Reclamation: Legislative / Regulatory Requirements

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1) Legislation
   • Environmental Protection and Enhancement Act (EPEA)
   • Conservation and Reclamation Regulation (C&R Reg)
   • Public Lands Act (PLA)
   • Public Lands Administrative Regulation (PLAR)

2) Terminology:
   • Equivalent Land Capability
   • Specified and Non Specified Land Activities
   • Land Use Decisions for Reclamation
   • Progressive / Interim Reclamation
   • Closure Tools
Environmental Protection and Enhancement Act (EPEA)

- Proclaimed in 1993

- Purpose
  - Support and promote the protection and enhancement and wise use of the environment
  - Air, land and water, all layers of the atmosphere, organic and inorganic matter, living organisms, and the interacting natural systems that include the above

- Administered by Alberta Environment and Parks (AEP)
  - Designated Inspectors are from Alberta Environment and Parks
  - Ten main parts of the Act

- 1) Administration
- 2) Environmental Assessment and Approvals
- 3) Activities Requiring Notice
- 4) Environmental Appeals Board
  - 5) Release of Substances
  - 6) Conservation and Reclamation
- 7) Potable Water
- 8) Hazardous Substances and Pesticides
- 9) Waste Management
- 10) Enforcement
EPEA Terminology:

• Conservation: means the planning, management and implementation of an activity with the objective of protecting the essential physical, chemical, and biological characteristics of the environment against degradation.

• Reclamation: means the work done to return equivalent land capability and includes any or all of the following:
  • (i) the removal of equipment or buildings or other structures or appurtenances
  • (ii) The decontamination of buildings or other structures or appurtenances, or land or water
  • (iii) The stabilization, contouring, maintenance, conditioning, or reconstruction of the surface of the land
  • (iv) Any other procedure, operation, or requirement specified in the regulations

• Remediation: means the work done to treat and/or dispose of contamination.

• Reclamation Certificate: Legal document that transfers reclamation liability from the operator to the Crown, and allows for the termination of surface agreements.

• Reclamation Inquiry: Site assessment with Inspector, the landowner, and company representative.
**EPEA: Key Sections**

- **Part 5 – Release of Substances**
  - Section 109: Prohibits the release of a substance that causes or may cause a significant adverse effect
    - Impairment of or damage to the environment, human health, or safety, or property
  - Section 110: Duty to report release
  - Section 112: Duty to take remedial measure

- **Part 6 – Conservation and Reclamation**
  - Section 136: Conduct a reclamation inquiry
  - Section 137: duty to “conserve” and “reclaim” “specified lands”
  - Section 138: issuing and refusing to issue reclamation certificates
Conservation and Reclamation Regulation

Inquiries and Environmental Protection Orders (Sections 6 to 8):
- Removes requirement for inquiry (i.e., site visit) prior to issuance or cancellation of a reclamation certificate for wellsites;
- Environmental Protection Orders (EPO), way to ensure C&R activities are undertaken and completed

Content for Reclamation Certificate Applications (Section 12):
- Reclamation certificate application must contain the information in respect of the specified land that is required in a form provided by the Director for that purpose

Liability (Section 15):
- Upstream Oil & Gas: Extends industry liability period for reclamation from 5 to 25 years

Security (Section 16 to 24):
- Ability to collect security for certain specified lands (e.g., mines)

Closure:
- Reclamation Certificate: Legal document that transfers reclamation liability from the operator to the Crown, and allows for the termination of surface agreement
C&R Regulation: Terminology

- **Plant:** means all buildings, structures, process equipment, pipelines, vessels, storage and material handling facilities, roadways and other installations used in and for any activity listed in section 2 of the Schedule of Activities in *EPEA*, including the land that is used in or for the activity;

- **Specified Land:** Land that is being used for or connected to the construction, operation or reclamation of a well, battery, pipeline, plant, pit, quarry, coalmine, roadway, oilsands project etc.
  - Amended in 2018 to include Renewable Energy Operations (e.g., wind, solar, geothermal)
  - Does not include federal land, agricultural operations, or subdivided land used for residential purposes

- **Equivalent Land Capability:** The ability of the land to support various land uses after conservation and reclamation is similar to the ability that existed prior to an activity being conducted on the land, but that the individual land use will not necessarily be identical
Public Lands Act

Definitions:

- Conservation: The planning, management, and implementation of an activity with the objective of protecting the essential physical, chemical and biological characteristics of the environment against degradation.

- Equivalent Capability...the condition in which ecosystem processes are functioning in a state that will support the production of ecosystem goods and services consistent in quality and quantity as present prior to disturbance

- Public Land: means land of the Crown in right of Alberta

Terms & Conditions

- Provides the authority for the Minister or his designate to impose conditions of a disposition or renewal

- Disposition holders are bound by this Act therefore, conditions which may require reclamation, must be complied with
Duties of holders (Section 21)
- 21(1) The holder of a formal disposition / authorization:
  - must, on the expiry, cancellation, surrender or abandonment of the formal disposition, reclaim the subject land to an equivalent land capability,

Reclamation of Land (Section 23)
- Applies to dispositions on both specified and non-specified land activities
  - Specified Land = Reclamation Certificate under *EPEA*
  - Non-specified land = Letter of Clearance
- Either way, there are remedies (Orders) to ensure conservation and reclamation on public land.

Duties of holders (Section 21)
- 21(1) The holder of a formal disposition / authorization:
  - must, on the expiry, cancellation, surrender or abandonment of the formal disposition, reclaim the subject land to an equivalent land capability,

Reclamation of Land (Section 23)
- 23(1) The director may, on application by the holder of a disposition or on the director’s own initiative, issue an approval to a person for the restoration and reclamation of the subject land.
  - 23(2) An approval issued under this section may
    - (a) require or permit the holder to restore the land to
      - (i) an equivalent land capability, or
      - (ii) a condition that complies with the Act, this Regulation and any applicable ALSA regional plan,
Closure Tools

Reclamation Certificates (EPEA)

Specified Lands (EPEA)

Reclamation Criteria
- Upstream Oil and Gas and Associated Facilities
- Oil Sands Exploration

Conservation And Reclamation Plans
- Sand and Gravel
- Oil Sands Mines
- In situ Oil Sands
- Coal Mines
- Peat Operations
- Transmission Lines

Letters of Clearance (PLAR or MMA)

Non-Specified Lands (PLA/MMA)

Forestry Permanent Roads under DLO disposition

Geophysical

Miscellaneous leases (campgrounds, recreational, airstrips, etc.)

Power Lines

Wind Power / Solar

Note:
* AER regulated activities;
** EPEA Surface Liability Period of 25 years only applies to Upstream Oil and Gas
QUESTIONS?