

## Decision 20200520B

### **Unilateral Amendment to Approval Conditions for Operators under the *Oil and Gas Conservation Act* regarding Monitoring in response to COVID-19 Under the *Environmental Protection and Enhancement Act*, *Water Act*, and *Public Lands Act***

WHEREAS the Government of Alberta has declared a state of public health emergency due to pandemic COVID-19 and the significant likelihood of pandemic influenza, by Order in Council 080/2020;

And WHEREAS the Government of Alberta has issued a number of COVID-19 orders under the *Public Health Act* and the Chief Medical Officer of Health has issued guidelines to ensure the safety of Albertans and its workers (COVID-19 Orders and Guidelines);

And WHEREAS all operators under the *Oil and Gas Conservation Act* (the Operators) who are the holders of approvals, registrations, licences, preliminary certificates and dispositions issued to them by the Alberta Energy Regulator, or its predecessor, under the *Environmental Protection and Enhancement Act*, the *Water Act* and the *Public Lands Act* (the Approvals) related to the oil and gas infrastructure operated by them;

And WHEREAS it is not practical to name all of the Operators individually that are affected by this decision because of the large number of Operators;

And WHEREAS the Alberta Energy Regulator has received legitimate concerns and information demonstrating that the Operators will not be able to meet certain monitoring requirements contained in the Approvals while complying with the COVID-19 Orders and Guidelines;

And WHEREAS certain of the Approvals' monitoring requirements are incompatible with the Operators' compliance with the COVID-19 Orders and Guidelines;

And WHEREAS the Alberta Energy Regulator recognizes the importance of ensuring environmental monitoring and protection as part of responsible energy development;

And WHEREAS the Alberta Energy Regulator recognizes that enabling reasonable compliance with the COVID-19 Orders and Guidelines to ensure public safety and safety of essential workers is also an important aspect of responsible energy development;

And WHEREAS the Alberta Energy Regulator has the authority to amend approval conditions relating to monitoring requirements on its own initiative under the *Environmental Protection and Enhancement Act*;

And WHEREAS the Alberta Energy Regulator has the authority to amend approval conditions relating to monitoring requirements on its own initiative under the *Water Act*;

And WHEREAS the Alberta Energy Regulator has the authority to amend approval conditions relating to monitoring requirements on its own initiative under the *Public Lands Act*;

And WHEREAS the *Alberta Land Stewardship Act* acknowledges that actions may need to be taken for the purpose of public health or safety, or in response to an emergency, that are inconsistent with a regional plan;

And WHEREAS the Alberta Energy Regulator finds it necessary and appropriate to balance the need for monitoring of environmental conditions with the need to ensure public safety and safety of essential workers during this public health emergency;

And WHEREAS the Alberta Energy Regulator, in carrying out its duties and functions imposed on it by the *Responsible Energy Development Act* and any other enactments, may do all things that are necessary for or incidental to the carrying out of any of those duties or functions;

THEREFORE, the Alberta Energy Regulator decides as follows:

- 1) The Approvals are hereby amended to temporarily suspend the requirements for monitoring and activities incidental to monitoring as follows:
  - a) Volatile organic compounds (VOC) / reduced sulphur compound (RSC) monitoring, including fugitive emissions surveys carried out by third-party contractors. Refer to the COVID-19 web content on the Alberta Energy Regulator's website for requirements related to fugitive emissions surveys for oil and gas operations;
  - b) Fugitive emissions Leak Detection and Repair (LDAR) programs carried out by third-party contractors. Methane monitoring requirements for oil and gas operations must still be met. Refer to the COVID-19 web content on the Alberta Energy Regulator's website for details;
  - c) Surface water quality testing and analysis with the exception of surface water releases to the environment;
  - d) Lab testing for water released except for domestic wastewater releases. Field measurements must be used if not performing lab analysis, including for pH, chlorides, turbidity, and dissolved oxygen where applicable. Where applicable, visual inspections for visible foam, floating solids, and oil and grease sheen must continue;
  - e) All soil monitoring requirements under *Environment Protection and Enhancement Act* approvals with the exception of any monitoring that is necessary to protect human health and ecological receptors. The requirements for this monitoring resume by no later than September 30, 2020, with at least one monitoring event taking place in 2020;

- f) All groundwater monitoring requirements under *Environment Protection and Enhancement Act* approvals with the exception of any monitoring that is necessary to protect human health and ecological receptors. The requirements for this monitoring resume by no later than September 30, 2020, with at least one monitoring event taking place in 2020;
  - g) All groundwater sampling in 2020 under *Water Act* licences and approvals;
  - h) Quality Assurance Plan (QAP) Audits and verifications, including third-party audits for *Continuous Emission Monitoring System (CEMS) Code*; and
  - i) Manned gate access control when alternate access control is in place;
- 2) For greater certainty, this decision is in effect immediately and remains in effect until otherwise directed by the Alberta Energy Regulator.

Dated in Calgary, Alberta, on May 20, 2020.

**Alberta Energy Regulator**

Martin Foy  
Executive Vice President (Interim), Operations Division