

Information for Landowners on Consent for the Disposal, Treatment, or Storage of Drilling Wastes

You are receiving this document because a representative of an oil and gas company recently approached you regarding plans to dispose, treat, or store drilling wastes on your land. This drilling waste is generated when an oil or gas well is drilled or during directional drilling activities for the construction of a pipeline. It is important to appropriately manage drilling waste to

- protect the quality of soils receiving drilling waste,
- prevent the migration of drilling waste from the disposal area,
- protect the quality of surface water by ensuring that there is enough distance between the disposal area and a water body, and
- minimize the amount of land disturbed for disposal operations.

The Energy Resources Conservation Board (ERCB) requires companies to manage drilling wastes according to ERCB *Directive 050: Drilling Waste Management* and provide landowners with information about any drilling waste management activity the company plans to conduct on the owner's land.

While the ERCB does not require companies to obtain landowner consent to manage drilling waste on the lease of a well site or an area of a pipeline right-of-way disturbed for pipeline construction, landowners may choose to impose restrictions or conditions around drilling waste management at the time the surface lease or right-of-entry agreements are being drafted. Therefore, it is important that landowners obtain information directly from the companies about their drilling waste management plans. Any decision regarding the monitoring of additional conditions or restrictions is between the landowner and the company generating the drilling waste.

Landowner Consent—Ask Before Providing Consent

Companies must obtain landowner consent to

- manage drilling waste from pipeline construction activities on the pipeline right-of-way when the surface of the right-of-way has been restored and is being used by the landowner;
- manage drilling waste on land beyond the well-site lease or pipeline right-of-way boundaries using disposal methods called landspray, landspray-while-drilling, or pump-off; and
- place “cement returns” (excess cement that flows back to surface when setting a well casing) in pits on a well-site lease or remote drilling waste storage site when the collective area of one or more pits exceeds four square metres.

Landowners may also be approached by companies wishing to use an area of land to store or treat drilling wastes. This area of land is called a remote site because it is not located on the well site or pipeline right-of-way that generated the drilling waste. Companies must enter into a written agreement (e.g., surface-lease agreement or a right-of-entry agreement) with the landowner for the remote site. While companies must follow *Directive 050* requirements when managing drilling wastes on a remote site, landowners can impose restrictions or additional conditions not covered in the directive when drafting the written agreement. Any monitoring of the additional conditions or restrictions is between the landowner and the company.

Landowners are not obligated to consent to these drilling waste management activities, including entering into a written agreement for a remote site. Companies also have the option of sending drilling wastes to approved waste management facilities.

While the requirements in *Directive 050* have been designed to protect soil quality, a landowner's decision concerning drilling waste management activities may be influenced by conditions specific to the landowner. Landowners should feel free to raise concerns or questions and companies are expected to provide responses. Landowners have the right to withhold their consent.

The ERCB encourages landowners to carefully consider drilling waste disposal and management requests and meet with company representatives to discuss the proposed operations. The discussion should include the overall disposal or management plan being proposed, any measures that could be put in place to reduce potential adverse effects, and any potential alternatives to the proposal.

Additional information, including a copy of ERCB *Directive 050: Drilling Waste Management* and *Frequently Asked Questions on Drilling Waste Management*, can be found at www.ercb.ca under Industry Zone : Rules, Regulations, Requirements : Directives : Directive 050.

Landowners who have more questions about the regulation of drilling waste management can contact the ERCB toll free at 1-855-297-8311.