



Energy Resource Activities Act

DORMANCY AND
SHUTDOWN REGULATION

B.C. Reg. 112/2019

Deposited and effective May 30, 2019
Last amended April 1, 2025 by B.C. Reg. 26/2025

Consolidated Regulations of British Columbia

This is an unofficial consolidation.

B.C. Reg. 112/2019 (British Columbia Energy Regulator), deposited and effective May 30, 2019, is made under the *Energy Resource Activities Act*, S.B.C. 2008, c. 36, ss. 106, 111.1 and 112.

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This consolidation includes any amendments deposited and in force as of the currency date at the bottom of each page. See the end of this regulation for any amendments deposited but not in force as of the currency date. Any amendments deposited after the currency date are listed in the B.C. Regulations Bulletins. All amendments to this regulation are listed in the *Index of B.C. Regulations*. Regulations Bulletins and the Index are available online at www.bclaws.ca.

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Energy Resource Activities Act

DORMANCY AND SHUTDOWN REGULATION

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PART 1 – DEFINITIONS AND INTERPRETATION

Division 1 – Definitions and Application

Definitions

1 In this regulation:

“**Act**” means the *Energy Resource Activities Act*;

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

“**decommission**” has the meaning given to it in section 6 [*decommissioning*];

“**facility permit**” means a permit that includes permission to construct or operate a facility;

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

“**interested person**”, in relation to a dormant site or former site, means

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

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

“**permit holder**” means,

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

“**pipeline permit**” means a permit that includes permission to construct or operate a pipeline;

“**portfolio of current sites**” has the same meaning as “portfolio” in section 43.1 of the Act;

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

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

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“qualified professional”, in relation to a matter, means an individual who

- (a) is registered with a regulatory body as defined in section 1 (1) [definitions and interpretation] of the Professional Governance Act, and**
- (b) through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within the individual’s area of expertise as it relates to the matter**

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

- (a) if the site became a dormant site under section 3 (1) (a) or (1.1), 3.01 (1) (a) or 3.02 (1) (a), the last of the 5 calendar years referred to in that section;
- (b) if the site became a dormant site under section 3 (1) (b), 3.01 (1) (b) or 3.02 (1) (b), the calendar year in which the notice referred to in that section was received;
- (c) if the site is a former site, the calendar year in which the well permit, facility permit or pipeline permit, as the case may be, for the former site is cancelled, is declared spent or expires;

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

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

“specified work” means work to decommission, assess or restore a dormant site or former site;

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

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

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

“well permit” means a permit that includes permission to drill or operate a well.

[am. B.C. Regs. 288/2020, s. 1; 266/2022, Sch. 1, s. 1; 202/2023, Sch. 1, s. 1; 78/2023, Sch. 1, s. 2.]

Application

1.1 (1) This regulation does not apply in relation to the following:

- (a) a processing facility as defined in section 1 of the Processing Facility Regulation;
- (b) an LNG facility as defined in section 1 of the Liquefied Natural Gas Facility Regulation;
- (c) a Class 1 hydrogen facility as defined in section 1 (1) of the Hydrogen Facility Regulation;
- (d) a Class 2 hydrogen facility as defined in section 1 (1) of the Hydrogen Facility Regulation.

(2) For certainty, this regulation applies in relation to a facility whether or not the facility is associated with a well.

Division 2 – Dormant Sites and Former Sites

Dormant sites

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

[en. B.C. Reg. 266/2022, Sch. 1, s. 2; am. B.C. Reg. 202/2023, Sch. 1, s. 2.]

When wells are dormant

- 3 (1) Subject to subsection (2), a well is dormant for the purposes of section 2 if
- (a) none of the following events has occurred for the well over the last 5 calendar years:
 - (i) production from or injection or disposal into the well occurs for a total of 720 or more hours in a calendar year;
 - (ii) a zone is completed;
 - (iii) a drilling event occurs;

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- (iv) in the case of an observation well, the well is active on at least one day;
- (v) a certificate of restoration is issued for the site, or
- (b) the regulator has received a written notice from the permit holder that the well is dormant.

(1.1) Subject to subsection (2), a well is dormant for the purposes of section 2 if

(a) the regulator has received a notice under section 8 (1) (a) of the Drilling and Production Regulation from the permit holder, and

(b) either

(i) a drilling event has not occurred for the well by the later of

(A) January 1, 2026, and

(B) December 31 of the fifth calendar year after the date the notice referred to in paragraph (a) was received by the regulator, or

(ii) the regulator has received a written notice from the permit holder that the well is dormant.

- (2) A well is not dormant for 2 years after the date on which the regulator gives to the permit holder for the well a written notice under subsection (3).
- (3) The regulator may give to a permit holder a written notice for the purposes of subsection (2) in relation to a well if the regulator is satisfied, having regard to the following factors, that an event referred to in subsection (1) (a) or (1.1)(b) will occur for the well within a reasonable period of time:
 - (a) available reserves;
 - (b) economic factors, including, without limitation,
 - (i) the cost to bring the well online, and
 - (ii) forecasted production and prices;
 - (c) safety factors, including, without limitation, well integrity.

[am. B.C. Regs. 266/2022, Sch. 1, s. 3; 202/2023, Sch. 1, s. 3.]

When facilities are dormant

3.01 (1) Subject to subsection (2), a facility is dormant for the purposes of section 2 if

(a) neither of the following has occurred for the facility over the last 5 calendar years:

(i) the facility has been operated;

(ii) a certificate of restoration has been issued for the site, or

(b) the regulator has received a written notice from the permit holder that the facility is dormant.

- (2) A facility is not dormant for 2 years after the date on which the regulator gives to the permit holder for the facility a written notice under subsection (3).
- (3)

- (4) The regulator may give to a permit holder a written notice for the purposes of subsection (2) in relation to a facility if the regulator is satisfied, having regard to the following factors, that the facility will be operated within a reasonable period of time:
- (a) available reserves of substances to be gathered, processed, measured, stored or disposed of at the facility;
 - (b) economic factors, including, without limitation,
 - (i) the cost to resume the operation of the facility, and
 - (ii) forecast production and prices;
 - (c) safety factors, including, without limitation, facility integrity.
- [en. B.C. Reg. 266/2022, Sch. 1, s. 4; am. B.C. Reg. 202/2023, Sch. 1, s. 3.]

When pipelines are dormant

- 3.02** (1) A pipeline is dormant for the purposes of section 2 if
- (a) the pipeline or part of the pipeline has not transported fluids over the last 5 calendar years, or
 - (b) the regulator has received a written notice from the permit holder that the pipeline is dormant.
- (2) The 5-year period set out in subsection (1) (a) includes any period for deactivating the pipeline or part of the pipeline set out in a plan approved by the regulator under section 9 (4) [*deactivation*] of the Pipeline Regulation or in a condition imposed with respect to an exemption granted under section 14 [*exemptions*] of the Pipeline Regulation.
- [en. B.C. Reg. 266/2022, Sch. 1, s. 4; am. B.C. Reg. 202/2023, Sch. 1, s. 3.]

Former sites

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

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- (a) a facility not solely associated with the energy resource activity permitted by the permit referred to in subsection (1);
- (b) a pipeline not solely associated with the energy resource activity permitted by the permit referred to in subsection (1);
- (c) an energy resource road not solely associated with the energy resource activity permitted by the permit referred to in subsection (1).

[en. B.C. Reg. 266/2022, Sch. 1, s. 5; am. B.C. Reg. 202/2023, Sch. 1, ss. 2 and 4.]

Classifying dormant sites and former sites**4** (1) A site is a type A site if

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

(2) A site is a type B site if

- (a) the site became a dormant site under section 3 (1) (a) and the last of the 5 calendar years referred to in that section is after 2018 and before 2024,
- (b) the site became a dormant site under section 3 (1) (b) and the notice referred to in that section was received before 2024, or
- (c) the site is the former site for a well permit that was cancelled, declared spent or expired after 2018 and before 2024.

(3) A site is a type C site if

- (a) the site became a dormant site under section 3 (1) (a) or (1.1), 3.01 (a) or 3.02 (a) and the last of the 5 calendar years referred to in that section is 2024 or a later calendar year,
- (b) the site became a dormant site under section 3 (1) (b), 3.01 (b) or 3.02 (b) and the notice referred to in that section was received in 2024 or a later calendar year, or
- (c) the site is the former site for a well permit, a facility permit or pipeline permit that was cancelled, declared spent or expired in 2024 or a later calendar year.

[am. B.C. Regs. 288/2020, ss. 4 to 6; 266/2022, Sch. 1, s. 6.]

Identifying priority sites**5** The regulator may identify a type A, B or C site as a priority site, by giving to a permit holder for the site a written notice, if the regulator considers, having regard to the following factors, that it is in the public interest that the site be decommissioned, assessed and restored on an expedited basis:

- (a) the age of the site;
- (b) public safety, including human health;
- (c) the environment;

- (d) social and agricultural values;
- (e) impacts on local communities;
- (f) cultural and environmental values of local ~~Indigenous~~first nations;
- (g) the capacity of the permit holder;
- (h) the permit holder's portfolio of current sites and portfolio of former sites.

[am. B.C. Regs. 288/2020, s. 7; 202/2023, Sch. 1, s. 3.]

Division 3 – Shutdown Activities

Decommissioning

6 A dormant site or a former site is decommissioned for the purposes of this regulation if the permit holder for the site

- (a) does the following, as applicable:
 - (i) if the site is or was the operating area for a well permit, complies with the applicable requirements in section 26 (1) (a) to (c) [*plugging requirements for wells*] of the Drilling and Production Regulation;
 - (ii) if the site is or was the operating area for a facility permit, complies with the applicable requirements in section 79 [*obligations on cancellation or cessation of operations*] of the Drilling and Production Regulation;
 - (iii) if the site is or was the operating area for a pipeline permit, complies with the applicable requirements in section 11 [*obligations on cancellation or cessation of operations*] of the Pipeline Regulation,
- (b) removes from the site any facilities and other equipment that are associated with an energy resource activity that is permitted by the permit, and
- (c) removes from the site any facilities and other equipment that are associated with a related activity of an energy resource activity that is permitted by the permit.

[en. B.C. Reg. 266/2022, Sch. 1, s. 7; am. B.C. Reg. 202/2023, Sch. 1, s. 4.]

Assessment

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

- (a) has the following assessment carried out by or under the supervision of a qualified professional ~~satisfactory to the regulator~~:
 - (i) both stages of a preliminary site investigation described in section 58 (1) (a) and (b) [*preliminary site investigations*] of the Contaminated Sites Regulation;
 - (ii) unless the preliminary site investigation shows that the site meets the numerical standards under section 17 [*numerical standards*] of the Contaminated Sites Regulation, a detailed site investigation

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- described in section 59 (1) and (2) [*detailed site investigations*] of that regulation;
- (b) submits to the regulator a report that
- (i) describes the assessment carried out, ~~and~~
 - (ii) includes the following:
 - (A) the information required to be included in a report under section 58 (5) (c) and (d) of the Contaminated Sites Regulation;
 - (B) if a detailed site investigation is required under paragraph (a) (ii) of this section, the information required to be included in a report under section 59 (3) of the Contaminated Sites Regulation;
 - (C) any other information required by the regulator;
 - (D) any signed statement, of the qualified professional referred to in paragraph (a) or the permit holder, required by the regulator; ~~;~~
and,
(iii) is in the form specified by the regulator,
- (c) takes the actions identified in paragraphs (a) and (b) in relation to all facilities and other equipment that are associated with an energy resource activity permitted by the well permit or the facility permit, as the case may be, and
- (d) in the case of a dormant site or a former site that includes a pipeline right of way, does the following:
- (i) ensures that all areas of potential environmental concern associated with the pipeline are identified and investigated by a ~~person~~ qualified professional
 - ~~(A) is a registrant within the meaning of the Professional Governance Act, and~~
 - ~~(B) through suitable education, experience, accreditation and knowledge, may be reasonably relied on to provide advice within the person's area of expertise as it relates to this regulation;~~
 - (ii) submits an investigation report to the regulator, which report must be in the form ~~and manner required~~ specified by the regulator.

[am. B.C. Regs. 288/2020, s. 8; 266/2022, Sch. 1, s. 8; 202/2023, Sch. 1, ss. 3 and 4.]

Remediation

- 8** (1) A dormant site or former site is remediated for the purposes of this regulation if the regulator gives written notice to the permit holder for the site that
- (a) the regulator is satisfied that the site and any neighbouring lands to which contamination has migrated from the site meet the numerical standards under section 17 [*numerical standards*] of the Contaminated Sites Regulation

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

[am. B.C. Regs. 288/2020, s. 8; 202/2023, Sch. 1, s. 3.]

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Restoration

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

[am. B.C. Regs. 288/2020, s. 9; 266/2022, Sch. 1, s. 9; 202/2023, Sch. 1, ss. 3 and 4.]

PART 2 – DORMANCY AND SHUTDOWN REQUIREMENTS**Division 1 – Default Requirements****Application of this Division**

- 10 (1) The requirements in this Division, as they relate to dormant sites, are prescribed for the purposes of section 43.2 [*requirements to reduce liability*] of the Act.

- (2) The requirements ~~of~~in this Division, as they relate to former sites, are prescribed for the purposes of section 40 (e) [*obligations when permit, permission or authorization expires or is cancelled or spent*] of the Act.

[en. B.C. Reg. 288/2020, s. 11.]

Annual work plan

- 11 (1) A permit holder must, in accordance with this section, develop, and submit to the regulator a copy of, an annual work plan for a calendar year if
- (a) the permit holder's portfolio of current sites includes a dormant site, or
 - (b) the permit holder has a portfolio of former sites.
- (1.1) An annual work plan under subsection (1) must do the following:
- (a) identify, by permit and type,
 - (i) the dormant sites and former sites to be decommissioned in the calendar year,
 - (ii) the dormant sites and former sites to be assessed in the calendar year, and
 - (iii) the dormant sites and former sites to be restored in the calendar year;
- (a.1) identify, by permit and type,
- (i) any eligible sites, as defined in section 22.1 (1), approved for substitution under section 22.1 (3) to be decommissioned, assessed or restored in the calendar year, and
 - (ii) the dormant sites and former sites affected by the substitution and in respect of which specified work is deferred;
- (b) set out the anticipated timelines for the work referred to in paragraph (a);
 - (c) identify any factors that might cause deviations from the plan;
 - (d) include the following contact information:
 - (i) if the permit holder is a corporation, the name, title, telephone number and, if any, email address of a director, officer or employee of the permit holder who may be contacted about the plan;
 - (ii) if the permit holder is an individual, the name, telephone number and, if any, email address of the permit holder;
 - (e) be in the form specified by the regulator.
- (2) An annual work plan under subsection (1) must be developed, and a copy submitted to the regulator, by ~~the following date:~~
- ~~(a) in the case of an annual work plan for 2019, by August 31, 2019;~~November 15 of the prior calendar year.

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~~(b) in the case of an annual work plan for any other calendar year, by the earlier of~~

~~(i) January 30 of the calendar year, and~~

~~(ii) the date that is 60 days before the permit holder does specified work at a dormant site in the calendar year.~~

~~(3) A copy of an annual work plan under subsection (1) must be submitted in the manner specified by the regulator.~~

~~[am. B.C. Regs. 288/2020, s. 12; 202/2023, Sch. 1, s. 3.]~~

Annual report

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

~~(3) A report under subsection (1) must be submitted in the manner specified by the regulator.~~

~~[en. B.C. Reg. 288/2020, s. 13; am. B.C. Reg. 202/2023, Sch. 1, s. 3.]~~

Notification of annual work plan

- 13** (1) For the purpose of discussing a permit holder's annual work plan for a calendar year, the permit holder for a dormant site or former site must make reasonable efforts to meet with an interested person for the site if
- (a) the interested person requests a meeting with the permit holder, or
 - (b) the permit holder has a liability reduction plan that covers the site and the liability reduction plan commits the permit holder to attempt to meet with the interested person about the annual work plan.

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Part 2 – Dormancy and Shutdown Requirements

- (2) ~~13 (1) Before doing specified~~ For the purpose of obtaining feedback on a permit holder's annual work ~~in plan for~~ a calendar year ~~at, the permit holder for~~ a dormant site or former site ~~must, the permit holder~~
- (a) ~~if an interested person~~ for the site ~~must give a written notice in accordance with this section to the~~ contacts the permit holder about the annual work plan, reply to the interested person, and
- (b) ~~if the permit holder has a liability reduction plan that covers the site and the liability reduction plan commits the permit holder to do so, contact an interested persons, if any, person~~ for the site to request feedback on the permit holder's annual work plan.
- (2) ~~A notice under subsection (1) in relation to specified work to be done in a calendar year must be given by the following date:~~
- (a) ~~in the case of 2019, by August 31, 2019;~~
- (b) ~~in the case of any other calendar year, by the earlier of~~
- (i) ~~January 30 of the calendar year, and~~
- (3) A permit holder must respond within 30 days after receiving a request under subsection (1) (a) or being contacted under subsection (2) (a).
- (4) If an interested permit holder must submit to the regulator a report that does the following:
- (a) ~~(i) the date that is 60 days before~~ describes the permit holder ~~does specified work at the site in the calendar year.~~
- (3) ~~A notice under subsection (1) in relation to specified work to be done in a calendar year must include~~
- (a) ~~a draft of the annual work plan for the calendar year, and~~
- (b) ~~a statement that's efforts under this section to meet with~~ an interested person ~~may do one or both of the following:~~
- (i) ~~request a meeting to discuss the plan;~~
- (ii) ~~make a written reply referred to in subsection (5).~~
- (4) ~~If an interested person requests a meeting to discuss the annual work plan, the permit holder must~~
- (a) ~~make reasonable efforts to meet with the person, and~~
- (b) ~~submit a report to the regulator that~~
- (i) ~~describes the efforts made to meet with the person, and~~

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- (b) ~~(ii)~~ if a meeting is held or written submissions exchanged, includes minutes ~~of the meeting or another summary~~ that
- (i) ~~(A) note~~ notes the topics discussed and concerns raised ~~at the meeting~~, and
 - (ii) ~~(B) describe~~ describes any changes ~~that~~ the permit holder has agreed to make to the permit holder's annual work plan.
- (5) ~~If an interested person makes a written reply to a notice~~ A report under subsection (4) ~~within 30 days after receiving the notice, the permit holder must~~
- ~~(a) consider any of following that is set out~~ bc in the reply:
 - ~~(i) reasons why the~~ form specified ~~work should be done on different timelines or in a particular way;~~
 - ~~(ii) scientific, Indigenous and local knowledge,~~
 - ~~(b) within 30 days after receiving the written reply, give to the person a further written notice that includes~~
 - ~~(i) a description of any changes made to the annual work plan, and~~
 - ~~(ii) a statement that the permit holder will submit a copy of the notice, reply and further notice to the regulator, and~~
 - ~~(c) as soon as practicable after giving the further notice, submit a copy of the notice, reply and further notice to~~ by the regulator.

Notification of intention to begin work

- 14 ~~At least 30 days before doing~~ (1) Before a permit holder does specified work in a calendar year at a dormant site or former site that is not identified in the permit holder's annual work plan for the calendar year, the permit holder ~~for the site~~ must ~~notify in writing the~~ give written notice to each interested ~~persons~~ person, if any, for the site.
- (2) A notice under subsection (1) must be given as far in advance as is practicable before doing the specified work.
- (3) The permit holder must prepare and maintain a record that describes all of the following:
- (a) each notice given by subsection (1); any concerns raised by any interested person in relation to the site;
 - (b) any actions taken by the permit holder in response to concerns raised by the interested person.

[am. B.C. Reg. 288/2020, s. 15.]

Type A sites

- 15 (1) A permit holder for type A sites that were not decommissioned by December 31, 2018 must decommission those sites as follows:

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

[am. B.C. Reg. 288/2020, s. 16.]

Type B sites

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

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Type C sites

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

[am. B.C. Regs. 288/2020, s. 17; 266/2022, Sch. 1, s. 10.]

Priority sites

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

Division 2 – Liability Reduction Plans

18.1 In this Division:

“qualifying site” means all of the following:

- (a) a site that became a dormant site under section 3 (1) (a);
- (b) a site that became a dormant site under section 3 (1) (b);
- (c) a site that is the former site for a well permit that was cancelled, declared spent or expired after 2018;

“tier 1 qualifying site count” means at least 100 and no more than 500 qualifying sites;

“tier 2 qualifying site count” means more than 500 qualifying sites.

Liability reduction plans

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

(3) A liability reduction plan must be in the form specified by the regulator.

[am. B.C. Regs. 288/2020, s. 18; 202/2023, Sch. 1, s. 3.]

~~Approval of liability reduction plan for former sites~~

~~19.1 (1) If the regulator approves a liability reduction plan that covers a former site, the requirements in Division 1 do not apply in relation to the former site, except to the extent set out in the liability reduction plan.~~

~~(2) Without limiting any other power of the regulator, if a permit holder does not comply with an approved liability reduction plan that relates to a former site, the regulator may revoke the approval of that plan.~~

~~[en. B.C. Reg. 288/2020, s. 19; am. B.C. Reg. 202/2023, Sch. 1, s. 3.]~~

Eligibility to submit liability reduction plan

20 (1) A permit holder is eligible to submit a liability reduction plan under section 19 if ~~(a) the permit holder~~^{2s} has a portfolio of current sites and or a portfolio of former sites includes, in combination, more than 100 type A sites, or and the portfolios, alone or together, include a tier 1 qualifying site count or tier 2 qualifying site count.

(2) (b) Without limiting subsection (1), a permit holder is eligible to submit a liability reduction plan under section 19 if the permit holder has previously had a liability reduction plan approved.

~~[am. B.C. Reg. 288/2020, s. 20.]~~

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Notification of**Engagement on a liability reduction plan**

- 21 (1) ~~This section applies in relation to a~~ A permit holder who intends to submit ~~under section 19~~ a liability reduction plan that covers a ~~dormant site or former site dormant site or former site~~ for which a local ~~Indigenous first~~ nation is identified.
- ~~(2) The permit holder must give a written notice to the local Indigenous nation that includes~~
- ~~(a) a copy of the portion of the liability reduction plan that relates~~ must, before submitting the plan, make reasonable efforts to meet with the local first nation to discuss the plan.
- ~~(2) If a local first nation identified in relation to a dormant site or former site requests a meeting with the permit holder for the site to discuss the permit holder's liability reduction plan, or contacts the permit holder about the plan, the permit holder must~~
- ~~(a) respond to the local first nation within 30 days of receiving the request or being contacted, and~~
- ~~(b) in the case of a meeting request, make reasonable efforts to meet with the local first nation.~~
- ~~(3) (b) a statement~~ A permit holder must submit to the regulator a report that ~~the nation may do one or both of~~ does the following:
- ~~(a) describes the permit holder's efforts under this section to meet with a local first nation;~~
- ~~(b) if a meeting is held or written submissions exchanged, includes minutes or another summary that~~
- ~~(i) notes the topics discussed and concerns raised, and~~
- ~~(ii) describes any changes the permit holder has agreed to make to the permit holder's liability reduction plan.~~
- ~~(4) A report under subsection (3) must be in the form specified by the regulator.~~
- ~~(i) request a meeting to discuss the plan;~~
- ~~(ii) make a written reply referred to in subsection (4).~~
- ~~(3) If the local Indigenous nation requests a meeting to discuss the liability reduction plan, the permit holder must~~
- ~~(a) make reasonable efforts to meet with the nation, and~~
- ~~(b) submit a report to the regulator that~~
- ~~(i) describes the efforts made to meet with the nation, and~~
- ~~(ii) if a meeting is held, includes minutes of the meeting that~~

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- ~~(A) note the topics discussed and concerns raised at the meeting, and~~
- ~~(B) describe any changes that the permit holder has agreed to make to the liability reduction plan.~~
- ~~(4) If the local Indigenous nation makes a written reply to a notice under subsection (2) within 30 days after receiving the notice, the permit holder must~~
- ~~(a) consider any of following that is set out in the reply:~~
- ~~(i) reasons why specified work covered by the plan should be done on different timelines or in a particular way;~~
- ~~(ii) scientific, Indigenous and local knowledge;~~
- ~~(b) within 30 days after receiving the written reply, give to the nation a further written notice that includes~~
- ~~(i) a description of any changes made to the liability reduction plan, and~~
- ~~(ii) a statement that the permit holder will submit a copy of the notice, reply and further notice to the regulator, and~~
- ~~(c) as soon as practicable after giving the further notice, submit a copy of the notice, reply and further notice to the regulator.~~
- [am. B.C. Regs. 288/2020, s. 24; 202/2023, Sch. 1, s. 3.]

Basic requirements

- 22 (1) A liability reduction plan must identify all of the following as applicable:
- (a) the dormant sites and former sites that are covered by the plan, and on the date the permit holder submits the plan to the regulator;
- (b) any circumstances in which the following sites the permit holder anticipates will become dormant sites or former sites during the period covered by the plan:
- ~~(i) a site that becomes a dormant site or former site but~~ after the plan is approved;
- ~~(c) (ii) a~~ the dormant ~~sites~~ sites for which the permit holder ~~acquires~~ anticipates acquiring the permit during the period covered by the plan but after the plan is approved;
- (d) the circumstances in which sites referred to in paragraph (b) will become dormant sites or former sites;
- (e) the circumstances in which the permit holder will acquire the permits for the dormant sites referred to in paragraph (c).
- ~~(2) A liability reduction plan must~~
- ~~(a) cover a period of no more than 6 calendar years, and~~
- ~~(b) for each of those calendar years, specify, by field and type,~~

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- (a) cover a period of no more than 15 calendar years,
- (b) for each of those calendar years, specify
- (i) the number of dormant sites and former sites covered by the plan to be decommissioned in the calendar year,
 - (ii) the number of dormant sites and former sites covered by the plan to be assessed in the calendar year, and
 - (iii) the number of dormant sites and former sites covered by the plan to be restored in the calendar year, and
- ~~(3) A liability reduction plan must be consistent with the assessment of the dormant sites and former sites covered by the plan within the following timelines:~~
- ~~(a) in the case of a type A site that was decommissioned by December 31, 2018, by December 31, 2033;~~
 - ~~(b) in the case of a type B site that was decommissioned in or before the reference year for the site, by December 31, 2033; A liability reduction plan must~~
 - ~~(c) in the case of any other dormant site or former site, by December 31 of the calendar year that is 2 calendar years after the calendar year in which the site is decommissioned. be in the form specified by the regulator.~~
- (2) ~~(4)~~ A liability reduction plan must be consistent with the following timelines for the restoration of the dormant sites and former sites covered by the plan ~~within the following timelines:~~
- (d) in the case of a type A or type B site that is included in a tier 1 qualifying site count, by December 31, 2036;
 - (e) in the case of a type C site that is included in a tier 1 qualifying site count, by December 31 of the calendar year that is 10 calendar years after the reference year for the site;
 - (a) in the case of a type A or type B site that is included in a tier 2 qualifying site count, by December 31, 2041;
 - (b) in the case of a type C site that is included in a tier 2 qualifying site count and will become a dormant site before January 1, 2032, by December 31, 2041;
 - (c) in the case of a type C site that is included in a tier 2 qualifying site count and will become a dormant site on or after January 1, 2032, by December 31 of the calendar year that is 10 years after the reference year for the site.
- (3) ~~(5)~~ A liability reduction plan must include specific plans for the decommissioning, assessment and restoration of the following

- (a) priority sites;
 - (b) dormant sites and former sites within a relevant geographic area, as defined in section 22.1.
- (4) If in relation to a liability reduction plan, a permit holder has made a commitment to a local first nation, if any, identified for a dormant site or former site covered by the plan, the commitment must be included in the plan.
- (5) A liability reduction plan must specify, for each type of dormant site that is covered by the plan, the maximum number of dormant sites of that type for which the permit holder may transfer the permit.
- (6) ~~(6)~~ A liability reduction plan must specify demonstrate that the permit holder will, for in each type of dormant site that is calendar year covered by the plan, the maximum decommission, assess and restore a number of dormant sites of that type for which or former sites sufficient to
- (a) reduce the permit holder may transfer the permit's portfolio of current sites or portfolio of former sites, or both, within the calendar year, and
 - (b) comply with the timelines for restoration set out in subsection (3).

[am. B.C. Reg. 288/2020, s. 22.]

Substitution of sites under liability reduction plans

22.1 (1) In this section:

“eligible permit holder” means a permit holder who has

- (a) an approved liability reduction plan, and
- (b) a portfolio of current sites or a portfolio of former sites and the portfolios, alone or together, include a tier 1 qualifying site count or a tier 2 qualifying site count;

“eligible site” means a site other than a dormant site or former site;

“relevant geographic area” means a geographic area determined by the regulator after engaging with a local first nation identified for a site within the geographic area;

“specified work” includes work to decommission, assess or restore an eligible site as if those terms applied in relation to the eligible site.

- (2) If an eligible permit holder wishes to do specified work on one or more eligible sites instead of on one or more dormant sites or former sites covered by the permit holder's liability reduction plan, the eligible permit holder must do the following:

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- (a) if the affected dormant sites or former sites are located outside a relevant geographic area,
 - (i) notify the land owners of the affected dormant sites or former sites that specified work in relation to those sites may be deferred, and
 - (ii) prepare and maintain a record of that notification and any response received from the land owners;
- (b) give the regulator a written notice that
 - (i) identifies the affected eligible sites, dormant sites and former sites, and
 - (ii) if applicable, is accompanied by the record referred to in paragraph (a) (ii).
- (3) If, after receiving a notice under subsection (2) (b) from an eligible permit holder, the regulator approves the permit holder's proposed substitution and the permit holder does specified work on one or more eligible sites,
 - (a) the time by which the permit holder must, under section 22 (3) (a) to (e), restore the dormant sites or former sites identified in the notice is extended by a period of up to 5 years, as determined by an official, and
 - (b) if the regulator is satisfied that the specified work on the eligible sites has been done, the specified work may be considered for the purposes of section 22 (7) (a) as if the eligible sites are dormant sites or former sites.
- (4) Subsection (3) does not apply if a dormant site or former site in respect of which restoration timelines would be extended is a priority site or located within a relevant geographic area.

Remedial liability reduction plans

- 22.2** (1) Despite sections 19 and 20, a permit holder may submit to the regulator a liability reduction plan if
- (a) the permit holder is eligible under subsection (2) of this section,
 - (b) if applicable and subject to subsection (6) of this section, the permit holder has engaged under section 21 with local first nations in relation to the plan, and
 - (c) the plan meets the following requirements:
 - (i) the requirements in this section;
 - (ii) the requirements in section 22 (1), (2), (4) to (6) and (7) (a);
 - (iii) the requirements in sections 23 to 25.
- (2) Subject to subsection (3), a permit holder is eligible to submit a liability reduction plan under subsection (1) if
- (a) the permit holder has
 - (i) a portfolio of current sites or a portfolio of former sites and the portfolios, alone or together, include at least 5 qualifying sites, or

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Annual report

- 24** (1) A liability reduction plan must require the permit holder to submit to the regulator, within 60 days after the end of each calendar year covered by the plan, a report on the calendar year.
- (2) A report under subsection (1) must do the following:
- (a) identify, by permit and type,
 - (i) the dormant sites and former sites covered by the plan that were decommissioned in the calendar year,
 - (ii) the dormant sites and former sites covered by the plan that were assessed in the calendar year,
 - (iii) the dormant sites and former sites covered by the plan that were restored in the calendar year, and
 - (iv) the dormant sites covered by the plan for which the permit holder transferred the permit in the calendar year;

(a.1) identify, by permit and type,

- (i) any eligible sites, as defined in section 22.1 (1), approved for substitution under section 22.1 (3) that were decommissioned, assessed or restored in the calendar year, and
 - (ii) the dormant sites or former sites affected by the substitution and in respect of which specified work is deferred;
- (b) identify whether the permit holder is in compliance with the plan and, if not, the measures the permit holder proposes to take to correct the non-compliance and prevent further non-compliance with the plan;
 - (c) include the following:
 - (i) a copy of the annual work plan referred to in section 23 for the calendar year and an explanation of any deviations from that plan;
 - (ii) any other information required by the regulator;
 - (iii) a statement, signed by the permit holder or a director or officer of the permit holder, that the annual report is accurate and complete;
 - (d) be in the form specified by the regulator.

~~(3) A report under subsection (1) must be submitted in the manner specified by the regulator.~~

~~[en. B.C. Reg. 288/2020, s. 23; am. B.C. Reg. 202/2023, Sch. 1, s. 3.]~~

Notification

- 25** A liability reduction plan must require the permit holder to comply with
- (a) section 13 [*notification of annual work plan*], in relation to the annual work plan referred to in section 23, and
 - (b) section 14 [*notification of intention to begin work*].

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Pipeline deactivation timelines

25.1 In the event of a conflict, a timeline set out in section 17 [*type C sites*] or 22 [*basic requirements*] of this regulation prevails over a timeline set out in a plan approved by the regulator under section 9 (4) (a) [*deactivation*] of the Pipeline Regulation.

[en. B.C. Reg. 266/2022, Sch. 1, s. 11; am. B.C. Reg. 202/2023, Sch. 1, s. 3.]

Division 3 – General**Invasive plant compliance record**

25.2 A person who carries out energy resource activities within an operating area must prepare and maintain an invasive plant compliance record that describes the activities carried out for the purpose of complying with the obligations described in section 15 of the Environmental Protection and Management Regulation, including all of the following:

- (a) the assessment and monitoring activities carried out for the purpose of determining whether invasive plants
 - (i) are present or established, or may become established, or
 - (ii) have spread to adjacent areas;
- (b) the location, type and distribution of each species of invasive plants found through assessment and monitoring activities;
- (c) the activities carried out for the purpose of preventing the following:
 - (i) the transportation of seed, plant parts or propagules of invasive plants;
 - (ii) the establishment of invasive plants, including the removal of invasive plants;
- (d) the revegetation activities carried out, including the plant species used for revegetation;
- (e) the activities carried out for the purpose of ensuring that revegetated plants are successfully established;
- (f) with respect to the activities described in this section,
 - (i) the dates on which the activities were carried out, and
 - (ii) the processes and equipment used in carrying out the activities;
- (g) the qualifications of the persons
 - (i) carrying out assessment and monitoring activities, and
 - (ii) supervising the activities described in this section.

[en. B.C. Reg. 145/2023, App. 1, s. 1; am. B.C. Reg. 202/2023, Sch. 1, s. 5.]

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Records

- 26** The records, reports and plans required under this regulation are prescribed for the purposes of section 38 of the Act.

[en. B.C. Reg. 145/2023, App. 1, s. 2.]

Exemptions

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

[en. B.C. Reg. 266/2022, Sch. 1, s. 13.]

PART 3

- 27 and 28** Repealed. [B.C. Reg. 288/2020, s. 24.]