties, payable to the government, to enforce payment of the levy.
- (2) If a levy is imposed under this section, each permit holder who is required to pay the levy must pay the portion of the amount to be raised by the levy that is calculated in accordance with the following formula:

$$\frac{\text{liability}}{\text{total liability}} \times \text{amount to be raised by the levy}$$

where

liability = the liability of the permit holder, and

total liability = the sum of the liabilities of all of the permit holders who are required to pay the levy.

(AM)
Sep
01/23

- (3) For the purposes of subsection (2), the liability of a permit holder is the cost, estimated by the regulator, to the permit holder of compliance with section 40 (d) to (f) in relation to all of the permits and authorizations held by the permit holder.
- (4) An estimate under subsection (3) must be based on the situation of the permit holder on a date specified in the regulation imposing the levy, which date
 - (a) must be in the calendar year in which the levy is imposed, and
 - (b) subject to paragraph (a), may be a date before the date that regulation comes into force.
- (5) For certainty, the board may impose more than one levy under this section in a calendar year.

2018-15-12 (B.C. Reg. 62/2019); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

PART 5 – Compliance and Enforcement

Part 5: Division 1 – Reference and Application

Reference and application

- (SUB) May 17/18
48. (1) In this Part:
- (a) a reference to "the Act" is to be read as a reference to all of the following:
- (i) this Act;
 - (ii) the specified enactments, other than the *Environmental Management Act* and the *Water Sustainability Act*;
 - (iii) section 118 of the *Petroleum and Natural Gas Act*;
- (AM) Feb 29/16
- (SUB) Sep 01/23
- (b) a reference to "the regulations" is to be read as a reference to both the regulations made under this Act and to the regulations made under the specified enactments, other than the *Environmental Management Act* and the *Water Sustainability Act*;
- (c) a reference to "an authorization"
- (i) includes an authorization under section 138 [*entry on unoccupied Crown land*] of the *Petroleum and Natural Gas Act*, and
 - (ii) does not include any of the following:
 - (A) an authorization under the *Environmental Management Act* or the *Water Sustainability Act* issued by the regulator under section 8 of this Act;
 - (B) an approval, as defined in section 9 of this Act and as issued by the regulator under that section, under the *Environmental Management Act* or the *Water Sustainability Act*;
- (AM) Feb 29/16
- (d) a reference to a related activity does not include a related activity under the *Environmental Management Act* or the *Water Sustainability Act*.
- (2) Despite anything in a specified enactment,
- (a) an order may be issued under Division 2 with respect to an authorization or a related activity,
 - (b) the powers granted under Division 3 to an official or peace officer may be exercised with respect to an authorization or a related activity, and
 - (c) a finding may be made under section 62 and an administrative penalty may be imposed under section 63 with respect to an authorization or a related activity.

2008-36-48 (B.C. Reg. 274/2010); 2012-27-9; 2014-15-189 (B.C. Reg. 35/2016); 2018-15-13; 2022-42-20 (B.C. Reg. 187/2023).

Part 5: Division 2 – Orders

Order issued by official

- (SUB) May 17/18
49. (1) An official may issue an order to

ENERGY RESOURCE ACTIVITIES ACT

(AM)
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22/24

- (a) a person carrying out an energy resource activity, an off-site environmental mitigation activity or a related activity, with respect to those activities or any of the person's obligations under the Act or the regulations,
 - (b) a permit holder, former permit holder, authorization holder or former authorization holder, with respect to any of the person's obligations under the Act or the regulations or the person's permit or authorization, if any, or
 - (c) a person who may enter on land under section 23, with respect to that entry,
- if, in the opinion of the official,
- (d) the person fails to comply with the Act, the regulations, a previous order made under the Act, or the person's permit or authorization, or
 - (e) the order is necessary
 - (i) to mitigate a risk to public safety,
 - (ii) to protect the environment, or
 - (iii) to promote the conservation of petroleum and natural gas resources.

(AM)
Sep
01/23

- (2) An official may issue an order to a person under subsection (1) with respect to an act or omission by the person whether or not the regulator has made a finding under section 62 with respect to that act or omission.

(AM)
May
17/18

- (3) An order under subsection (1) must be in writing and must
 - (a) name the person to whom the order is addressed,
 - (b) specify the action to be taken, stopped or modified,
 - (c) state the date by which the person must comply with the order,
 - (d) state the reasons for the order,
 - (e) state that the person may request a review of the order under section 70 or appeal the decision under section 72, and include an address to which a request for a review or an appeal may be sent,
 - (f) be dated the day the order is made, and
 - (g) be served on the person to whom it is addressed.
 - (h) *Repealed.* [2010-9-31]

- (3.1) If an order under subsection (1) is addressed to an employee, agent or contractor of a permit holder, the official who served the order must serve a copy of the order on the permit holder.

- (4) Without limiting subsection (3) (b), an order under subsection (1) may specify any of the following requirements:

(AM)
May
17/18

- (a) that a person must apply to obtain or amend a permit or an authorization in accordance with the Act and the regulations;
- (b) that a person remedy a failure referred to in subsection (1) (d);

(SUB)
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22/24

- (c) that a person repair damage to the environment;
- (d) that a person suspend or resume an energy resource activity, an off-site environmental mitigation activity, a related activity or any aspect of any of those activities;

(SUB)
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22/24

- (e) that a person use a specified method to carry out an energy resource activity or an off-site environmental mitigation activity;

(AM)
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01/23

- (f) that a person conduct tests, take samples, conduct analyses and submit records and information to the regulator;

- (g) that a person control or prevent the escape of petroleum, natural gas, water, waste or other substances from a well, pipeline or facility;
 - (h) that a person repressure, recycle or carry out pressure maintenance of any pool or portion of it, or use any other enhanced recovery technique, including the introduction or injection of natural gas, water or other substances into any pool or part of it;
 - (i) with respect to water produced in relation to the production of petroleum or natural gas, that a person dispose of the water into an underground formation or as otherwise specified;
 - (j) that a person deepen a well beyond the formation from which production is being taken or has been taken;
 - (k) that a person recomplete a well;
 - (l) that a person restrict or cease production of petroleum, natural gas or water;
 - (m) that natural gas be gathered, and processed if necessary, and that the natural gas or liquid hydrocarbons extracted be marketed or injected into an underground reservoir for storage or for any other purpose;
 - (n) that a pipeline permit holder alter or divert its pipeline;
 - (o) that a permit holder prepare and implement, in a form and manner satisfactory to the official, a program of measures to contain and eliminate spillage;
 - (p) that a permit holder arrange for an independent audit of the permit holder's operations and activities and have the auditor's report submitted to the official.
- (5) Despite subsection (3), if the official referred to in subsection (1) is of the opinion that a person's actions or omissions are of such nature that they are causing, or may imminently cause, serious damage to the environment or that they are a risk to public safety, the order under subsection (1) may be issued orally.
- (6) If, under subsection (5), an official issues an order orally, an official, within 48 hours, must confirm the order in writing as required under subsection (3) or the order ceases to be effective.
- (7) An official may amend an order issued under subsection (1), and subsection (3) applies to the amendment.
- (8) If satisfied that the circumstances that gave rise to an order under subsection (1) are no longer present or have been affected by other circumstances, an official may terminate the order by providing the person to whom the order was addressed with written notice of the termination.
- (9) An order under subsection (1) may specify a requirement that is different from a requirement in a provision of a regulation under this Act, if the regulation expressly states that the provision is subject to this section.
- (10) Subject to subsection (9), if a regulation is made concerning a matter with respect to which an order has been made under this section, the order, if it has not been terminated under subsection (8), is no longer valid to the extent of any inconsistency between the order and the regulation.

2008-36-49 (B.C. Reg. 274/2010); 2010-9-31; 2018-15-14; 2022-42-62, Sch 3, 64, Sch 5 (B.C. Reg. 187/2023); 2018-54-11, 12 (B.C. Reg. 241/2024); 64, Sch 5 (B.C. Reg. 187/2023).

Technical orders

(AM)
Sep
01/23

- 49.1** (1) The regulator may, by order related to a specific location, well or area, do any or all of the following:
- (a) designate a field by describing its surface area;
 - (b) designate a pool by describing the surface area vertically above the pool and by naming the geological formation and the zone in which the pool occurs;

- (AM)
Sep
01/23
- (c) control and regulate the production of petroleum, natural gas and water by restriction, proration or prohibition.
 - (2) After an order is made under subsection (1), the regulator must publish notice of the order as prescribed.
 - (3) An order under subsection (1) (c) may specify a requirement that is different from a requirement in a provision of a regulation under this Act, if the regulation expressly states that the provision is subject to this section.
 - (4) Subject to subsection (3), if a regulation is made concerning a matter with respect to which an order has been made under subsection (1) (c), the order, if it has not been rescinded, is no longer valid to the extent of any inconsistency between the order and the regulation.
2008-36-49.1 (B.C. Reg. 274/2010); 2010-9-32; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Regulator may carry out action

- (AM)
Sep
01/23
50. (1) If a person to whom an order is issued under section 40 (f) or 49 (1) has not complied with the order by the date specified in the order, the regulator may do one or more of the following:
- (a) by order in writing, restrict or prohibit the person from carrying out an action referred to in the order;
 - (b) after giving the person an opportunity to be heard, carry out an action referred to in the order;
 - (c) by order in writing, require the person to pay to the regulator the amount of all direct and indirect costs the regulator determines were reasonably incurred in carrying out the action referred to in paragraph (b).
- (2) An order referred to in subsection (1) (c) must provide the person to whom it is issued with an accounting of the expenditures relating to the action referred to in subsection (1) (b).
2008-36-50 (B.C. Reg. 274/2010); 2022-42-21; 2022-42-62,Sch3 (B.C. Reg. 187/2023).
- (AM)
Sep
01/23

Access restricted or prohibited

- (SUB)
Sep
01/23
51. (1) Subject to this section, an official, by order, may restrict or prohibit, in a manner prescribed by regulation, access to a public area, including a highway, road, resource road, and railway, if the official is of the opinion that the restriction or prohibition is necessary
- (a) because of hazardous conditions relating to an energy resource activity, or
 - (b) to facilitate an investigation relating to hazardous conditions described in paragraph (a).
- (2) If an official issues an order under subsection (1), the regulator must confirm the order in writing within 24 hours or the order ceases to be effective.
- (3) An order under subsection (1) (b) may not restrict or prohibit access to a public area for a period of more than 30 days.
- (4) An order under subsection (1) (b) may not restrict or prohibit access to a provincial public highway within the meaning of the *Transportation Act*.
2008-36-51 (B.C. Reg. 274/2010); 2022-42-22, 62,Sch3 (B.C. Reg. 187/2023).
- (AM)
Sep
01/23
(ADD)
Sep
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(ADD)
Sep
01/23

Emergency measures

- (SUB)
Jun
26/18
52. (1) An official may, in the case of an emergency,
- (a) enter on any land or body of water and do the things the official considers necessary to implement and carry out measures to

ENERGY RESOURCE ACTIVITIES ACT

- (i) contain and eliminate spillage, or
- (ii) protect public safety, and
- (b) order
 - (i) any permit holder or authorization holder, and
 - (ii) the use of any person's equipment and the operator of that equipment, to assist in the implementation or carrying out of measures referred to in paragraph (a).
- (AM) Sep 01/23 (2) The regulator may reimburse a person for costs or expenses incurred as a result of an order issued under subsection (1) if the person is not, in the regulator's opinion, responsible for the emergency or for any related spillage or the likely source or cause of that spillage.
- (AM) Sep 01/23 (3) If costs or expenses are incurred by the regulator in implementing or carrying out measures referred to in subsection (1) (a) or making a reimbursement under subsection (2), the regulator may do one or more of the following:
 - (a) take, deal with and dispose of the spillage, subject to section 55;
 - (b) order the person who the regulator believes is responsible for the emergency or for any related spillage or the likely source or cause of that spillage to pay the costs and expenses, or a part of them;
 - (c) order the person referred to in paragraph (b) to indemnify the regulator for costs or expenses paid by the regulator;
 - (d) for the purpose of paragraph (b) or (c), direct the manner of payment or indemnification.

2008-36-52 (B.C. Reg. 274/2010); 2015-40-19 (B.C. Reg. 51/2018); 2018-15-15 (B.C. Reg. 131/2018); 2022-42-62,Sch3, 63,Sch 4 (B.C. Reg. 187/2023).

Control of energy resource activities

- (AM) Sep 01/23 **53.** (1) If, in the commissioner's opinion,
 - (a) a permit holder has engaged in a pattern of conduct that shows that the person is unfit to carry out the energy resource activities permitted by the permit holder's permit, and
 - (b) there is a risk to public safety, the environment or petroleum and natural gas resources,
- the regulator may
 - (c) enter, seize and take control of any well, pipeline, facility or storage reservoir together with any associated chattel and fixture and any pertinent records,
 - (d) either discontinue all activity or take over the management and control of the well, pipeline, facility or storage reservoir,
 - (e) take the steps the regulator considers necessary
 - (i) to prevent the flow or release of petroleum, natural gas or other substances from any stratum that a well enters, including plugging a well at any depth, or
 - (ii) for public safety or to protect the environment, and
 - (f) carry out any other prescribed actions.
- (AM) Sep 01/23 (2) If the regulator takes control of a well, pipeline, facility or storage reservoir,
 - (a) the regulator may issue orders concerning the well, pipeline, facility or storage reservoir to
 - (i) the permit holder, and

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- (ii) an officer, employee, agent and contractor of the permit holder operating the well, pipeline, facility or storage reservoir,
and, if the regulator issues an order to a person referred to in either subparagraph (i) or (ii), the order applies to both the person referred to in subparagraph (i) and the persons referred to in subparagraph (ii), and
 - (b) subject to section 55, the regulator may take, deal with and dispose of all petroleum, natural gas or other substances from the well, pipeline, facility or storage reservoir.
- (3) The commissioner may order by whom and to what extent costs and expenses incurred as a result of proceedings taken under this section are to be paid.
2008-36-53 (B.C. Reg. 274/2010); 2022-42-62,Sch3, 65,Sch 6 (B.C. Reg. 187/2023).

Use of proceeds

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- 54.** From the proceeds of spillage disposed of under section 52 (3) (a) or of petroleum, natural gas or other substances disposed of under section 53 (2) (b), the regulator
- (a) must pay royalties owed with respect to the petroleum or natural gas under Part 10 of the *Petroleum and Natural Gas Act*, and
 - (b) after making the payments referred to in paragraph (a), may pay
 - (i) costs and expenses incurred as a result of proceedings taken under section 52 or 53, as applicable, and
 - (ii) costs and expenses of carrying out investigations and conservation measures that the regulator considers necessary in connection with the exercise of its powers under section 52 or 53.
- 2008-36-54 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Payment into court

- (AM)
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- 55.** The net proceeds of spillage disposed of under section 52 (3) (a) or of petroleum, natural gas or other substances disposed of under section 53 (2) (b) remaining after payment of the costs and expenses under section 54 must be paid by the regulator into the Supreme Court, and must be paid out to the persons and in the amounts as may be determined by the court on application of a person claiming to be entitled to any of the proceeds.
2008-36-55 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(SUB) Statutory immunity

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- 56.** (1) Subject to subsection (3), no legal proceeding for damages lies or may be commenced or maintained against the commissioner, an official or the regulator's directors or employees because of anything done or omitted
- (a) in the exercise or intended exercise of any power under this Act, or
 - (b) in the performance or intended performance of any duty or function under this Act.
- (2) Subject to subsection (3), no legal proceeding for damages lies or may be commenced or maintained against the government or the regulator because of anything done or omitted
- (a) in the exercise or intended exercise of a power under sections 50 to 53, or
 - (b) in the performance or intended performance of a duty under sections 50 to 53.
- (3) Subsections (1) and (2) do not apply to a person referred to in subsection (1), the government or the regulator in relation to anything done or omitted in bad faith.
2015-40-20; 2022-42-62,Sch3, 63,Sch 4 (B.C. Reg. 187/2023).

Part 5: Division 3 – Inspections and Audits

Entry and inspection or audit

57. (1) In subsection (2), "**dwelling**" means
- (a) a structure occupied as a private residence, and
 - (b) if only part of a structure is occupied as a private residence, that part of the structure.
- (2) For any purpose related to the administration or enforcement of the Act, the regulations, a permit or an authorization, an official may enter, at any reasonable time, on land or premises, other than a dwelling, if the official has reasonable grounds to believe that
- (a) the land or premises is the site of an energy resource activity, an off-site environmental mitigation activity or a related activity that is regulated under the Act or the regulations or is carried on by a person who is required under this Act to hold a permit or an authorization to carry out that activity, or
 - (b) records concerning the activities referred to in paragraph (a) are kept on the land or premises.
- (2.1) A person must admit onto land or premises referred to in subsection (2) an official entering the land or premises under that subsection, and must provide the official with the means and assistance necessary for the purpose of the entry.
- (3) In order to obtain access under subsection (2), an official may enter land owned by a person other than a permit holder if the entry is reasonably necessary to obtain the access.
- (4) An official who enters on land or premises under this section may
- (a) inspect or audit anything or any activity that is reasonably related to the purpose of the inspection or audit,
 - (b) take samples and carry out tests and examinations,
 - (c) require production for the purposes of inspection or audit or copying of
 - (i) a permit or authorization that is required for the activity, and
 - (ii) a record required to be kept under the Act or the regulations, and
 - (d) make inquiries the official considers necessary.
- (5) A peace officer has the powers and duties of an official under this section with respect to the enforcement of the provisions of the Act and the regulations.

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2008-36-57 (B.C. Reg. 274/2010); 2010-9-33; 2022-42-64, Sch 5 (B.C. Reg. 187/2023); 2018-54-11 (B.C. Reg. 241/2024); 64, Sch 5 (B.C. Reg. 187/2023).

Inspection of vehicle

58. For any purpose related to the administration and enforcement of the Act, the regulations, a permit or an authorization, an official or peace officer may
- (a) require a person operating a vehicle to stop the vehicle, and
 - (b) carry out an inspection of a vehicle and its contents.

2008-36-58 (B.C. Reg. 274/2010).

Obligation of an official

59. An official who under this Part enters onto land or premises for the purposes of administering or enforcing the Act or the regulations, stops a vehicle, requests records or plans or seizes records or plans must provide proof of identity, on the request of the person who
- (a) is in possession or apparent possession of the land or premises,
 - (b) has apparent custody or control of the records or plans being inspected or audited,

- (c) is in charge of the activity being inspected or audited, or
- (d) is operating a vehicle stopped under section 58.

2008-36-59 (B.C. Reg. 274/2010).

Obligation of person inspected or audited

60. (1) The operator of a vehicle must stop the vehicle when required to do so by
- (a) an official referred to in section 58, or
 - (b) a peace officer
- who
- (c) is in uniform,
 - (d) displays an official identification card or badge, or
 - (e) is in or near a vehicle that is either a vehicle of a peace officer or readily identifiable as a regulator or other government vehicle.
- (2) A person who is described in paragraphs (a) to (d) of section 59 must produce, if and as required by the official or peace officer,
- (a) proof of identity,
 - (b) a permit or an authorization held by the person under the Act, and
 - (c) a record or plan required to be maintained under section 38.
- 2008-36-60 (B.C. Reg. 274/2010); 2023-10-747; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

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Requirement to submit to inspection or audit

61. A person must not
- (a) obstruct or interfere with an official or peace officer acting under the authority of this Division to administer or enforce the Act or the regulations, or
 - (b) withhold, destroy, tamper with, alter, conceal or refuse to produce any information, record, plan, report, substance, sample or thing that is required to be produced by an official or peace officer administering or enforcing the Act or the regulations.
- 2008-36-61 (B.C. Reg. 274/2010).

Part 5: Division 3.1 – Public Requests for Investigation

(ADD) **Application for investigation**

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- 61.1 (1) An individual who is resident in British Columbia and at least 18 years of age may apply to the regulator for an investigation of a prescribed contravention under this Act in relation to the emission of methane that the individual alleges has occurred or is occurring.
- (2) An application under this section must include a statutory declaration or affirmation
- (a) stating the name and address of the applicant,
 - (b) stating that the applicant is resident in British Columbia and at least 18 years of age,
 - (c) stating the nature of the alleged contravention and the name of each person alleged to have done something, or to have failed to do something, in contravention of this Act or the regulations, and
 - (d) containing a concise statement of the evidence supporting the allegations.

- (3) If a form of application has been prescribed for the purposes of this section, an application under this section must be made in the prescribed form.

2018-54-13 (B.C. Reg. 134/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(ADD) **Investigation by regulator**

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61.2 After receiving an application under section 61.1, the regulator must

- (a) acknowledge its receipt, in accordance with the regulations, within 20 days, and
(b) investigate all matters that the regulator considers necessary to determine the facts relating to the alleged contravention.

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2018-54-13 (B.C. Reg. 134/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(ADD) **Progress reports**

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- 61.3** (1) Subject to subsection (3), after acknowledging receipt of an application under section 61.1, the regulator must report, in accordance with the regulations, to the applicant every 90 days on the progress of the investigation and the action, if any, that the regulator has taken.
(2) A report under this section must include an estimate of the time required to complete the investigation.
(3) A report under this section is not required if the investigation is discontinued before the end of a 90-day period referred to in subsection (1).

2018-54-13 (B.C. Reg. 134/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(ADD) **Discontinuation of investigation**

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61.4 (1) The regulator may discontinue an investigation if the regulator is of the opinion that

- (a) the alleged contravention does not require further investigation, or
(b) the investigation does not substantiate the alleged contravention.

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(2) If an investigation is discontinued, the regulator must

- (a) prepare a written statement of the reasons for the discontinuation, and
(b) in accordance with the regulations, send a copy of the statement to the applicant and to any person whose conduct was investigated.

(3) A copy of the statement sent to a person whose conduct was investigated must not disclose the name or address of the applicant or any other personal information about the applicant.

2018-54-13 (B.C. Reg. 134/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Part 5: Division 4 – Contraventions and Administrative Penalties

Contraventions

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62. (1) After giving an opportunity to be heard to a person who is alleged to have contravened a provision of the Act, the regulations, a permit, an authorization or an order, the regulator may find that the person has contravened the provision.

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- (2) If a corporation contravenes a provision referred to in subsection (1), a director, agent or officer of the corporation who authorized, permitted or acquiesced in the contravention also contravenes the provision.
- (3) If an employee, contractor or agent of a permit holder contravenes a provision referred to in subsection (1) in the course of carrying out the employment, contract or agency, the permit holder also contravenes the provision.
- (4) If a person contravenes a provision referred to in subsection (1), any other person who
 - (a) is directly or indirectly responsible for the act or omission that constitutes the contravention, and
 - (b) is a contractor, employee or agent of the person or of an other person described in paragraph (a)also contravenes the provision.
- (AM) Sep 01/23 (5) The regulator may not find that a person has contravened a provision referred to in subsection (1) if the person demonstrates to the satisfaction of the regulator that
 - (a) the person exercised due diligence to prevent the contravention, or
 - (REP) May 31/12 (b) *Repealed.* [2012-27-10]
 - (c) the person's actions relevant to the provision were the result of an officially induced error.
- (AM) Sep 01/23 (6) If
 - (a) a corporation referred to in subsection (2),
 - (b) an employee, contractor or agent referred to in subsection (3), or
 - (c) a person referred to in subsection (4)has not contravened a provision referred to in subsection (1) as a result of demonstrating to the satisfaction of the regulator anything referred to in subsection (5) (a) and (c), the regulator may find that any of the other persons referred to in subsections (2) to (4) has contravened the provision, unless the other person demonstrates to the satisfaction of the regulator anything referred to in subsection (5) (a) and (c).
- (7) Nothing in subsection (5) prevents
 - (a) an official from issuing an order under section 49 (1) to a person with respect to an act or omission by the person, or
 - (AM) Sep 01/23 (b) the regulator from doing anything referred to in section 50.
- (8) A person does not contravene a provision referred to in subsection (1) by doing or omitting to do something if that act or omission is reasonably necessary to conform with the requirements of the *Workers Compensation Act* or any regulations under that Act.
2008-36-62 (B.C. Reg. 274/2010); 2012-27-10; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Administrative penalties

- (AM) Sep 01/23 **63.** (1) If the regulator finds that a person has contravened a provision referred to in section 62 (1), the regulator may impose an administrative penalty on the person in an amount that does not exceed the prescribed amount.
- (AM) Sep 01/23 (2) Before the regulator imposes an administrative penalty on a person, the regulator must consider the following:
 - (a) previous contraventions by, administrative penalties imposed on or orders issued to
 - (i) the person,

- (ii) if the person is an individual, a corporation for which the individual is or was an officer, director or agent, and
 - (iii) if the person is a corporation, an individual who is or was an officer, director or agent of the corporation;
 - (b) the gravity and magnitude of the contravention;
 - (c) the extent of the harm to others resulting from the contravention;
 - (d) whether the contravention was repeated or continuous;
 - (e) whether the contravention was deliberate;
 - (f) any economic benefit derived by the person from the contravention;
 - (g) the person's efforts to prevent and correct the contravention;
 - (h) any other matters prescribed by the Lieutenant Governor in Council.
- (3) If a person is charged with an offence under this Act, an administrative penalty may not be imposed on the person in respect of the same circumstances that gave rise to the charge.
2008-36-63 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Notice of contravention or penalty

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- 64.** If the regulator finds that a person has contravened a provision referred to in section 62 (1) or imposes an administrative penalty on a person, the regulator must give to the person a notice of the finding or administrative penalty and the notice must specify the following:
- (a) the contravention;
 - (b) the amount of the penalty, if any;
 - (c) the date by which the penalty, if any, must be paid;
 - (d) the person's right to request a review of the decision under section 70 or to appeal the decision under section 72;
 - (e) an address to which a request for a review or an appeal may be sent.
2008-36-64 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Due date of penalty

- 65.** The person on whom an administrative penalty is imposed must pay the administrative penalty
- (a) if paragraph (b) does not apply, within 30 days after the date on which the notice referred to in section 64 is served on the person, or
 - (b) by the later of the following:
 - (i) if the person requests a review of the administrative penalty under section 70, 30 days after the date on which the notice referred to in section 71 (1) (b) is served on the person, unless the penalty is rescinded under section 71 (1) (a);
 - (ii) if the person appeals the administrative penalty under section 72 and the appeal tribunal does not make an order under section 72 (4) with respect to that appeal, 30 days after the date on which the decision of the appeal tribunal is served on the person, unless the penalty is rescinded under section 72 (6) (a) or dealt with as described in section 72 (6) (b).
2008-36-65 (B.C. Reg. 274/2010).

Enforcement of administrative penalty

- 66.** (1) An administrative penalty constitutes a debt payable to the government by the person on whom the penalty is imposed.
- (2) If a person fails to pay an administrative penalty as required under section 65,

- (a) the government may file with the Supreme Court or Provincial Court a certified copy of the notice imposing the administrative penalty and, on being filed, the notice has the same force and effect, and all proceedings may be taken on the notice, as if it were a judgment of that court, and

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- (b) the regulator may refuse to consider applications made by the person under section 24.

2008-36-66 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

Revenue from administrative penalties

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- 67.** The regulator must pay all amounts derived from administrative penalties into the consolidated revenue fund.

2008-36-67 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

Time limit for imposing an administrative penalty

- 68.** (1) The time limit for making a finding under section 62 and giving a notice under section 64 is
- (a) 3 years after the date on which the act or omission that is alleged to constitute the contravention occurred, or
 - (b) if the commissioner issues a certificate described in subsection (2) of this section, 3 years after the date on which the commissioner learned of the act or omission referred to in paragraph (a).
- (2) A certificate purporting to have been issued by the commissioner certifying the date referred to in subsection (1) (b) is proof of that date.

2008-36-68 (B.C. Reg. 274/2010).

PART 6 – Reviews and Appeals

Definitions and application

69. (1) In this Part:

"determination" means

(a) with respect to an eligible person other than a land owner referred to in paragraph (b),

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(i) a decision made by the regulator under section 25 or 26,

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(ii) a declaration made by the regulator on its own initiative under section 27,

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(iii) an order made by the regulator under section 40 (f),

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(iv) an order issued by an official or the regulator under Division 2 of Part 5,

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(v) a finding made by the regulator under section 62,

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(vi) an administrative penalty imposed by the regulator under section 63, and

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(vii) a prescribed decision made under this Act, and
(b) with respect to a land owner of land on which an operating area is located,

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(i) a decision made by the regulator

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(A) under section 25 to issue a permit to carry out an energy resource activity on the land of the land owner, and

(B) under section 31 to amend a permit, if the amendment changes the effect of the permit on the land of the land owner, and

(ii) a decision made by a review official under section 71 to vary a determination referred to in paragraph (a) (i) of this definition so that

(A) a permit is amended, if the amendment changes the effect of the permit on the land of the land owner, or

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(B) a permit is issued to carry out energy resource activities on the land of a land owner;

"eligible person" means

(a) an applicant for a permit,

(b) a permit holder or former permit holder,

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(b.1) an authorization holder or former authorization holder,

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(c) a land owner of land on which an operating area is located,

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(d) a person to whom an order under section 49 (1) has been issued, and

(e) a person with respect to whom the regulator has made a finding of a contravention under section 62;

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"review official" means, in relation to a determination, a person who did not make the determination but who is designated in writing by the regulator to review the determination for the purposes of sections 70 and 71.

- (2) Despite anything in a specified enactment, a determination may not be appealed, reviewed or otherwise reconsidered except as provided in this Part.

2008-36-69 (B.C. Reg. 274/2010); 2014-10-11; 2015-40-21 (B.C. Reg. 51/2018); 2022-42-62, Sch 3, 64, Sch 5, 65, Sch 6 (B.C. Reg. 187/2023).

Review by review official

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- 70.** (1) Subject to subsection (2), an eligible person, other than a land owner of land on which an operating area is located, may request, in accordance with this section, a review of a determination.
- (2) An eligible person may not request a review of a determination under subsection (1) if the eligible person has appealed the determination under section 72.
- (3) A request for a review under subsection (1) must be made within 30 days of receiving the later of
- (a) the determination, and
 - (b) any written reasons respecting the determination.
- (4) Despite subsection (3), a review official may extend the time to request a review, even if the time to make the request has expired, if satisfied that
- (a) special circumstances existed which precluded making the request within the time period required under subsection (3), and
 - (b) an injustice would otherwise result.
- (5) The eligible person must make the request in writing and must identify the error the eligible person believes was made or the other grounds on which a review is requested.
- (6) On receipt by the review official of a request under subsection (1), the determination to be reviewed as a result of the request
- (a) is stayed, if the determination is an administrative penalty imposed under section 63, and
 - (b) is not stayed, if the determination is not an administrative penalty referred to in paragraph (a), unless the review official orders that the determination is stayed.
- (7) The review official may conduct a written, electronic or oral review, or any combination of them, as the review official, in the review official's sole discretion, considers appropriate.

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2008-36-70 (B.C. Reg. 274/2010); 2014-10-12; 2023-10-748.

Powers of review official

- 71.** (1) As soon as practicable after receiving a request under section 70 (1), the review official must
- (a) confirm, vary or rescind the determination, and
 - (b) notify, in writing, the eligible person of the following:
 - (i) the review official's decision;
 - (ii) the reasons for the decision;
 - (iii) the eligible person's right to appeal the decision under section 72.
- (2) If the review official varies a determination under subsection (1) so that
- (a) a permit is amended and the amendment changes the effect of the permit on the land of the land owner, or
 - (b) a permit is issued that locates an operating area on the land of a land owner,

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the review official must notify the land owner of the amendment or issuance in accordance with section 25 (4) or 31 (9), as applicable.

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2008-36-71 (B.C. Reg. 274/2010); 2014-10-13; 2014-10-13.

Appeal

72. (1) Subject to subsection (2), an eligible person may appeal to the appeal tribunal
- (a) a decision made under section 71, if the eligible person was a party to the review under that section, and
 - (b) a determination, if the eligible person has not, by the date the person commences the appeal, applied under section 70 (1) for a review of the determination.
- (2) A land owner of land on which an operating area is located may appeal a determination under this section only on the basis that the determination was made without due regard to
- (a) a submission previously made by the land owner under section 22 (5) or 31 (2) of this Act, or
 - (b) a written report submitted under section 24 (1) (c) or 31 (6).
- (3) Subject to subsection (4), the commencement of an appeal does not operate as a stay or suspend the operation of the determination or decision being appealed, unless the appeal tribunal orders otherwise.
- (4) The commencement of an appeal with respect to an administrative penalty operates as a stay of the determination that imposed the penalty or the decision that did not rescind the penalty, unless the appeal tribunal orders otherwise.
- (5) The appellant and the regulator are parties to an appeal, and
- (a) if a person to whom an order under section 49 (1) has been issued files an appeal, the following persons, as applicable and if different from the appellant, are also parties to the appeal:
 - (i) in the case of an order with respect to an energy resource activity permitted, or an off-site environmental mitigation activity required, by a permit, or a related activity of either of those activities, the permit holder;
 - (ii) in the case of an order with respect to a related activity of an application for a permit under section 24, the applicant,
 - (b) if a land owner of land on which an operating area is located files an appeal, the permit holder with respect to the energy resource activity is also a party to the appeal,
 - (c) if an applicant for a permit appeals a refusal to issue a permit, a land owner notified by the applicant under section 22 (2) is, on request, also a party to the appeal, and
 - (d) if a permit holder appeals a refusal to amend a permit, the land owner of the land on which an operating area is located is, on request, also a party to the appeal.
- (6) On an appeal under subsection (1), the appeal tribunal may
- (a) confirm, vary, or rescind the decision made under section 71 or the determination, or
 - (b) send the matter back, with directions, to the review official who made the decision or to the person who made the determination, as applicable.
- (7) Despite the application of section 24 (1) of the *Administrative Tribunals Act* to the appeal tribunal, a land owner must file a notice of appeal within 15 days of the day the determination being appealed was made.

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2008-36-72 (B.C. Reg. 274/2010); 2010-9-34; 2014-10-14; 2022-42-62,Sch3, 64,Sch 5 (B.C. Reg. 187/2023); 2018-54-14 (B.C. Reg. 241/2024); 64,Sch 5 (B.C. Reg. 187/2023).

Publication

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- 73.** The regulator may direct a person to publish, at the person's own cost, the facts relating to the imposition of an administrative penalty or to an order issued under Division 2 of Part 5, if the person's rights of review and appeal have elapsed without the penalty or order being rescinded or dealt with as described in section 72 (6) (b).

2008-36-73 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

PART 7 – General

Lieutenant Governor in Council may order extension of pipeline

74. (1) If the Lieutenant Governor in Council considers it necessary or in the public interest, the Lieutenant Governor in Council may order a pipeline permit holder to do any or all of the following:
- (a) to extend or improve its pipeline for the junction with a pipeline of a person or local authority distributing or authorized to distribute gas to the public;
 - (b) to sell gas to the person or local authority referred to in paragraph (a), if to do so would not impair the pipeline permit holder's ability to render adequate service to its existing customers;
 - (c) for the purposes in paragraph (a), to construct pipelines to communities immediately adjacent to its pipeline, if the Lieutenant Governor in Council considers that the construction would not place an undue burden on the pipeline permit holder.
- (2) The Lieutenant Governor in Council, in an order under subsection (1),
- (a) may order that a person other than a pipeline permit holder referred to in that subsection must pay the costs, or a portion of the costs, incurred in carrying out the order, or
 - (b) may approve the payment of any of those costs from the consolidated revenue fund.
- (3) If an order is made under subsection (1), the regulator must amend under section 26 (1) the pipeline permit holder's permit to the extent necessary to make the permit consistent with the order.

(AM)
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2008-36-74 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Special projects

- (AM) 75. (1) The regulator, on its own initiative or on application by a permit holder or an applicant for a permit, may designate, by order or in a permit, any of the following as a special project:
- (a) the development or production of petroleum, natural gas, or both, from a field or pool or portion of a field or pool, using repressuring, recycling, pressure maintenance or any other technique to enhance recovery;
 - (b) the application of innovative technology, as defined by regulation;
 - (c) an innovative method of carrying out energy resource activities and related activities;
- (c.1) the development or use of a storage reservoir;
- (d) any other prescribed energy resource activity or method of carrying out an energy resource activity.
- (2) The regulator may
- (a) make a designation under subsection (1) with or without conditions, and
 - (b) cancel, suspend or amend a designation
 - (i) at the request of the permit holder to whom the designation was given,

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(ADD)
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- (AM)
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01/23
- (ii) if it appears to the regulator that there has been a contravention of this Act, the regulations, a permit, an authorization or an order respecting the designation or a condition of the designation,
- (AM)
Sep
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- (iii) if the regulator considers that the designation is spent, or
- (AM)
Sep
01/23
- (iv) if the regulator considers that the designation is no longer appropriate, including, without limitation, for reasons of
- (A) public safety,
- (B) protection of the environment, or
- (C) conservation of petroleum and natural gas resources.
- (AM)
Sep
01/23
- (3) A permit holder with a permit for an energy resource activity that has been designated as a special project under subsection (1) may apply to the regulator for other than normal spacing under section 65.1 of the *Petroleum and Natural Gas Act*.
- (4) For the purposes of a special project or of special projects generally, the Lieutenant Governor in Council and the board may each, in exercising a regulation-making power under this Act, make a regulation that is contrary to or inconsistent with a provision of this Act.

2008-36-75 (B.C. Reg. 274/2010); 2010-9-35; 2018-15-16; 2022-42-23; 2022-42-62,Sch3, 64,Sch 5, 65,Sch 6 (B.C. Reg. 187/2023).

Pipeline crossings

76. (1) Subject to subsection (3), a person must not

- (a) construct
- (i) a highway, road or railway,
- (ii) an underground communication or power line, or
- (iii) any other prescribed work, or
- (b) carry out a prescribed activity

along, over or under a pipeline or within a prescribed distance of a pipeline unless

- (SUB)
May
31/12
- (c) the pipeline permit holder agrees in writing to the construction or the carrying out of the prescribed activity, either specifically or by reference to a class of construction projects or activities,
- (AM)
Sep
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- (d) the regulator, by order issued under subsection (2), approves the construction or the carrying out of the prescribed activity, either specifically or by reference to a class of construction projects or activities, or
- (ADD)
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31/12
- (e) the construction or prescribed activity is carried out in accordance with the regulations.
- (AM)
Sep
01/23
- (2) The regulator, on application by a person referred to in subsection (1), may issue an order for the purposes of subsection (1) (d) and in doing so may impose any conditions that the regulator considers necessary to protect the pipeline.
- (AM)
Sep
01/23
- (3) The regulator must approve
- (a) the construction referred to in subsection (1) (a), and
- (b) the carrying out of a prescribed activity under subsection (1) (b)
- by the government or a municipality, but may impose conditions referred to in subsection (2) in the order issued under that subsection.

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- (AM)
Sep
01/23
- (4) The regulator, for the purposes of deciding whether to issue an order under subsection (1) or impose conditions under subsection (2), may require a pipeline permit holder to submit information regarding the pipeline permit holder's pipeline.
- (AM)
Sep
01/23
- (5) The regulator may order a pipeline permit holder whose pipeline is the subject of an order issued under subsection (2) to do one or both of the following:
- (a) with the approval of the Lieutenant Governor in Council, relocate the pipeline to facilitate the construction or prescribed activity approved by the order issued under subsection (2);
- (b) take the actions specified in the order that the regulator considers necessary to protect the pipeline.
- (AM)
Sep
01/23
- (6) In relation to an order of the regulator referred to in subsection (5), the Lieutenant Governor in Council
- (a) may order that a person other than the pipeline permit holder must pay the costs, or a portion of the costs, incurred in carrying out the regulator's order, or
- (b) may approve the payment of any of those costs from the consolidated revenue fund.
- (AM)
Sep
01/23
- (7) If there is an inconsistency between an order or an approval made under subsection (6) and a regulation made under section 99 (1) (m.1), the order or approval prevails to the extent of the inconsistency.
- (AM)
May
31/12
- 2008-36-76 (B.C. Reg. 274/2010); 2010-9-36; 2012-27-11; 2022-42-62,Sch3, 63,Sch 4 (B.C. Reg. 187/2023).

Registry

- (AM)
Sep
01/23
- 77.** The regulator must maintain a registry containing the prescribed information about energy resource activities.
- 2008-36-77 (B.C. Reg. 274/2010); 2022-42-62,Sch3, 65,Sch 6 (B.C. Reg. 187/2023).

Correction or clarification of a decision

- (AM)
Sep
01/23
- 78.** (1) In this section, "**decision**" means any determination, declaration, order, finding or other decision made under this Act by the regulator.
- (AM)
Sep
01/23
- (2) If the regulator makes a decision, the regulator may
- (a) correct a typographical, an arithmetical or another similar error in the decision, and
- (b) correct an obvious error or omission in the decision.
- (AM)
Sep
01/23
- (3) If the regulator corrects a decision under this section, the regulator must notify the person who is the subject of the decision and the correction does not take effect until that notification is given.
- 2008-36-78 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

How to serve documents and notices

- (AM)
May
31/12
- 79.** (1) Subject to subsections (3) and (4), all documents that are required or permitted under this Act to be given to or served on a person must be given or served in one of the following ways:
- (AM)
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- (a) by leaving a copy with the person;
- (b) if the person is a permit holder, an authorization holder or the holder of an authorization under section 138 of the *Petroleum and Natural Gas Act*,
- (i) by leaving a copy with an agent of that person,
- (ii) by sending a copy by ordinary mail or registered mail to the address at which that person carries on business,

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- (AM)
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- (iii) by sending a copy by electronic mail to the electronic mail address provided by that person,
- (iv) by leaving a copy in a mailbox or mail slot for the address at which that person carries on business, or
- (v) by attaching a copy to a door or other conspicuous place at the address at which that person carries on business;
- (c) by transmitting a copy to a facsimile number provided as an address for service by the person;
- (d) by any other prescribed method of service.
- (AM)
May
31/12
- (2) A document given or served in accordance with subsection (1), (3) or (4) is deemed to be received as follows:
- (a) if given or served by sending a copy by ordinary or registered mail, on the 5th day after it is mailed;
- (b) if given or served by sending a copy by electronic mail, on the 3rd day after it is sent;
- (AM)
Nov
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- (c) if given or served by leaving a copy in a mailbox or mail slot, on the 3rd day after it is left;
- (d) if given or served by attaching a copy to a door or other conspicuous place, on the 3rd day after it is attached;
- (e) if given or served by transmitting a copy by facsimile, on the 3rd day after it is transmitted;
- (f) if given or served by any other method of service prescribed under subsection (1) (d), as prescribed.
- (AM)
Sep
01/23
- (3) The regulator, on application by an applicant, may authorize the applicant to serve a document on a person by sending a copy of the document by registered mail to the last known address of the person if the regulator is satisfied that the applicant has made a reasonable attempt to serve that person in accordance with subsection (1) but has been unable to effect the service.
- (AM)
Sep
01/23
- (4) The regulator may serve a notice, required under section 25 (4), 26 (7) or 31 (9) or (11) to be provided to a land owner, by sending a copy of the notice by registered mail to the last known address of the land owner if the regulator is satisfied that service under subsection (1) of this section is impracticable in the circumstances.
- 2008-36-79 (B.C. Reg. 274/2010); 2012-27-12; 2017-10-61, Sch. 2; 2022-42-24, 62, Sch3 (B.C. Reg. 187/2023).

Opportunity to be heard

- (AM)
Sep
01/23
- 80.** (1) In any circumstances in which, under this Act, an opportunity to be heard is provided, the regulator may conduct a written, electronic or oral hearing, or any combination of them, as the regulator, in its sole discretion, considers appropriate.
- (AM)
Sep
01/23
- (2) The regulator may make rules respecting the circumstances and place in which and the process by which written, electronic or oral hearings may be conducted under subsection (1) and specifying the form and content of materials to be provided for written, electronic or oral hearings.
- 2008-36-80 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

False or misleading statements

- 81.** A person must not make a false or misleading statement in any application or other record submitted under this Act, or otherwise make a false statement to, or mislead or attempt to mislead, a person exercising a power or performing a duty or function under this Act.

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2008-36-81 (B.C. Reg. 274/2010).

Compliance with orders

82. A person to whom an order under this Act applies must comply with the order.

2008-36-82 (B.C. Reg. 274/2010).

Application of Act to Muskwa-Kechika Management Area

83. If there is a conflict or inconsistency between this Act and the *Muskwa-Kechika Management Area Act*, the *Muskwa-Kechika Management Area Act* prevails.

2008-36-83 (B.C. Reg. 274/2010).

Relationship with aboriginal and treaty rights

84. For greater certainty, the provisions of this Act are intended to respect aboriginal and treaty rights in a manner consistent with section 35 of the *Constitution Act*, 1982.

2008-36-84 (B.C. Reg. 274/2010).

PART 8 – Offences and Court Orders

Time limit for commencing a prosecution

85. (1) The time limit for laying an information to commence a prosecution for an offence under this Act is
- (a) 3 years after the date on which the act or omission that is alleged to constitute the offence occurred, or
 - (b) if the commissioner issues a certificate described in subsection (2), 3 years after the date on which the commissioner learned of the act or omission referred to in paragraph (a).
- (2) A certificate purporting to have been issued by the commissioner certifying the date referred to in subsection (1) (b) is proof of that date.
- 2008-36-85 (B.C. Reg. 274/2010).

Offences

86. (1) A person who contravenes section 21, 35 (1), 36 (1), 37 (1) or (2), 39 (3), 40, 61 or 81, or in relation to an order issued under section 49, section 82, commits an offence and is liable on conviction to a fine not exceeding \$1 500 000 or to imprisonment for not more than 3 years, or to both.
- (2) A person who contravenes section 35 (3) commits an offence and is liable on conviction to a fine not exceeding \$1 000 000 or to imprisonment for not more than 2 years, or to both.
- (3) A person who contravenes section 34, 38 (1) or 39 (1), or in relation to an order issued under section 53 (2) (a), section 82, commits an offence and is liable on conviction to a fine not exceeding \$500 000 or to imprisonment for not more than one year, or to both.
- (4) A person who contravenes section 35 (2) or 76 (1), or in relation to an order issued under a section not referred to in subsections (1) to (3) of this section, section 82, commits an offence and is liable on conviction to a fine not exceeding \$100 000.
- (5) A person who contravenes section 37 (3) or 60 (1) or (2) commits an offence and is liable on conviction to a fine not exceeding \$25 000.
- (6) The Lieutenant Governor in Council may provide by regulation that
- (a) a contravention of a regulation is an offence, and
 - (b) a person convicted of an offence for a contravention of a regulation is liable to a fine not exceeding a maximum amount, or to imprisonment not exceeding a maximum length, or to both.
- (7) If the maximum fine or imprisonment provided by a regulation under subsection (6) (b) is less than that provided by a provision of this Act, the regulation prevails.
- (8) If a contravention continues for more than one day, the offender is liable to a separate penalty, without notice and without a separate count being laid, for each day that the contravention occurs.
- (9) In a prosecution for an offence under this Act, it is sufficient proof of the offence to establish that it was committed by the defendant's contractor, employee or agent.
- (10) Subsection (9) applies even if the contractor, employee or agent has not been identified or prosecuted for the offence.
- (11) If a corporation commits an offence under this Act, a director or officer of the corporation who authorized, permitted or acquiesced in the offence also commits the offence.
- (12) If a person commits an offence under this Act, any other person who

- (a) is directly or indirectly responsible for the act or omission that constitutes the offence, and
 - (b) is a contractor, employee or agent of the person or of an other person described in paragraph (a) also commits the offence.
- (13) Due diligence, mistake of fact and officially induced error are defences to a prosecution under this Act.
- (14) If
- (a) a corporation referred to in subsection (11), or
 - (b) a person referred to in subsection (12),
- has not committed an offence under this Act as a result of subsection (13), the other persons referred to in subsections (11) and (12) may be found guilty of an offence, subject to subsection (13).
- (15) Section 5 of the *Offence Act* does not apply to this Act or the regulations.

2008-36-86 (B.C. Reg. 274/2010).

Remedies preserved

- (AM) Sep 01/23
87. (1) Subject to section 63 (3), a proceeding, conviction or penalty for an offence under this Part does not relieve a person from any other liability.
- (2) If the regulator imposes an administrative penalty on a person, a prosecution for an offence under this Act for the same contravention may not be brought against the person.
- 2008-36-87 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Order for compliance

- (AM) Sep 01/23
88. (1) If the regulator considers that a person is not complying, or has not complied, with an order issued under this Act, the regulator may apply to the Supreme Court for either or both of the following:
- (a) an order directing the person to comply with the order or restraining the person from violating the order;
 - (b) an order directing the directors and officers of the person to cause the person to comply with or to stop violating the order.
- (AM) Sep 01/23
- (2) On application by the regulator under this section, the Supreme Court may make an order it considers appropriate.
- 2008-36-88 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Court order to comply

89. If a person is convicted of an offence under this Act, then, in addition to any punishment the court may impose, the court may order the person to comply with the provision.
- 2008-36-89 (B.C. Reg. 274/2010).

Restitution

90. If a person is convicted of an offence under this Act, then, in addition to any other penalty, the court may order the person to pay compensation or make restitution.
- 2008-36-90 (B.C. Reg. 274/2010).

Court orders

91. If a person is convicted of an offence under this Act, then, in addition to any other punishment that may be imposed, the court may, by order, do one or more of the following:
- (a) prohibit the person from doing anything that may result in the continuation or repetition of the offence;
 - (b) direct the person to take any action the court considers appropriate to remedy or avoid any harm to the environment or public safety that results or may result from the act or omission that constituted the offence;
 - (c) direct the person to publish, at the person's own cost, the facts relating to the conviction;
 - (d) direct the person to compensate the regulator for all or part of the cost of any remedial or preventative action taken by or on behalf of the regulator as a result of the act or omission that constituted the offence;
 - (e) direct the person to pay court costs;
 - (f) direct the person to pay the costs of the investigation.
- 2008-36-91 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(AM)
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01/23

Penalty for monetary benefit

- (AM) 92. (1) If the court convicts a person of an offence under this Act, the court may increase a fine imposed on the person by an amount equal to the court's estimation of the amount of the monetary benefit acquired by or that accrued to the person as a result of the regulator of the offence.
- (2) A fine increased under subsection (1)
- (a) applies despite any provision that provides for a maximum fine, and
 - (b) is in addition to any other fine under this Act.
- 2008-36-92 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(AM)
Sep
01/23

Recovery of debts due

- (AM) 93. An amount that a person is required under this Act, other than section 18, to pay to the regulator or the government is a debt due by that person to the government or the regulator, as the case may be, and the debt may be recovered by the government or the regulator in any court of competent jurisdiction.
- 2008-36-93 (B.C. Reg. 274/2010); 2018-15-17; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(AM)
Sep
01/23

(ADD)**Certificate of debts due**

- May
17/18
- (AM) 93.1 (1) If a person fails to pay an amount owing to the regulator under this Act, other than section 18, the commissioner may issue, and file with a court having jurisdiction, a certificate specifying the amount owed and the name of the person who owes it.
- (2) If a person fails to pay an amount owing to the government under this Act, the minister may issue, and file with a court having jurisdiction, a certificate specifying the amount owed and the name of the person who owes it.
- (3) A certificate filed under this section has the same force and effect, and all proceedings may be taken on the certificate, as if it were a judgment of the court in favour of the regulator or the government, as the case may be, for the recovery of a debt in the amount specified in the certificate against the person named in the certificate.
- 2018-15-18; 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(AM)
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01/23

(AM)
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PART 9 – Regulations

Part 9: Division 1 – Regulations of the Lieutenant Governor in Council

General power to make regulations

- (AM) Nov 24/22
94. (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) In making a regulation under this Act, the Lieutenant Governor in Council may do one or more of the following:
- (a) delegate a matter to a person, with or without directions on how the delegated power is to be exercised;
 - (b) confer a discretion on a person;
 - (c) make different regulations for different persons, places, things, decisions, transactions, activities or circumstances.
- (2.1) The Lieutenant Governor in Council may make regulations establishing criteria that a person must use when exercising a discretionary or delegated power conferred on the person by a regulation under this Division.
- (3) The Lieutenant Governor in Council may make a regulation defining a word or expression used but not defined in this Act.
- (AM) Jul 22/24
- (4) Sections 95 to 105.1 do not limit the authority of the Lieutenant Governor in Council to make regulations under subsection (1) of this section.

2008-36-94 (B.C. Reg. 274/2010); 2010-9-37; 2022-42-25; 2018-54-15 (B.C. Reg. 241/2024).

Policies and permitting authority of the regulator

- (AM) Sep 01/23
95. (1) The Lieutenant Governor in Council may make regulations respecting policies and procedures to be followed by the regulator in conducting its affairs, exercising its powers and discretion, carrying out its functions and duties and discharging its responsibilities.
- (2) The Lieutenant Governor in Council may make regulations for the purposes of section 25 (1.1).

2008-36-95 (B.C. Reg. 274/2010); 2010-9-38; 2022-42-62, Sch3 (B.C. Reg. 187/2023).

Criteria for exercise of discretionary powers

96. (1) The Lieutenant Governor in Council may make regulations respecting the criteria that a person must use in exercising a discretionary power conferred on the person under this Act.
- (2) Criteria prescribed under subsection (1) are in addition to any criteria required by this Act.

2008-36-96 (B.C. Reg. 274/2010).

Prohibitions

- (AM) Sep 01/23
97. The Lieutenant Governor in Council may make regulations as follows:
- (a) prohibiting the carrying out of any energy resource activity or related activity at any point within a specified distance of any boundary, roadway, road allowance, right of way, building of any prescribed type or any specified works;
 - (b) despite anything in the *Local Government Act* and the *Community Charter*, prohibiting the construction of a building or structure within a specified distance of a well, pipeline or facility, if the Lieutenant Governor in Council is satisfied that the prohibition is necessary to protect the public.

ENERGY RESOURCE ACTIVITIES ACT

2008-36-97 (B.C. Reg. 274/2010); 2022-42-64,Sch 5 (B.C. Reg. 187/2023).

Exemptions

- 98. (1) The Lieutenant Governor in Council may make regulations respecting the exemption of a person, class of persons, place, thing, transaction or activity from a provision of this Act or the regulations.
- (2) In making a regulation under subsection (1), the Lieutenant Governor in Council may make the exemption subject to conditions.
- (3) The Lieutenant Governor in Council may make regulations restricting the regulator's authority
 - (a) to exempt a person or class of persons from section 22 or from a requirement referred to in section 36, or
 - (b) to authorize an official to exempt a person from a provision referred to in section 103 (2).

(AM)
Sep
01/23

2008-36-98 (B.C. Reg. 274/2010); 2022-42-63,Sch 4 (B.C. Reg. 187/2023).

General

- 99. (1) The Lieutenant Governor in Council may make regulations as follows:
 - (a) prescribing facilities or activities for the purposes of the definition of "energy resource activity" in section 1 (2);
 - (a.1) prescribing energy resource activities for the purposes of paragraph (d) of the definition of "oil and gas or storage activity" in section 1 (2);
 - (b) prescribing substances for the purpose of paragraph (e) of the definition of "pipeline" in section 1 (2) and prescribing exclusions for the purposes of paragraph (h) of that definition;
 - (c) prescribing regulations under a specified enactment for the purposes of paragraph (f) of the definition of "specified provision" in section 1 (2);
 - (c.1) prescribing energy resource activities for the purposes of section 1.1;
 - (d) prescribing circumstances for the purposes of section 6 (2);
 - (e) respecting the application of the *Public Inquiry Act* for the purposes of section 12;
 - (f) prescribing authorizations for the purposes of section 18 (2) (c) (i);
 - (f.1) prescribing requirements for the purposes of section 24 (3);
 - (g) prescribing periods of time for the purposes of section 32;
 - (g.1) *[Not enacted]*
 - (g.2) prescribing periods for the purposes of section 32 (1.1);
 - (h) respecting disclosure and confidentiality as referred to in section 38.1;
 - (i) requiring that natural gas be gathered, and processed if necessary, and that the natural gas or liquid hydrocarbons extracted be marketed or injected into an underground reservoir for storage or for any other purpose;
 - (j) prescribing actions for the purposes of section 53;
 - (j.1) prescribing contraventions for the purposes of section 61.1 (1);

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- (AM)
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- (j.2) respecting the regulator's obligation under section 61.2 to acknowledge receipt of applications, or the regulator's reporting obligation under section 61.3 (1) or 61.4 (2), including, without limitation, regulations limiting or modifying those obligations if the regulator receives more than the prescribed number of applications in respect of the same alleged contravention;
- (k) prescribing decisions for the purposes of the definition of "determination" in section 69;
- (l) prescribing activities and methods for the purposes of section 75;
- (SUB)
May
31/12
(ADD)
May
31/12
- (m) prescribing works, activities and distances for the purposes of section 76 (1) and requirements for the purposes of section 76 (1) (e);
- (m.1) respecting how costs incurred in relation to
- (i) the construction of anything referred to in section 76 (1) (a),
- (ii) the carrying out of an activity under section 76 (1) (b), or
- (iii) the relocation referred to in section 76 (5) (a) and any actions referred to in section 76 (5) (b)
- are to be allocated between the pipeline permit holder and the person doing anything referred to in subparagraphs (i) to (iii) of this paragraph;
- (AM)
Sep
01/23
- (n) respecting the application of the *Mines Act* to the exploration, development and production of oil sand, oil sand products, oil shale and oil shale products;
- (o) respecting surveying to be carried out with respect to an energy resource activity;
- (AM)
Mar
20/18
- (p) respecting information for the purposes of section 77;
- (q) respecting the carrying out of activities under a master licence to cut by a permit holder, an authorization holder, an applicant for a permit or a person carrying out an activity under an approval, as defined in section 9 (1) of this Act.
- (AM)
Mar
20/18
- (2) The following do not apply to a master licence to cut held by a permit holder, an authorization holder, an applicant for a permit or a person carrying out an activity under an approval, as defined in section 9 (1) of this Act:
- (a) the *Forest and Range Practices Act* and the regulations and standards made under that Act;
- (AM)
Nov
28/13
- (b) the *Forest Practices Code of British Columbia Act*, as it read immediately before section 177 of the *Forest and Range Practices Act* came into force, and the regulations made under that Code.
- (ADD)
Apr
09/14
- (3) In this section, "**master licence to cut**" has the same meaning as in the *Forest Act*.
- 2008-36-99 (B.C. Reg. 274/2010); 2010-9-39; 2012-27-13(a)&(b); 2012-27-13(c)&(d) (B.C. Reg. 148/2012); B.C. Reg. 243/2013, Sch. 8; 2014-10-15; 2015-40-23 (B.C. Reg. 51/2018); 2018-54-16 (B.C. Reg. 134/2019); 2022-42-26, 62,Sch3, 63,Sch 4, 64,Sch 5 (B.C. Reg. 187/2023).

Regulations respecting orphan sites

- (REP)
Apr
01/19
- 100.** (1) *Repealed.* [2018-15-19 (B.C. Reg. 62/2019)]
- (2) The Lieutenant Governor in Council may make regulations for the purposes of Part 4 and, without limiting this, may make regulations as follows:
- (a) respecting administration of the fund;
- (b) respecting the designation of orphan sites;

- (ADD)
Sep
01/23
- (b.1) respecting payments under section 45.03 (4), including, without limitation, specifying classes of claims or claimants in relation to which payments may or may not be made;
- (c) prescribing the maximums, conditions and limitations on compensation paid to land owners under section 46;
- (REP)
Apr
01/19
(AM)
Apr
01/19
- (d) to (i) *Repealed*. [2018-15-19 (B.C. Reg. 62/2019)]
- (j) establishing procedures for use of the fund;
- (k) setting minimum amounts to be retained in reserve in the fund;
- (REP)
Apr
01/19
(ADD)
May
17/18
- (l) and (m) *Repealed*. [2018-15-19 (B.C. Reg. 62/2019)]
- (n) respecting repayments under section 45.1 (c), including, without limitation, regulations prescribing to whom repayments are to be made or circumstances under which repayments are not required to be made.

2008-36-100 (B.C. Reg. 274/2010); 2018-15-20; 2018-15-19 (B.C. Reg. 62/2019); 2022-42-27 (B.C. Reg. 187/2023).

(ADD) **Regulations respecting expanded liability**

Sep
01/23

100.1

The Lieutenant Governor in Council may make regulations as follows:

- (a) respecting the determination of whether an individual is directly or indirectly in control of a corporation for the purposes of paragraph (b) of the definition of "principal" in section 43.01;
- (b) respecting the determination of whether a person has a legal or beneficial interest for the purposes of section 43.02 (1) (b) or (c);
- (c) specifying classes of persons as excluded for the purposes of section 43.02 (3) (b);
- (d) prescribing energy resource activities for the purposes of section 43.03;
- (e) respecting the establishment and administration of a register under section 43.05 (1);
- (f) prescribing circumstances for the purposes of section 43.06 (b);
- (g) respecting the determination under section 43.12 of costs incurred in carrying out restoration and interests in oil and gas activities.

2022-42-28 (B.C. Reg. 187/2023).

Administrative penalties

101.

The Lieutenant Governor in Council may make regulations respecting the imposition of administrative penalties, including, without limiting this,

- (a) matters to be considered before imposing administrative penalties, the criteria for determining appropriate administrative penalties, setting different limits on different administrative penalties and setting out those provisions of this Act or the regulations which, if contravened, make a person liable to an administrative penalty, and
- (b) providing for increased administrative penalties for repeated contraventions and specifying the time within which a contravention is to be considered a repeat contravention of an earlier contravention.

2008-36-101 (B.C. Reg. 274/2010).

Collector of levy

(AM)
Sep
01/23

- 102.** The Lieutenant Governor in Council may make regulations designating the regulator or an employee of the government as the collector of the levy referred to in section 47 or 110 for payment under section 18 to the regulator and providing for its collection.

2008-36-102 (B.C. Reg. 274/2010); 2018-15-21 (B.C. Reg. 62/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

Environmental protection and management

(AM)
Jul
22/24

- 103.** (1) For the purposes of environmental protection and management, the Lieutenant Governor in Council may make regulations respecting actions that a permit holder and a person carrying out an energy resource activity or an off-site environmental mitigation activity must take or refrain from taking to protect or effectively manage the environment.

(AM)
Jul
22/24

- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations respecting actions that a permit holder and a person carrying out an energy resource activity or an off-site environmental mitigation activity must take or refrain from taking with respect to any of the following:

- (a) a wildlife habitat feature, as identified under section 104 (1) (c) (i);
 - (b) wildlife, including fish, and wildlife habitat;
 - (c) temperature sensitive streams, as identified under section 104 (1) (c) (ii);
 - (d) streams, wetlands and lakes;
 - (e) riparian areas and lakeshores;
 - (f) lakeshore management zones;
 - (g) water quality;
 - (h) watersheds;
 - (i) aquifers and ground water recharge areas;
 - (j) old-growth management areas, as identified under section 104 (3) (a);
 - (k) wildlife trees;
 - (l) commercial timber;
 - (m) soils, including soil stability, disturbance and productivity;
 - (n) surface drainage, ground percolation and erosion control;
 - (o) biodiversity;
 - (p) invasive plants, as identified under section 104 (3) (c);
 - (q) resource features;
 - (r) range;
 - (s) forest resources;
 - (t) cultural heritage resources;
 - (u) scenic areas, as established under section 104 (3) (d);
 - (v) ungulate winter ranges, as established under section 104 (1) (a) (i);
 - (w) wildlife habitat areas, as established under section 104 (1) (a) (ii);
 - (x) fisheries sensitive watersheds, as established under section 104 (1) (a) (iv).
- (3) The Lieutenant Governor in Council may make regulations
- (a) for the purposes of subsection (2), classifying
 - (i) streams, wetlands and lakes,
 - (ii) riparian areas, and
 - (iii) wildlife habitat features, scenic features and resource features,
 - (b) for the purposes of subsection (2) and of section 104 (1) (a) (iv) and (2) (a), classifying watersheds,
 - (c) for the purposes of subsection (2) and of section 104 (2) (b) (i), classifying aquifers, and
 - (d) for the purposes of subsection (2) and of section 104 (4), classifying lakeshore management zones.

- (4) The Lieutenant Governor in Council may make regulations prescribing objectives for the purposes of the definition of "government's environmental objectives" in section 1.

2008-36-103 (B.C. Reg. 274/2010); 2010-9-40; 2022-42-64, Sch 5 (B.C. Reg. 187/2023); 2018-54-9 (B.C. Reg. 241/2024); 64, Sch 5 (B.C. Reg. 187/2023).

Authorizations respecting environmental protection and management

- 104.** (1) The Lieutenant Governor in Council may make regulations authorizing the minister responsible for administering the *Wildlife Act*
- (a) to establish, for the purposes of paragraph (b), one or more of the following:
 - (i) an area as an ungulate winter range;
 - (ii) an area as a wildlife habitat area;
 - (iii) categories of wildlife for the purposes of subparagraphs (i) to (ii);
 - (iv) a fisheries sensitive watershed, in accordance with regulations, if any, respecting the classification of watersheds made under section 103 (3) (b),
 - (b) to establish, for the purposes of section 36 (1), an environmental measure in relation to paragraph (a) (i), (ii) or (iv) of this subsection, and
 - (c) to identify one or both of the following:
 - (i) for the purposes of section 103 (2) (a), a wildlife habitat feature, in accordance with regulations, if any, respecting the classification of wildlife habitat features made under section 103 (3) (a) (iii);
 - (ii) for the purposes of section 103 (2) (c), a temperature sensitive stream.
- (2) The Lieutenant Governor in Council may make regulations authorizing the minister responsible for administering the *Water Sustainability Act*
- (a) to establish, for the purposes of paragraph (c), a designated watershed or portion of a watershed, in accordance with regulations, if any, respecting the classification of watersheds made under section 103 (3) (b),
 - (b) to identify, for the purposes of paragraph (c), either or both of the following:
 - (i) an aquifer, in accordance with regulations, if any, respecting the classification of aquifers made under section 103 (3) (c);
 - (ii) a groundwater recharge area, and
 - (c) to establish, for the purposes of section 36 (1), an environmental measure in relation to paragraphs (a) and (b).
- (3) The Lieutenant Governor in Council may make regulations authorizing the minister responsible for administering the *Land Act*
- (a) to establish, for the purposes of section 103 (2) (j) and paragraph (b) of this subsection, an old-growth management area,
 - (b) to establish, for the purposes of section 36 (1), an environmental measure in relation to paragraph (a) of this subsection,
 - (c) to identify invasive plants for the purposes of section 103 (2) (p), and
 - (d) to establish, for the purposes of section 103 (2) (u), scenic areas.
- (4) The Lieutenant Governor in Council may make regulations authorizing the minister responsible for administering the *Forest and Range Practices Act* to establish, for the purposes of section 103 (2) (f) and (3) (d), lakeshore management zones.
- (5) The Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing the circumstances in which and the extent to which a discretion conferred in an authorization referred to in subsections (1) to (4) or paragraph (b) of this subsection may be exercised;

(AM)
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(AM)
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(AM)
Dec
14/11

- (b) authorizing a minister referred to in subsections (1) to (4) to grant an exemption from an environmental measure established by that minister and to impose one or more conditions with respect to the exemption;
- (c) authorizing a minister referred to in subsections (1) to (4) to delegate any power conferred on the minister by a regulation made under this section with or without directions on how the delegated power is to be exercised;
- (d) prescribing the consultations or notifications, or both, that a minister referred to in subsections (1) to (4), or a person authorized by the minister, must carry out before exercising a power conferred on the minister by a regulation made under this section;
- (e) prescribing a date on which, or a period of time at the expiry of which, an order made by a minister referred to in subsection (1) to (4) in the exercise of a power conferred on the minister by a regulation made under this section comes into force.

2008-36-104 (B.C. Reg. 274/2010); 2010-9-41; B.C. Reg. 236/2011, Sch. 2; 2014-15-190 (B.C. Reg. 35/2016).

Relation between regulations, environmental measures and other provisions

- 105.** (1) In making a regulation under section 103, the Lieutenant Governor in Council may provide an exception to the application of the regulation, including an exception relating to the application of an environmental measure.
- (2) If there is an inconsistency between
- (a) either
 - (i) a requirement prescribed under section 103, or
 - (ii) an environmental measure established under section 104, and
 - (b) a provision of an Act administered by the minister responsible for the administration of the *Wildlife Act* or the *Water Sustainability Act* or a regulation made under any of those Acts
- the provision referred to in paragraph (b) prevails to the extent of the inconsistency.

(AM)
Feb
29/16

2008-36-105 (B.C. Reg. 274/2010); 2010-9-42; 2014-15-190 (B.C. Reg. 35/2016).

(ADD) Off-site environmental mitigation activities

Jul
22/24

- 105.1** (1) The Lieutenant Governor in Council may make regulations as follows:
- (a) prescribing classes of energy resource activities for the purposes of section 25.1, including, without limitation, by reference to a method of carrying out an energy resource activity;
 - (b) authorizing a minister to establish, for the purposes of section 25.1,
 - (i) an area as an energy resource management area, and
 - (ii) an area as a mitigation area for an energy resource management area;
 - (c) respecting off-site environmental mitigation activities for the purposes of section 25.1, including, without limitation, regulations as follows:
 - (i) respecting the selection of off-site environmental mitigation activities to be specified under that section, including, without limitation, providing what activities may or must be specified;
 - (ii) respecting the selection of the mitigation area, or the location in the mitigation area, to be specified under that section;
 - (iii) respecting the specification under that section of when and how off-site environmental mitigation activities are to be carried out, including, without limitation, providing what methods or results may or must be specified.

- (2) Subject to the regulations under subsection (3), a minister on whom authority is conferred under subsection (1) (b) may establish one or more of the following as a mitigation area for an energy resource management area:
 - (a) the energy resource management area;
 - (b) an area wholly inside the energy resource management area;
 - (c) an area wholly outside the energy resource management area;
 - (d) an area partially inside and partially outside the energy resource management area.
- (3) The Lieutenant Governor in Council may make regulations as follows:
 - (a) prescribing the circumstances in which and the extent to which a discretion conferred in an authorization referred to in subsection (1) (b) may be exercised;
 - (b) authorizing a minister referred to in subsection (1) (b) to delegate any power conferred on the minister by a regulation made under this section with or without directions on how the delegated power is to be exercised;
 - (c) prescribing the consultations or notifications, or both, that a minister referred to in subsection (1) (b), or a person authorized by the minister, must carry out before exercising a power conferred on the minister by a regulation made under this section;
 - (d) prescribing a date on which, or a period of time at the expiry of which, an order made by a minister referred to in subsection (1) (b) in the exercise of a power conferred on the minister by a regulation made under this section comes into force.
- (4) Without limiting section 94 (2) (c), the Lieutenant Governor in Council may make different regulations under subsection (1) of this section for different energy resource management areas or mitigation areas.

2018-54-17 (B.C. Reg. 241/2024); 2022-42-74, 64, Sch 5, 65, Sch 6 (B.C. Reg. 187/2023).

Part 9: Division 2 – Regulations of the Board

Board regulations generally

106. (1) In making a regulation under this Division, the board may do one or more of the following:
- (a) delegate a matter to a person, with or without directions on how the delegated power is to be exercised;
 - (b) confer a discretion on a person;
 - (c) make different regulations for different persons, places, things, decisions, transactions, activities or circumstances;
 - (d) make the regulation subject to orders issued under section 49, on any conditions the board considers appropriate.
- (2) The board may make regulations establishing criteria that a person must use when exercising a discretionary or delegated power conferred on the person by a regulation under this Division.
- (3) In making a regulation under section 111, 111.1 (1) (b), 111.2 (a) or 112 (1) (a), (b), (c), (d), (d.1) or (d.2), the board may authorize an official to exempt a person from a provision of the regulation and to impose one or more conditions with respect to the exemption.

(AM)
Nov
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2008-36-106 (B.C. Reg. 274/2010); 2010-9-43; 2014-10-16; 2021-27-32; 2022-42-29; 2022-42-30 (B.C. Reg. 187/2023).

Consultations and notification

107. (1) The board may make regulations respecting consultations and notification for the purposes of sections 22, 31 (5) and 32 (3) and notification for the purposes of section 23 (3).

- (2) Without limiting subsection (1), the board may make regulations
- (a) prescribing classes of applicants for the purposes of section 22 (1),
 - (b) respecting the extent, nature and manner of the consultations or notifications that may be required under section 22, 31 (5) or 32 (3), including, without limiting this, regulations respecting the provision of notice to specified persons or classes of persons and the provision of replies to persons who respond to a notice, and
 - (c) respecting reports to be submitted under section 24 (1) (c), 31 (6) or 32 (4), including, without limiting this, regulations respecting the publication of those reports.

2008-36-107 (B.C. Reg. 274/2010); 2010-9-44.

Permits

108. The board may make regulations as follows:

- (a) respecting information for the purposes of section 24 (1) (d) and records for the purposes of section 24 (1) (e);
- (b) respecting requirements for the purposes of section 25 (1).

2008-36-108 (B.C. Reg. 274/2010).

Security

109. The board may make regulations respecting security for the purposes of sections 23 and 30, including regulations as follows:

- (a) prescribing the amount of the security for the purposes of section 23 and the minimum or maximum amount, or both, of security for the purposes of section 30;
- (b) respecting the type of security that is acceptable or unacceptable;
- (c) respecting the form and content of the security;
- (d) respecting the time by which the security must be submitted to the regulator;
- (e) respecting the circumstances under which the security may be realized;
- (f) respecting interest on the security.

2008-36-109 (B.C. Reg. 274/2010); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

(AM)
Sep
01/23

Recovery of expenses

(AM) **110.** (1) The board, for the purposes of recovering expenses arising out of the administration of this Act in a fiscal year, may make regulations as follows:

Apr
01/19

- (a) subject to the approval of Treasury Board,
 - (i) requiring permit holders or a class of permit holders to pay a levy to the government, and
 - (ii) establishing the amount, or the method of determining the amount, of the levy;
- (b) respecting payment of the levy and providing for the imposition of penalties, payable to the government, to enforce payment of the levy.

(AM)
Apr
01/19
(ADD)
Apr
01/19

- (2) For certainty, the board may impose more than one levy under this section in a calendar year.

2008-36-110 (B.C. Reg. 274/2010); 2010-9-45; 2018-15-23 (B.C. Reg. 62/2019).

Energy resource activities

ENERGY RESOURCE ACTIVITIES ACT

- (AM)
Sep
01/23
111. (1) The board may make regulations respecting the carrying out of an energy resource activity, including, without limiting this, regulations as follows:
- (AM)
Sep
01/23
- (a) if the regulator is satisfied that there is a danger to the public, increasing a specified distance prescribed under section 97 (a), and, if a prohibition has not been prescribed under that section with respect to any area of the province, prescribing a prohibition for that area of the type referred to in that section;
- (AM)
Sep
01/23
- (a.1) respecting actions a permit holder and a person carrying out an energy resource activity must carry out or refrain from carrying out on completion of or while completing an energy resource activity;
- (AM)
Sep
01/23
- (b) respecting equipment and techniques that must be used when carrying out an energy resource activity;
- (AM)
Sep
01/23
- (c) respecting waste produced directly or indirectly by the carrying out of an energy resource activity;
- (d) respecting the carrying out of geophysical exploration;
- (e) respecting the drilling, operation and abandonment of wells, including, without limiting this, regulations respecting
- (i) the measures to be taken and the methods of operation to be used before drilling begins and during drilling or operation,
- (ii) the drilling of multizone wells,
- (iii) the conditioning and reconditioning of wells by mechanical, chemical or explosive means,
- (iv) water source wells, and
- (v) spacing areas in which wells are to be completed;
- (f) respecting the exploration for and development, use and abandonment of storage reservoirs;
- (g) respecting the exploration for and development and production of oil sand, oil sand products, oil shale and oil shale products;
- (h) respecting the construction, operation and abandonment of a pipeline, including, without limiting this, regulations respecting measures to be taken
- (i) to restore the land and surface of land after construction or removal of a pipeline,
- (ii) to monitor and maintain the integrity of the pipeline and equipment, and
- (iii) on suspension of operation of a pipeline;
- (h.1) respecting the construction, operation and abandonment of a facility used for the purposes of producing, gathering, processing or storing petroleum, natural gas, water or a substance referred to in paragraph (d) or (e) of the definition of "pipeline" in section 1;
- (ADD)
Feb
20/17
- (h.2) respecting the construction, operation and abandonment of a manufacturing plant or petroleum refinery;
- (i) and (j) *Repealed.* [2010-9-46]
- (k) determining whether a field or pool designated under section 49.1 may be operated for the production of petroleum, natural gas, or both;
- (l) designating the area that is to be allocated to a well in connection with fixing allowable production;
- (m) controlling and regulating the production of petroleum, natural gas and water by restriction, proration or prohibition;

ENERGY RESOURCE ACTIVITIES ACT

(AM)
Sep
01/23

- (n) requiring the disposal of water produced into a storage reservoir or otherwise and authorizing the regulator to specify the terms according to which the disposal must be done;
- (o) respecting the management of petroleum or natural gas fields, pools or zones;
- (p) respecting the maintenance of a pipeline, facility, well, road prescribed under subsection (2) or other structure, equipment or thing.

(SUB)
Sep
01/23

(2) The board may make regulations as follows:

- (a) prescribing roads for the purposes of paragraph (g) of the definition of "energy resource activity" in section 1 (2);
- (b) respecting the construction, operation, maintenance and deactivation of prescribed roads;
- (c) respecting the application of the *Motor Vehicle Act* to prescribed roads;
- (d) respecting the use of a prescribed road by a permit holder.

(AM)
May
31/12

(ADD)
May
31/12

2008-36-111 (B.C. Reg. 274/2010); 2010-9-46; 2012-27-14; 2015-23-49 (B.C. Reg. 38/2017); 2022-42-31; 2022-42-32, 62, Sch 3, 64, Sch 5 (B.C. Reg. 187/2023).

(ADD) **Dormant sites**

Mar
29/19

111.1 (1) The board may make regulations respecting dormant sites for the purposes of Part 3.1, including, without limitation, regulations as follows:

(AM)
Sep
01/23

- (a) respecting when a site of an energy resource activity is a dormant site, including, without limitation, regulations prescribing activities that must be carried out or a level of activity that must be maintained for a site not to be a dormant site;
 - (b) prescribing requirements for the purposes of section 43.2, including, without limitation, prescribing any requirements that may be prescribed under
 - (i) section 111 (1) (e), (f), (g), (h), (h.1) or (h.2) or (2) (b), or
 - (ii) section 112 (h) for the purposes of section 40 (e);
 - (c) prescribing criteria for the purposes of section 43.2;
 - (d) prescribing classes of sites and periods of time for the purposes of section 43.3;
 - (e) respecting plans for the purposes of section 43.4 (2), including, without limitation, regulations respecting eligibility to submit plans or the form or content of plans.
- (2) Without limiting section 106, in making a regulation under this section, the board may make different regulations for different classes of permit, permit holder, site or portfolio.

2018-15-24 (B.C. Reg. 62/2019); 2022-42-64, Sch 5 (B.C. Reg. 187/2023).

(ADD) **Regulations respecting expanded liability**

Sep
01/23

111.2 The board may make regulations as follows:

- (a) prescribing records for the purposes of section 43.04 (1) and respecting the maintenance and submission of those records;
- (b) respecting applications under section 43.12 and specifying criteria that a responsible person must meet to be eligible to make an application under that section.

2022-42-33 (B.C. Reg. 187/2023).

General

112. (1) The board may make regulations as follows:

ENERGY RESOURCE ACTIVITIES ACT

- (a) adopting by reference, in whole or in part and with any changes the board considers necessary, any regulation, code, standard or rule
 - (i) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or
 - (ii) set by a provincial, national or international body or any other code, standard or rule making body,as the regulation, code, standard or rule stands at a specific date, as it stands at the time of adoption or as amended from time to time;
- (b) respecting the taking of samples and the conducting of tests and analyses by permit holders;
- (c) subject to the approval of Treasury Board, respecting fees for the provision under this Act of a service by the regulator to any person;
- (d) prescribing records, reports and plans for the purposes of section 38 and respecting the maintenance and submission of those records, reports, and plans;
- (d.1) respecting emergency response programs and response contingency plans for the purposes of section 38 (1) (b), including, without limiting this, regulations requiring the programs or plans to include requirements with respect to the training of persons who will carry out the programs or prepare the plans and consultations that must be carried out with respect to the programs or plans;
- (d.2) respecting well samples and cores, including, without limiting this, regulations respecting the examination, storage, maintenance and submission to the regulator of well samples and cores;
- (e) prescribing the methods that must be used for the measurement of petroleum, natural gas, substances prescribed under section 133 (2) (v) of the *Petroleum and Natural Gas Act* and mixtures of any of them;
- (f) prescribing the standard conditions to which the measurements referred to in paragraph (e) must be converted;
- (g) *Repealed.* [2010-9-47]
- (h) prescribing requirements for the purposes of sections 39 (4) and 40 (e);
- (i) prescribing classes of persons for the purposes of section 41;
- (i.1) prescribing the content and manner of publication of a notice referred to in section 49.1 (2);
- (j) for the purposes of section 51, respecting the restriction or prohibition of access to a public area;
- (k) *Repealed.* [2010-9-47]
- (k.1) prescribing the form of an application for the purposes of section 61.1 (3);
- (l) prescribing methods of service and times of deemed receipt for the purposes of section 79.

(AM)
Sep
01/23

(AM)
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01/23

(ADD)
Jan
01/20

- (2) For greater certainty, regulations made under subsection (1) (c) or section 110 (b) with the approval of Treasury Board may be made or adjusted at any time.

2008-36-112 (B.C. Reg. 274/2010); 2010-9-47; 2018-54-18 (B.C. Reg. 134/2019); 2022-42-62,Sch3 (B.C. Reg. 187/2023).

PART 10 – Transition

(REP) Repealed
Oct
03/12

113. *Repealed.* [2008-36-113 (3)]

Transition – appeal tribunal

114. The Lieutenant Governor in Council, when appointing the first appeal tribunal, may appoint to the appeal tribunal, without a merit-based process, a person who, at the time of the appointment, is
- (a) a member of the Environmental Appeal Board continued under the *Environmental Management Act*, or
 - (b) a member of the Forest Appeals Commission continued under the *Forest Practices Code of British Columbia Act*.

2008-36-114 (B.C. Reg. 274/2010).

Transition – *Oil and Gas Commission Act*

115. (1) In this section, "**former Act**" means the *Oil and Gas Commission Act*, S.B.C. 1998, c. 39, as it read immediately before being repealed.
- (2) A designation made under section 6.2 (5) (a) of the former Act and in effect immediately before the repeal of the former Act is deemed to be a designation made under section 45 (2) of this Act.

2008-36-115 (B.C. Reg. 274/2010).

Transition – *Petroleum and Natural Gas Act*

116. (1) In this section, "**former Act**" means the *Petroleum and Natural Gas Act*, R.S.B.C. 1996, c. 361, as it read immediately before this section comes into force.
- (2) The following approval and authorizations are each deemed to be a permit issued under this Act if the authorization or approval is in effect immediately before the coming into force of this section:
- (a) an approval issued under section 33 of the former Act;
 - (b) a well authorization issued under Division 1 of Part 12 of the former Act;
 - (c) a water source well authorization issued under Division 2.1 of Part 12 of the former Act;
 - (d) an authorization to construct or modify a production facility issued by the regulator under the Drilling and Production Regulation, B.C. Reg. 362/98, as it read immediately before this section comes into force.
- (3) Despite the repeal of Part 4 of the former Act, that Part continues to apply to a geophysical licence issued under section 32 of the former Act and in effect immediately before this section comes into force, until whichever of the following happens first:
- (a) the geophysical licence is cancelled under section 35 of the former Act;
 - (b) a permit is issued under this Act to the holder of the geophysical licence, permitting the holder to carry out geophysical exploration;
 - (c) 2 years expire after the date Part 4 of the former Act is repealed.
- (4) Despite the repeal of Part 12 of the former Act, that Part continues to apply to a test hole authorization issued under Division 2 of that Part until whichever of the following happens first:

(AM)
Sep
01/23

ENERGY RESOURCE ACTIVITIES ACT

- (a) the test hole authorization is cancelled under Division 2 of Part 12;
- (b) a permit is issued under this Act to the holder of the test hole authorization, permitting the holder to convert the test hole into a well;
- (c) 2 years expire after the date Part 12 of the former Act is repealed.
- (5) A drilling deposit submitted under section 85 of the former Act is deemed to be security submitted for the purposes of section 30 of this Act.
- (6) An approval issued under section 100 of the former Act and in effect immediately before this section comes into force is deemed to be a designation under section 75 of this Act.

2008-36-116 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

Transition – Pipeline Act

- 117.** (1) In this section, "**former Act**" means the *Pipeline Act*, R.S.B.C. 1996, c. 364, as it read immediately before its repeal.
- (2) Each of the following is deemed to be a pipeline permit issued under this Act:
- (a) a certificate issued under section 10 of the former Act and in effect immediately before the repeal of the former Act;
 - (b) an authorization issued under section 22 of the former Act and in effect immediately before the repeal of the former Act;
 - (c) an authorization issued under section 27 of the former Act and in effect immediately before the repeal of the former Act;
 - (d) a certificate issued under section 2 of the former Act and in effect immediately before the repeal of the former Act.
- (3) A leave given under section 28 of the former Act and in effect immediately before the repeal of the former Act is deemed to be an approval issued under section 76 of this Act.
- (4) A leave, in relation to a pipeline, given under section 30 of the former Act and in effect immediately before the repeal of the former Act is deemed to be a permission in the pipeline permit for the pipeline.
- (5) A leave given under section 31 of the former Act and in effect immediately before the repeal of the former Act is deemed to be an approval under section 76 of this Act.
- (6) Despite the repeal of Part 7 of the former Act, any decision made with respect to a common carrier by the British Columbia Utilities Commission under the authority of that Part continues to apply, subject to section 65 of the *Utilities Commission Act* as amended by this enactment.

(RET)
Oct
04/10

2008-36-117 (B.C. Reg. 274/2010); 2014-10-17.

Transition – permits

- 118.** The regulator may consolidate into a single permit any or all permits held by a permit holder by operation of sections 116 and 117.

(AM)
Sep
01/23

2008-36-118 (B.C. Reg. 274/2010); 2022-42-62, Sch3 (B.C. Reg. 187/2023).

(ADD) Transition – roads

May
31/12

(AM)
Sep
01/23

- 118.1** Despite section 21, a person does not require a permit to maintain on private land a road that existed immediately before January 27, 2011, and that is prescribed for the purposes of paragraph (g) of the definition of "energy resource activity" in section 1 (2).

2012-27-15; 2014-10-18; 2022-42-34 (B.C. Reg. 187/2023).