

Compliance and Enforcement

What is Compliance?

Compliance is the act of obeying a rule or a policy, such as when an operator adheres to an industry requirement, restriction or procedure. The British Columbia Energy Regulator (BCER) expects all energy operators working in B.C. to comply with the [Energy Resource Activities Act](#) (ERAA), its specified enactments and related regulations in their day-to-day operations.



What is Enforcement?

For the BCER, enforcement is our process of ensuring energy companies operate according to the acts and regulations under our authority. This includes performing inspections to quickly identify, correct and enforce the changes necessary to redirect operators back into compliance with regulation if non-compliance is identified.

Operators are ultimately responsible for ensuring they understand and meet all ERAA requirements and are aware of their responsibilities outside of the BCER's jurisdiction.



When Does Compliance Begin?

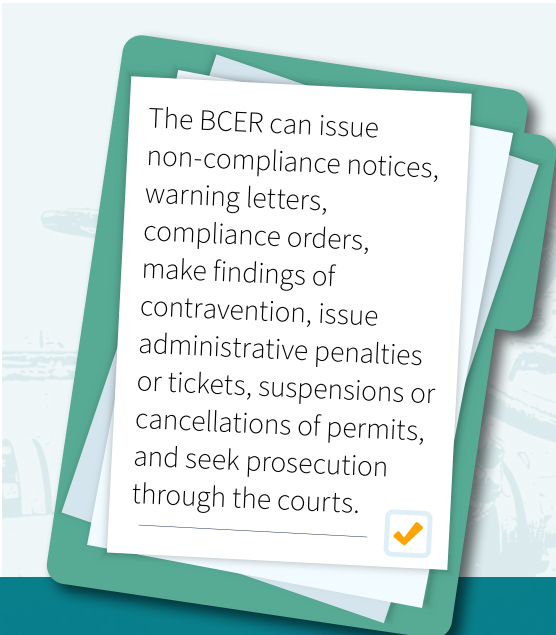
Compliance begins even before an activity application is submitted to the BCER. Regulations guide operators during their pre-activity planning as early as resource tenure acquisition with compliance continuing through subsequent consultation and notification with potentially affected parties.

Operators are expected to observe and adhere to specific requirements during land access agreements, site assessments, land use discussions and throughout the permit application process.

How Are Applications Reviewed for Compliance?

We review applications to determine if they capture all legal requirements and incorporate measures to safeguard the environment, protect public safety and conserve energy resources. During the review process, we can require applications be changed or amended to accommodate factors arising from consultations with Indigenous communities, land owner concerns, technical assessments and other matters.

If approved, our inspectors monitor a project from initial startup until operations cease and the land is returned to its pre-activity state. From beginning to end, we help companies understand new or existing laws so they can meet or exceed the standards required of them. Additionally, new innovations in science, technology and energy conservation are encouraged to continuously improve best management practices.



The BCER can issue non-compliance notices, warning letters, compliance orders, make findings of contravention, issue administrative penalties or tickets, suspensions or cancellations of permits, and seek prosecution through the courts.

It isn't until compliance with each stage of the application process is met, and any permits issued, that an energy activity may begin.

How Do We Enforce Compliance?

We use a graduated non-compliance response model when appropriate, ranging from non-compliance notices to more formal, statutory enforcement actions. This graduated approach ensures response actions are commensurate with the non-compliance and our resources are allocated for maximum effect.

Our enforcement process includes a wide array of active measures and tools at our disposal:

1 Monitoring and Inspection

Compliance is accomplished through proactive monitoring and inspection. We oversee energy activities and investigate and take enforcement action with operators when alleged non-compliance is identified.

The findings of Inspections are posted [here](#).

2 Tracking

Inspection results are communicated with energy companies for action. If an energy company is found to have a high-risk non-compliance issue, they must take action immediately.

3 Escalation

If a non-compliance issue is not addressed properly, we may respond with escalated enforcement actions.

Enforcement Actions may be found [here](#).

4 Orders

We have the authority to order corrective work or even shut down operations not in compliance with the law.

This can occur if a company does not comply with the requirements outlined in their permits. An Order can also be issued to mitigate a risk to public safety, to protect the environment or to promote conservation of energy resources.

Enforcement Orders can be found [here](#).

5 Penalties

Failure to comply with an Order issued by the BCER may result in an energy company being found in contravention of the law and subject to an administrative monetary penalty, ticket or prosecution in provincial court.

Contravention Decisions can be found [here](#).

We work
as partners with
the [Aboriginal Liaison
Program](#) conducting
joint inspections of
energy infrastructure
on the land
base.

Inspections often include the assessment of several associated activities. When classified by activity type, an average of 15,000 inspections are conducted annually on such infrastructure and activities as facilities, geophysical, roads, cutting permits, water use and more.



To encompass the wide-ranging aspects of our compliance and enforcement duties, and to ensure our inspections are comprehensive, we work collaboratively with several partner agencies. This cooperation allows for informed data exchange, information sharing and the merging of skillful expertise during audits, inspections and investigations. Some of the government regulatory agencies we work closely with include:

- Ministry of Environment and Climate Change Strategy's Environmental Assessment Office and Spill Response.
- Ministry of Forests' Compliance and Enforcement Branch.
- Ministry of Energy, Mines and Low Carbon Innovation's Mines Branch.
- Canada Energy Regulator.
- Environment and Climate Change Canada.
- Department of Fisheries and Oceans.



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