

*Bill 82*

## **MINERAL RESOURCE DEVELOPMENT ACT**

### Chapter M-16.8

*(Assented to December 2, 2021)*

#### *Table of Contents*

#### **Part 1**

##### **Interpretation and Application**

- 1 Interpretation
- 2 Purposes of Act
- 3 Application of Act

#### **Part 2**

##### **Schemes, Wells and Facilities**

- 4 Application of Part
- 5 Designation of wells and facilities
- 6 Approval of schemes
- 7 Transfer of approvals
- 8 Cancellation, suspension and orders — approvals
- 9 Prohibitions and obligations — licences
- 10 Prohibition on reworking wells and facilities
- 11 Licences
- 12 Transfer of licences
- 13 Cancellation, suspension and orders — licences
- 14 Suspension and abandonment
- 15 Suspension and abandonment by Regulator
- 16 Continuing liability
- 17 Reasonable care, measures to prevent impairment or damage
- 18 Extended obligation
- 19 Remedial action
- 20 Costs
- 21 Sale of equipment, installation or material
- 22 Enforcement of orders
- 23 Enforcement of lien and garnishment
- 24 Actions re principals

#### **Part 3**

##### **Mines, Mine Sites and Processing Plants**

- 25 Application of Part
- 26 Disposition of applications
- 27 Requirement for permit
- 28 Requirement for licence
- 29 Requirement for approval
- 30 Transfer of permits, licences and approvals
- 31 Cancellation, suspension and orders
- 32 Restriction on suspension or abandonment
- 33 Direction or order to suspend or abandon
- 34 Regulator's power to take action
- 35 Continuing liability
- 36 Obligations unaffected by agreement
- 37 Departure from program of operations
- 38 Direction to alter program of development or operations
- 39 Mine plans
- 40 Availability of information

**Part 4**  
**General**

- 41 Overriding provisions
- 42 Compliance with other Acts
- 43 Jurisdiction of Regulator
- 44 Order or direction of Regulator
- 45 Direction to Regulator



46	Inquiry
47	Inspection and investigation
48	Entry on land
49	Appointment of agent
50	Waste prohibited
51	Injunctions
52	Offences and penalties
53	Suspension of Act in emergency

**Part 5**  
**Rules and Regulations**

54	Rules
55	Regulations

**Part 6**  
**Transitional Provisions, Consequential**  
**Amendments, Related Amendments**  
**and Coming into Force**

56-61	Consequential and related amendments
62	Coming into force

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

**Part 1**  
**Interpretation and Application**

**Interpretation**

**1(1)** In this Act,

- (a) “abandonment” means the permanent dismantlement or closure of a well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant and includes any measures required to ensure that the well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant is left in a permanently safe and secure condition in accordance with the rules;
- (b) “approval” means an approval granted by the Regulator under this Act;
- (c) “approval holder” means the holder of an approval according to the records of the Regulator and includes a receiver, receiver-manager, trustee or liquidator of property of an approval holder;
- (d) “closure” means the phase of the mineral resource development life cycle that involves the permanent end of operations, and includes the abandonment, remediation and reclamation of a well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant;
- (e) “Court” means the Court of Queen’s Bench;
- (f) “energy resource” means an energy resource as defined in the *Responsible Energy Development Act*;
- (g) “energy resource enactment” means an energy resource enactment as defined in the *Responsible Energy Development Act*;
- (h) “experimental scheme” means a scheme for the recovery, extraction or processing of mineral resources that uses methods that are untried and unproven in that particular application;
- (i) “external mine discard dump” means overburden, interburden, wasterock and other discard storage outside of a mine;
- (j) “facility” means
  - (i) any building, structure, installation, equipment or appurtenance that is connected to or associated with the development, recovery, extraction, production, handling, processing, treatment or disposal of mineral resources or any associated fluids, substances or waste, or

- (ii) all or part of a facility as defined in the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act* that is designated under section 5(1) as a facility for the purposes of this Act,  
but does not include
- (iii) a well as defined in this Act, the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act*,
- (iv) a pipeline as defined in the *Pipeline Act*,
- (v) a mine,
- (vi) a mine site,
- (vii) an external mine discard dump,
- (viii) a processing plant, or
- (ix) anything prescribed by the regulations as not being a facility;
- (k) “licence” means a licence granted by the Regulator under this Act;
- (l) “licensee” means the holder of a licence according to the records of the Regulator and includes
  - (i) a receiver, receiver-manager, trustee or liquidator of property of a licensee, and
  - (ii) a person who is a licensee for the purposes of this Act under section 5;
- (m) “mine” means an opening, excavation or working developed for the purpose of recovering mineral resources and includes any associated infrastructure, but does not include a coal or oil sands mine;
- (n) “mine plan” means
  - (i) a map of a mine or any part of it certified by a professional engineer to be correct, or
  - (ii) a reproduction of a map referred to in subclause (i);
- (o) “mine site” means a location for extracting mineral resources and includes any mines, external mine discard dumps, processing plants and associated infrastructure belonging to or used in connection with mining operations at that location;
- (p) “mineral resources” means, subject to the regulations, all naturally occurring minerals, and without restricting the generality of the foregoing, includes gold, silver, uranium, platinum, pitchblende, radium, precious stones, copper, iron, tin, zinc, asbestos, salts, sulphur, anhydrite, barite, bauxite, bentonite, diatomite, dolomite, epsomite, granite, gypsum, limestone, marble, mica, mirabilite, potash, quartz rock, rock phosphate, sandstone, serpentine, shale, slate, talc, thenardite, trona, and volcanic ash, but excludes petroleum, oil, asphalt, bituminous sands, oil sands, natural gas, coal, ammonite shell, sand, gravel, clay, peat and marl;
- (q) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (r) “permit” means a permit granted by the Regulator under this Act;
- (s) “permittee” means the holder of a permit according to the records of the Regulator and includes a receiver, receiver-manager, trustee or liquidator of property of a permittee;
- (t) “processing plant” means a plant used for the purposes of upgrading the quality of mineral resources and includes the infrastructure used in connection with processing operations;
- (u) “professional engineer” means a professional engineer as defined in the *Engineering and Geoscience Professions Act*;
- (v) “reclamation” means reclamation within the meaning of the *Environmental Protection and Enhancement Act*;
- (w) “Regulator” means the Alberta Energy Regulator;

- (x) “remediation” means remediation within the meaning of the *Environmental Protection and Enhancement Act*;
  - (y) “scheme” means an operation for the recovery, extraction, injection, gathering, storage, disposal, treatment or processing of mineral resources, including the drilling and completion of wells for production or injection, but does not include a mining operation;
  - (z) “suspension” means the temporary cessation of operations at a well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant and includes any measures required to ensure that the well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant is maintained in a safe and secure condition in accordance with the rules;
  - (aa) “waste”, in addition to its ordinary meaning, means wasteful operations;
  - (bb) “well” means
    - (i) an orifice in the ground completed or drilled for the purpose of the development of mineral resources, or
    - (ii) a well as defined in the *Oil and Gas Conservation Act* or the *Geothermal Resource Development Act* that is designated under section 5(1) as a well for the purposes of this Act, but does not include anything prescribed by the regulations as not being a well;
  - (cc) “working interest participant” means a person who owns a beneficial or legal undivided interest in a well or facility under agreements that pertain to the ownership of that well or facility.
- (2) A decision of the Regulator is final as to whether a definition in subsection (1) is applicable in a particular case.

#### **Purposes of Act**

##### **2** The purposes of this Act are

- (a) to provide for the economic, orderly, efficient and responsible development in the public interest of mineral resources in Alberta;
- (b) to secure the observance of safe and efficient practices in the public interest in the development of mineral resources in Alberta;
- (c) to provide for the responsible management of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants throughout their life cycles;
- (d) to afford each mineral resource owner the opportunity to obtain the owner’s share of the production of mineral resources;
- (e) to effect the conservation and prevent the waste of mineral resources in Alberta;
- (f) to manage the development of mineral resources as between licensees, permittees and approval holders and in relation to the development and conservation of energy resources in Alberta;
- (g) to control pollution and to ensure the protection of the environment and public safety in the development of mineral resources in Alberta;
- (h) to provide for the timely and useful collection, appraisal and dissemination of information relating to mineral resources in Alberta.

#### **Application of Act**

##### **3** This Act applies in respect of

- (a) the development of mineral resources in Alberta, whether development commenced before or after the coming into force of this Act,
- (b) all wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants involved in the development of mineral resources in Alberta, and
- (c) all mineral resources recovered in Alberta.

## Part 2 Schemes, Wells and Facilities

### Application of Part

- 4(1)** This Part applies in respect of schemes, wells, facilities, well sites and facility sites.
- (2)** A reference in this Part to
- (a) a licence or approval means a licence or approval granted under this Part, and
  - (b) a licensee or approval holder means the holder of a licence or approval under this Part.

### Designation of wells and facilities

- 5(1)** The Regulator may
- (a) designate a well as defined in the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act* as a well for the purposes of this Act, and
  - (b) designate all or part of a facility as defined in the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act* as a facility for the purposes of this Act.
- (2)** The holder of a licence under the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act* for a well or facility designated under subsection (1)(a) or (b) is a licensee for the purposes of this Act.

### Approval of schemes

- 6(1)** Subject to the regulations and rules, no person shall proceed with the following schemes unless the Regulator has granted an approval for the scheme on any terms and conditions prescribed by the Regulator:
- (a) the gathering, storage and disposal of water produced in connection with the development of mineral resources;
  - (b) the injection, storage or disposal of any fluid or other substance associated with the development of mineral resources to an underground formation through a well;
  - (c) an experimental scheme;
  - (d) the concurrent production of energy resources and associated mineral resources;
  - (e) the storage, treatment, processing or disposal of waste associated with the development of mineral resources;
  - (f) the enhanced recovery of mineral resources.
- (2)** The Regulator may amend or refuse to amend an approval
- (a) on application by the approval holder, or
  - (b) on the Regulator's own motion, after notifying the approval holder of the Regulator's intention to do so.

### Transfer of approvals

- 7(1)** No approval shall be transferred without the consent in writing of the Regulator.
- (2)** The Regulator may, on application,
- (a) consent to the transfer of an approval subject to any conditions, restrictions or stipulations that the Regulator may prescribe, or
  - (b) refuse to consent to the transfer.
- (3)** The Regulator may direct that an approval be transferred to a person who agrees to accept it and who, in the opinion of the Regulator, has the right and is eligible to receive it.
- (4)** A direction of the Regulator under subsection (3) has the same effect as a transfer consented to under subsection (2)(a).
- (5)** The transfer of an approval has no effect until the Regulator has consented to or directed a transfer of the approval under this section.

**Cancellation, suspension and orders — approvals**

**8(1)** Where it appears to the Regulator or its authorized representative that a person has failed to comply with this Act, the regulations, the rules, a declaration, an order or a direction of the Regulator or the terms and conditions of an approval, or that a method or practice employed or any equipment or installation used by a person is improper, hazardous, inadequate or defective, the Regulator may

- (a) cancel or suspend the approval, or
- (b) make any order the Regulator considers suitable in the circumstances, including an order
  - (i) shutting down or closing all or part of the well or facility,
  - (ii) directing the approval holder to take remedial action, or
  - (iii) imposing terms and conditions on the approval holder or the approval.

**(2)** Except as otherwise authorized by the Regulator, where any well or facility is shut down or closed under subsection (1)(b)(i), no person shall

- (a) enter on or carry on any operations at, or
- (b) remove any equipment, installation or material situated on

the well site or facility site unless the Regulator rescinds the order shutting down or closing the well or facility.

**(3)** Where an approval is cancelled or suspended under subsection (1)(a),

- (a) all rights conveyed by the approval are similarly cancelled or suspended, and
- (b) notwithstanding the cancellation or suspension of the approval, the liability of the approval holder to complete or abandon the well or facility and reclaim the well site or facility site and suspend operations as the Regulator directs continues after the cancellation or suspension.

**Prohibitions and obligations — licences**

**9(1)** Subject to the rules, no person shall undertake any operations preparatory or incidental to the drilling of a well or commence or continue to drill any well or to construct or operate any well or facility unless

- (a) the Regulator has granted a licence for the well or facility under section 11 or, where the well or facility is licensed under the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act*, has designated the well or facility under section 5(1),
- (b) the licence remains in full force and effect, and
- (c) the person is the licensee.

**(2)** No person shall apply for or hold a licence under this Act unless the person

- (a) meets the eligibility requirements for a licensee as set out in the rules, and
- (b) is entitled or authorized to explore for or develop the mineral resource.

**(3)** A licence granted under this Act does not relieve the necessity of obtaining any order, permit, licence, consent or authorization required under any other Act.

**(4)** Every licensee and working interest participant shall comply with the regulations and rules.

**Prohibition on reworking wells and facilities**

**10(1)** When the records of the Regulator indicate that a well or facility is suspended or abandoned, no person other than

- (a) the licensee, or
- (b) a person acting under a direction or with the consent of the Regulator

shall undertake operations with respect to that well or facility until that person applies for and is granted a licence.

**(2)** The provisions of this Act, the regulations and the rules regarding an application for and holding a licence apply to an application under subsection (1) unless the Regulator otherwise directs.

(3) On the granting of a licence under subsection (1), the holder of the former licence for the well or facility is relieved from all obligations under this Act with respect to the well or facility except as to outstanding debts to the Regulator or to the account of an orphan fund administered by the Regulator under any energy resource enactment in respect of suspension or abandonment costs.

#### Licences

**11(1)** Any person may apply to the Regulator for a licence in respect of a well or facility if that person

- (a) meets the eligibility requirements for a licensee as set out in the rules, and
- (b) is entitled or authorized to explore for or develop mineral resources.

(2) Subject to the regulations, the Regulator may, on considering an application made under subsection (1),

- (a) grant the licence on any terms and conditions the Regulator considers appropriate, or
- (b) refuse to grant the licence.

(3) The Regulator may amend or refuse to amend a licence

- (a) on application, or
- (b) on the Regulator's own motion, after notifying the licensee of the Regulator's intention to do so.

#### Transfer of licences

**12(1)** No licence shall be transferred without the consent in writing of the Regulator.

(2) The Regulator may, on application,

- (a) consent to the transfer of a licence subject to any conditions, restrictions or stipulations that the Regulator may prescribe, or
- (b) refuse to consent to the transfer.

(3) The Regulator may direct that a licence be transferred to a person who agrees to accept it and who, in the opinion of the Regulator, has the right and is eligible to receive it.

(4) A direction of the Regulator under subsection (3) has the same effect as a transfer consented to under subsection (2)(a).

(5) The transfer of a licence has no effect until the Regulator consents to or directs a transfer of the licence under this section.

#### Cancellation, suspension and orders — licences

**13(1)** Where it appears to the Regulator or its authorized representative that a person has failed to comply with this Act, the regulations, the rules, a declaration, an order or a direction of the Regulator or the terms and conditions of a licence, or that a method or practice employed or any equipment or installation used by a person is improper, hazardous, inadequate or defective, the Regulator may

- (a) cancel or suspend the licence, or
- (b) make any order the Regulator considers suitable in the circumstances including an order
  - (i) shutting down or closing all or part of the well or facility,
  - (ii) directing the licensee to take remedial action, or
  - (iii) imposing terms and conditions on the licensee or the licence.

(2) Except as otherwise authorized by the Regulator, where any well or facility is shut down or closed under subsection (1)(b)(i), no person shall

- (a) enter on or carry on any operations at, or
- (b) remove any equipment, installation or material situated on

the well site or facility site unless the Regulator rescinds the order shutting down or closing the well or facility.

- (3) Where a licence is cancelled or suspended under subsection (1)(a),
- (a) all rights conveyed by the licence are similarly cancelled or suspended, and
  - (b) notwithstanding the cancellation or suspension of the licence, the liability of the licensee to complete or abandon the well or facility and reclaim the well site or facility site and suspend operations as the Regulator directs continues after the cancellation or suspension.

**Suspension and abandonment**

- 14(1)** A licensee shall suspend or abandon a well or facility when directed by the Regulator or required by the regulations or rules.
- (2) Notwithstanding subsection (1),
- (a) a well or facility must be suspended or abandoned by a working interest participant other than the licensee if the Regulator so directs, and
  - (b) a well or facility may be suspended by a working interest participant other than the licensee with the consent of the Regulator.
- (3) The Regulator may order that a well or facility be suspended or abandoned where the Regulator considers that it is necessary to do so in order to protect the public or the environment or for any other purposes set out in the regulations.
- (4) A suspension or abandonment must be carried out in accordance with the regulations or rules.

**Suspension and abandonment by Regulator**

- 15** If, in the opinion of the Regulator, a well or facility is not suspended or abandoned in accordance with a direction of the Regulator or the regulations or rules, the Regulator may
- (a) authorize any person to suspend or abandon the well or facility, or
  - (b) suspend or abandon the well or facility on the Regulator's own motion.

**Continuing liability**

- 16** The abandonment of a well or facility does not relieve the licensee or working interest participant from the responsibility for the control or further abandonment of the well or facility or from the responsibility for the costs of doing that work.

**Reasonable care, measures to prevent impairment or damage**

- 17(1)** A licensee shall provide reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site.
- (2) If, in the opinion of the Regulator, a licensee has failed or is unable to provide reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site, the working interest participants in the well, facility, well site or facility site shall provide reasonable care and measures to prevent impairment or damage in respect of the well, facility, well site or facility site.
- (3) If reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site are not being provided in a manner satisfactory to the Regulator, the Regulator may order the licensee or a working interest participant to provide reasonable care and measures to prevent impairment or damage in respect of the well, facility, well site or facility site and may impose any terms or conditions that the Regulator determines are necessary in the order.
- (4) The provision of reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site must be carried out in accordance with the rules and any terms or conditions imposed by the Regulator.

**Extended obligation**

- 18(1)** This section applies where this Act, the regulations or the rules or an order of the Regulator imposes a responsibility, obligation or liability on a licensee or working interest participant in respect of
- (a) the reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site,
  - (b) the operation, suspension, abandonment, remediation or reclamation of a well, facility, well site or facility site, or

- (c) any matter arising out of
  - (i) the reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site, or
  - (ii) the operation, suspension, abandonment, remediation or reclamation of a well, facility, well site or facility site.

(2) Where this section applies, the responsibility, obligation or liability referred to in subsection (1) extends to associated equipment and non-licensed facilities that are located on the site or used in connection with the reasonable care and measures to prevent impairment or damage or the operation, suspension, abandonment, remediation or reclamation in respect of the well, facility, well site or facility site, unless such equipment or facilities are exempted from the application of this section by the regulations or rules.

#### **Remedial action**

**19(1)** If, in the opinion of the Regulator, the control, completion or operation of a well or the operation of a facility is not in accordance with this Act, the regulations or rules or an order or direction of the Regulator, any person authorized by the Regulator is entitled to have access to and may enter on the site or any structures on the site and do whatever the Regulator considers necessary because of the failure to comply with this Act or the regulations, rules, order or direction.

(2) If a substance has escaped or appears to have escaped from a well, facility, pipeline, underground formation or unidentified source, and it appears to the Regulator that the escaped substance may not otherwise be prevented, controlled, contained and cleaned up forthwith, the Regulator or its authorized representative may

- (a) direct the licensee of a well or facility or of a pipeline from which the escaped substance appears to have escaped
  - (i) to take steps the Regulator or its authorized representative considers necessary to control, contain and clean up the escaped substance and to prevent further escapes, and
  - (ii) to do anything else the Regulator or its authorized representative considers necessary to ensure the safety of the public and the environment,

or

- (b) enter on the area where the escaped substance has escaped and conduct any operations the Regulator or its authorized representative considers necessary for the purposes set out in clause (a).

(3) The Regulator may

- (a) determine the costs of or incidental to work carried out under subsection (1) or (2), and
- (b) allocate those costs among any or all of the licensee and the working interest participants as the Regulator considers appropriate.

(4) Costs allocated under subsection (3) constitute a debt payable to the Regulator, and a certified copy of the order of the Regulator allocating those costs may be filed in the office of the clerk of the Court and, on being filed and on payment of any fees prescribed by law, the order may be entered as a judgment of the Court and may be enforced according to the ordinary procedure for enforcement of judgments of the Court.

#### **Costs**

**20(1)** Subject to subsection (3), the costs of suspension, abandonment, remediation and reclamation for a well and well site or facility and facility site must be paid by each working interest participant in accordance with its proportionate share in the well or facility.

(2) Subject to subsection (3), the costs paid by a person who is subject to an order under section 17(3) to provide reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site must be paid by each working interest participant in accordance with its proportionate share in the well or facility.

(3) The Regulator may determine the costs referred to in subsection (1) or (2)

- (a) on the application of the person who

- (i) provided the reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site, or
- (ii) conducted the suspension, abandonment, remediation or reclamation, in the case of a well or facility that was operated, suspended, abandoned, remediated or reclaimed by a licensee, approval holder, working interest participant or agent,

or

- (b) on the Regulator's own motion, in the case of a well or facility suspended, abandoned, remediated or reclaimed by a person authorized by the Regulator.

(4) The Regulator shall allocate the costs determined under subsection (3) to each working interest participant in accordance with its proportionate share in the well or facility and prescribe a time for payment.

(5) Unless the Regulator directs otherwise, a working interest participant that fails to pay its share of costs as determined under subsection (4) within the period of time prescribed by the Regulator must pay a penalty equal to 25% of the working interest participant's share of the costs.

(6) Where a well, facility, well site or facility site is suspended, abandoned, remediated or reclaimed by a licensee, working interest participant or agent, the costs determined under subsection (3), together with any penalty prescribed by the Regulator under subsection (5), constitute a debt payable to the licensee, working interest participant or agent who carried out the suspension, abandonment, remediation or reclamation.

(7) Where a well, facility, well site or facility site is suspended, abandoned, remediated or reclaimed by the Regulator or a person authorized by the Regulator, the costs determined under subsection (3), together with any penalty prescribed by the Regulator under subsection (5), constitute a debt payable to the Regulator.

(8) A certified copy of the order of the Regulator determining the costs and penalty under this section and the allocation of those costs to each working interest participant in the well or facility may be filed in the office of the clerk of the Court and, on being filed and on payment of any fees prescribed by law, the order may be entered as a judgment of the Court and may be enforced according to the ordinary procedure for enforcement of judgments of the Court.

#### **Sale of equipment, installation or material**

**21(1)** Subject to subsection (2), when the work of control, completion, operation, suspension or abandonment of a well or facility is conducted by the Regulator or a person authorized by the Regulator, the Regulator may sell or dispose of in a manner it sees fit any drilling, producing or operating equipment, installation or material found on the site or taken from the well or facility.

(2) The Regulator shall not sell any equipment, installation or material that the Regulator knows is owned by someone other than the licensee or a working interest participant.

(3) A person to whom any equipment, installation or material is sold under subsection (1) receives good title to the equipment, installation or material, free of any claim whatsoever.

(4) When the Regulator receives money on the sale or disposal of any equipment, installation or material under subsection (1), the Regulator shall

- (a) apply the money
  - (i) first, to the payment of any unpaid costs and penalty determined by the Regulator, and
  - (ii) 2nd, if any money remains after complying with subclause (i), to the payment of any other outstanding debt owing to the Regulator by the licensee or a working interest participant,

and

- (b) if any money remains after complying with clause (a), forward the remainder to the Minister for payment out to persons who file a claim with the Minister within 6 months after the date of the sale and who establish their entitlement to the money.

#### **Enforcement of orders**

**22(1)** The Regulator may, for the purposes of the enforcement of any order made by the Regulator,

- (a) take any steps and employ any persons the Regulator considers necessary,

- (b) forcibly or otherwise enter on, seize and take control of a well or facility, together with the whole or part of the movable and immovable property in, on or about the well or facility or used in connection with or relating to the well or facility, together with records of ownership and operation relating to the well or facility,
  - (c) discontinue all production or take over the management and control of a well or facility,
  - (d) in the case of a well, plug the well at any depth and take any steps the Regulator considers necessary to prevent the flow or escape of oil, gas, crude bitumen, water or any other substance from any stratum that the well enters, and
  - (e) in the case of a facility, take any steps the Regulator considers necessary to prevent the flow or escape of oil, gas, crude bitumen, water or any other substance from the facility.
- (2) On the Regulator's taking control of a well or facility and for so long as the control continues, every officer and employee of the licensee of the well or facility, or of any contractor or operator working on the well or facility, shall obey the orders and directions concerning the well or facility given by the Regulator or by any person that the Regulator places in charge or control of the well or facility.
- (3) On the Regulator's taking control of a well or facility, the Regulator may take, deal with and dispose of the mineral resources, water or any other substance produced, recovered or handled at the well or facility as if it were the property of the Regulator.
- (4) The costs and expenses of and incidental to proceedings taken by the Regulator under this section are at the discretion of the Regulator and the Regulator may direct by whom and to what extent they are to be paid.
- (5) Where the Regulator sells the mineral resources, water or any other substance referred to in subsection (3), the Regulator shall apply the proceeds as follows:
- (a) first, to payment of
    - (i) all costs and expenses of and incidental to the steps taken by the Regulator under this section, including the costs and expenses arising out of the management, operation and control of the well or facility by the Regulator, and
    - (ii) all costs and expenses of carrying out investigations and conservation measures that the Regulator considers necessary in connection with the well or facility;
  - (b) 2nd, if any money remains after complying with clause (a), to payment of any outstanding debt owing to the Regulator from the licensee;
  - (c) 3rd, if any money remains after complying with clauses (a) and (b), by forwarding the remainder to the Minister for payment out to persons who file a claim with the Minister within 6 months after the date of the sale and establish their entitlement to the money.
- (6) Section 19(4) applies with respect to the recovery from a licensee or other person of costs and expenses that are the subject of a direction under subsection (4).

#### **Enforcement of lien and garnishment**

**23(1)** In this section,

- (a) "debtor" means a person who is indebted to the Regulator for any costs, levy, fee, penalty, deposit or other form of security or other amount;
- (b) "payor" means
  - (i) a purchaser, operator or other person who owes money to or holds or receives money on behalf of a debtor as a result of a sale of the debtor's proportionate share of any revenue resulting from the development and recovery of mineral resources from a well or facility, and
  - (ii) a person who holds or receives revenue owing to the debtor resulting
    - (A) from the use of a well or facility by another person, or
    - (B) from the provision of services by the debtor.

- (2) The Regulator has a lien in respect of a debtor's debt on the debtor's interest in any wells, facilities and pipelines, land or interests in land, equipment or substances associated with the development of mineral resources, including mineral resources and revenue derived from those mineral resources.
- (3) When a lien under subsection (2) arises, the lien has priority over all other liens, charges, rights of set-off, mortgages and other security interests.
- (4) A lien under subsection (2) arises when the debtor fails to satisfy the debt when due and expires on full satisfaction of the debt.
- (5) The Regulator may enforce its lien by serving on the debtor and the payor a notice of garnishment in the form prescribed by the Regulator.
- (6) On receipt of a notice of garnishment, the payor shall forward to the Regulator for payment on account of the debt owing to the Regulator all money and revenue referred to in subsection (1)(b) that is then owing or later becomes owing to the debtor.
- (7) The obligation to make payments under subsection (6) continues until the Regulator advises the payor that the debt has been paid in full.
- (8) Any payment to the Regulator on the account of the debtor under this section is deemed to be a payment to the debtor and releases the payor from liability in debt to the debtor to the extent of the payment.
- (9) A payor who fails to comply with a notice of garnishment is guilty of an offence.
- (10) A payor who fails to comply with a notice of garnishment or makes payment to a debtor in contravention of the notice of garnishment is indebted to the Regulator for an amount equal to the amount the payor is required to pay under the notice of garnishment or the amount of the payment made to the debtor, whichever is less.

#### Actions re principals

##### 24(1) Where a licensee, approval holder or working interest participant

- (a) contravenes or fails to comply with an order of the Regulator, or
- (b) has an outstanding debt to the Regulator in respect of suspension, abandonment, remediation or reclamation costs,

and where the Regulator considers it in the public interest to do so, the Regulator may make a declaration setting out the nature of the contravention, failure to comply or debt and naming one or more directors, officers, agents or other persons who, in the Regulator's opinion, were directly or indirectly in control of the licensee, approval holder or working interest participant at the time of the contravention, failure to comply or failure to pay.

- (2) The Regulator may not make a declaration under subsection (1) unless it first gives notice in writing of its intention to do so to the affected directors, officers, agents or other persons and gives them at least 10 days to show cause as to why the declaration should not be made.
- (3) Where the Regulator makes a declaration under subsection (1), the Regulator may, subject to any terms and conditions it considers appropriate,
- (a) suspend any operations of a licensee or approval holder under this Act, a licensee under the *Geothermal Resource Development Act*, a licensee or approval holder under the *Oil and Gas Conservation Act* or a licensee under the *Pipeline Act*,
  - (b) refuse to consider an application for an identification code, licence or approval under this Act, a licence under the *Geothermal Resource Development Act*, a licence or approval under the *Oil and Gas Conservation Act* or a licence under the *Pipeline Act*,
  - (c) refuse to consider an application to transfer a licence or approval under this Act, a licence under the *Geothermal Resource Development Act*, a licence or approval under the *Oil and Gas Conservation Act* or a licence under the *Pipeline Act*,
  - (d) require the submission of a deposit or other form of security for the purposes of abandonment, remediation and reclamation in an amount determined by the Regulator prior to granting a licence, approval or transfer to an applicant, transferor or transferee under this Act, or

- (e) require the submission of a deposit or other form of security for the purposes of abandonment, remediation and reclamation in an amount determined by the Regulator for any wells or facilities of any licensee

where the person named in the declaration is the licensee, approval holder, applicant, transferor or transferee referred to in clauses (a) to (e) or is a director, officer, agent or other person who, in the Regulator's opinion, is directly or indirectly in control of the licensee, approval holder, applicant, transferor or transferee referred to in clauses (a) to (e).

- (4) This section applies in respect of a contravention, failure to comply or debt, whether the contravention, failure to comply or debt arose before or after the coming into force of this section.

### **Part 3 Mines, Mine Sites and Processing Plants**

#### **Application of Part**

**25** A reference in this Part to

- (a) a permit, licence or approval means a permit, licence or approval under this Part, and
- (b) a permittee, licensee or approval holder means the holder of a permit, licence or approval under this Part.

#### **Disposition of Applications**

**26(1)** Subject to the regulations, on receiving an application under this Part, the Regulator may, after considering the circumstances of the particular case,

- (a) deny the application,
- (b) require that an amended or modified application be made, or
- (c) grant a permit, licence or approval, or an amendment of a permit, licence or approval, as the case may be, subject to any conditions, restrictions or stipulations it considers appropriate and sets out in the permit, licence, approval or amendment.

(2) Notwithstanding subsection (1)(c), the Regulator shall not grant a permit, licence or approval or an amendment of a permit, licence or approval under this Act unless in its opinion it is in the public interest to do so.

#### **Requirement for permit**

**27(1)** No person shall

- (a) develop a mine site, or
- (b) resume operations at a suspended mine site

unless the person holds a permit that is in full force and effect for the mine site.

(2) Notwithstanding subsection (1), a location for a mine site may be surveyed without a permit.

#### **Requirement for licence**

**28** No person shall

- (a) develop or operate a mine,
- (b) construct or operate an external mine discard dump, or
- (c) resume operations at a suspended mine or external mine discard dump

unless the person holds a licence that is in full force and effect for the mine or external mine discard dump.

#### **Requirement for approval**

**29** No person shall

- (a) construct or operate a processing plant, or
- (b) resume operations at a suspended processing plant

unless the person holds an approval that is in full force and effect for the processing plant.

**Transfer of permits, licences and approvals**

**30(1)** No permit, licence or approval shall be transferred without the consent in writing of the Regulator.

(2) The Regulator may, on application,

- (a) consent to the transfer of a permit, licence or approval subject to any conditions, restrictions or stipulations the Regulator may prescribe,
- (b) cancel the permit, licence or approval and grant a new permit, licence or approval, or
- (c) refuse to consent to the transfer.

(3) The Regulator may direct that a permit, licence or approval be transferred to a person who agrees to accept it and who, in the opinion of the Regulator, has the right and is eligible to receive it.

(4) A direction of the Regulator under subsection (3) has the same effect as a transfer consented to under subsection (2)(a).

(5) The transfer of a permit, licence or approval has no effect until the Regulator consents to or directs a transfer under this section.

**Cancellation, suspension and orders**

**31** If a permittee, licensee or approval holder fails to comply with this Act, the regulations or rules, a declaration, order or direction of the Regulator or the terms and conditions of a permit, licence or approval, the Regulator may

- (a) cancel or suspend the permit, licence or approval,
- (b) make any order the Regulator considers suitable in the circumstances, or
- (c) require that approved methods be adopted and that remedial measures be taken before any operation proceeds at the mine, mine site, external mine discard dump or processing plant.

**Restriction on suspension or abandonment**

**32(1)** Except in an emergency, no person shall, without prior permission of the Regulator,

- (a) suspend all or part of a mine or mine site for more than 3 months,
- (b) suspend a processing plant for more than 3 months,
- (c) abandon all or part of a mine, mine site or external mine discard dump, or
- (d) abandon a processing plant.

(2) The suspension or abandonment, if permitted, is subject to any terms and conditions the Regulator may prescribe.

(3) If the Regulator grants permission for the suspension or abandonment, the Regulator shall amend the relevant permit, licence or approval to that effect.

(4) If operations are suspended because of emergency conditions at a mine site or processing plant, the permittee or approval holder shall immediately advise the Regulator of the circumstances and of the steps being taken to resume operations.

**Direction or order to suspend or abandon**

**33(1)** Subject to subsection (2), a permittee, licensee or approval holder shall suspend or abandon all or part of a mine, mine site, external mine discard dump or processing plant when directed by the Regulator or required by the regulations or rules.

(2) Notwithstanding subsection (1),

- (a) a mine, mine site, external mine discard dump or processing plant must be suspended or abandoned by an owner or a person having an interest in the mine, mine site, external mine discard dump or processing plant other than the permittee, licensee or approval holder if the Regulator so directs, and
- (b) a mine, mine site, external mine discard dump or processing plant may be suspended by an owner or a person having an interest in the mine, mine site, external mine discard dump or

processing plant other than the permittee, licensee or approval holder with the consent of the Regulator.

(3) The Regulator may order that a mine, mine site, external mine discard dump or processing plant be suspended or abandoned where the Regulator considers that it is necessary to do so in order to protect the public or the environment or for any other purposes set out in the regulations.

(4) A suspension or abandonment must be carried out in accordance with the regulations or rules.

**Regulator's power to take action**

**34(1)** If, in the opinion of the Regulator, the operation, suspension or abandonment of all or part of a mine, mine site, external mine discard dump or processing plant is not carried out in accordance with the regulations or rules, the procedures or conditions prescribed by the Regulator or a direction of the Regulator, the Regulator or a person authorized by the Regulator is entitled to access to and may enter on the mine, mine site, external mine discard dump or processing plant and do whatever the Regulator considers necessary because of the failure to comply with the procedures or conditions.

(2) The Regulator may by order require the permittee, licensee or approval holder to pay the costs incurred under subsection (1) within the time specified in the order and may provide for an amount that is payable as a penalty if the costs are not paid within the specified time.

(3) Any costs under this section are a debt payable to the Regulator by the permittee, licensee or approval holder.

(4) A certified copy of the order of the Regulator setting out the costs and any penalty payable under this section may be filed in the office of the clerk of the Court and, on being filed and on payment of any fees prescribed by law, may be entered as a judgment of the Court and may be enforced according to ordinary procedure for enforcement of judgments of the Court.

**Continuing liability**

**35** The abandonment of a mine, mine site, external mine discard dump or processing plant does not relieve the permittee, licensee or approval holder from the responsibility for the control or further abandonment of the mine, mine site, external mine discard dump or processing plant or from the responsibility for the costs of doing that work.

**Obligations unaffected by agreement**

**36** No agreement between a permittee, licensee, approval holder, owner or person having an interest in the mine, mine site, processing plant or mineral resources and any other person

(a) relieves the permittee, licensee or approval holder of the obligation

(i) to perform a required abandonment operation, or

(ii) to comply with the relevant provisions, orders or directives of the Regulator or terms and conditions prescribed by the Regulator,

(b) precludes or prevents the conduct of any operation necessary for the purposes of clause (a) (i), or

(c) relieves the permittee, licensee or approval holder of liability with respect to any operation mentioned in clause (a) or (b) and the costs and expenses of that operation.

**Departure from program of operations**

**37** A permittee, licensee or approval holder shall not extend or materially alter the program of operations for which the permit, license or approval was granted unless the Regulator, on application, amends the permit, license or approval to authorize the extension or alteration on any terms or conditions the Regulator considers appropriate.

**Direction to alter program of development or operations**

**38(1)** If it appears to the Regulator that the method of development or operation at a mine, mine site, external mine discard dump or processing plant is such that the mineral resources are not being recovered in accordance with good conservation practices and the mineral resources could be more efficiently recovered by other practical and reasonable mining, processing or procedures, the Regulator may direct the permittee, licensee or approval holder, within the time period specified in the direction, to

(a) alter the permittee's, licensee's or approval holder's program of development or operations by the institution of more effective methods, and

(b) submit full particulars of planned program changes to the Regulator.

(2) If the permittee, licensee or approval holder to whom a direction was issued under subsection (1) does not take steps to improve development or operations at the mine, mine site, external mine discard dump or processing plant and obtain the Regulator's consent to the changes within the time period specified in the direction, the Regulator may, on expiry of that period, order suspension of development or operations at the mine, mine site, external mine discard dump or processing plant, or in any specified part of it, until improvements have been effected and the Regulator has concurred in the future program.

#### **Mine plans**

**39(1)** A permittee or licensee must prepare, keep and provide to the Regulator mine plans in accordance with the rules.

(2) If a permittee or licensee fails to prepare, keep or provide a mine plan in accordance with the requirements of the rules, the Regulator may

(a) direct the permittee or licensee to provide or prepare a correct mine plan in accordance with the rules within 30 days, or

(b) appoint a professional engineer to prepare a correct mine plan in accordance with the rules and provide it to the Regulator and the permittee or licensee.

(3) When a mine plan is prepared and delivered by a professional engineer under subsection (2)(b), the Regulator shall charge the permittee or licensee all related costs and expenses incurred in the preparation and delivery of the mine plan and the permittee and licensee shall pay those costs and expenses.

(4) The Regulator may by order require any person having in the person's possession or custody any mine plan of an abandoned mine site or mine to provide it to the Regulator for inspection and copying.

#### **Availability of information**

**40** Any permittee or licensee of a mine, mine site or external mine discard dump is entitled to obtain from the Regulator information as to whether an adjoining mine, mine site or external mine discard dump is being worked into the area described in the permit or licence or within close proximity of that area.

## **Part 4 General**

#### **Overriding provisions**

**41(1)** A provision of

(a) this Act,

(b) the regulations or rules made under this Act, or

(c) a declaration, order or direction of the Regulator made under this Act in respect of any matter over which the Regulator has jurisdiction

overrides any term or condition of any contract or other arrangement that conflicts with the provision of this Act or the regulations, rules, declaration, order or direction.

(2) No term or condition of a contract or other arrangement that conflicts with a provision referred to in subsection (1) is enforceable or gives rise to any cause of action by any party against any other party to the contract or arrangement.

#### **Compliance with other Acts**

**42** The performance of an operation in accordance with a permit, licence or approval does not relieve the permittee, licensee or approval holder from the requirements or liabilities arising under any other Act or otherwise.

#### **Jurisdiction of Regulator**

**43** Except as otherwise provided in this or any other Act, the Regulator has exclusive jurisdiction to examine, inquire into, hear and determine all matters or questions arising under this Act.

#### **Order or direction of Regulator**

**44** The Regulator, with the approval of the Lieutenant Governor in Council, may make any just and reasonable orders or directions that the Regulator considers necessary to effect the purposes of this Act

and that are not otherwise specifically authorized by this Act.

#### **Direction to Regulator**

**45(1)** Where the Lieutenant Governor in Council considers it appropriate to do so, the Lieutenant Governor in Council may by order give directions to the Regulator for the purposes of

- (a) providing priorities and guidelines for the Regulator to follow in performing its duties and functions and exercising its powers under this Act, and
- (b) ensuring the work of the Regulator is consistent with the programs, policies and work of the government in respect of the development of mineral resources.

(2) The Regulator shall comply with directions given under this section within the time period set out in the order.

#### **Inquiry**

**46(1)** If required to do so by the Lieutenant Governor in Council, the Regulator shall inquire into, examine and investigate any matter related to a purpose of this Act referred to in section 2.

(2) The Regulator may, on its own motion, inquire into, examine and investigate any matter related to a purpose of this Act referred to in section 2.

#### **Inspection and investigation**

**47(1)** In this section, “authorized person” means a person authorized by the Regulator to exercise the powers referred to in subsection (2).

(2) At any reasonable time, an authorized person, when acting in the performance of any duties or when exercising any powers under this Act,

- (a) shall have access to any well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant,
- (b) may enter on any land that must be crossed to access any well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant,
- (c) may make inspections, investigations or tests and take samples at any well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant, and
- (d) may examine all books, records and documents relating to the operations of a permittee, licensee or approval holder.

(3) When exercising the powers referred to in subsection (2), an authorized person shall produce on demand the authorized person’s certificate of authority from the Regulator.

(4) An authorized person may, if the authorized person considers that the circumstances warrant, take possession of any book, record or document referred to in subsection (2)(d) for a period that the authorized person considers reasonable and proper and shall issue a receipt for the book, record or document taken.

(5) Every permittee, licensee, approval holder, agent or other person at a well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant shall provide to an authorized person any reasonable assistance that the authorized person requires for the proper exercise of the powers referred to in subsection (2).

(6) A person is guilty of an offence who

- (a) prevents an authorized person from exercising the powers referred to in subsection (2),
- (b) hinders or obstructs or fails to assist an authorized person in the exercise of the powers referred to in subsection (2), or
- (c) fails to permit an authorized person to exercise the powers referred to in subsection (2).

#### **Entry on land**

**48(1)** A person who is ordered, directed or authorized

- (a) to provide reasonable care and measures to prevent impairment or damage in respect of a well, facility, well site or facility site,

- (b) to carry out suspension, abandonment, remediation or reclamation of a well, facility, well site or facility site, or
- (c) to carry out suspension or abandonment of a mine, mine site, external mine discard dump or processing plant

is entitled to have access to and may enter on the land used in connection with the well, facility, well site, facility site, mine, mine site, external mine discard dump or processing plant, as the case may be, and any structures on the land for the purposes of carrying out actions as ordered, directed or authorized.

- (2) A person shall, before entering on any land under subsection (1), give prior notice in writing of the person's intention to enter to the owner and to the occupant, unless it is impractical under the circumstances to do so.
- (3) If a person who attempts to enter on any land under subsection (1) is prevented from entering, that person may apply to the Court for an order permitting the person to enter on the land for the purposes specified in the order, and the order may be enforced by the sheriff.
- (4) A person who enters on any land under subsection (1) shall compensate the land owner or occupant for direct expenses and for any damage to the land owner's or occupant's land, crop or livestock arising directly from that entry.
- (5) If a dispute arises as to the compensation payable under subsection (4), the compensation is to be determined by the Land and Property Rights Tribunal.

#### **Appointment of agent**

- 49(1)** In this section, "resident" means a resident as defined in the rules.
- (2) Subject to the rules, every permittee, licensee or approval holder shall register its address with the Regulator.
- (3) Subject to the rules, a permittee, licensee or approval holder that is resident outside Alberta shall
  - (a) appoint an agent in Alberta to perform the permittee's, licensee's or approval holder's duties and responsibilities under this Act,
  - (b) notify the Regulator in writing of the appointment, and
  - (c) register with the Regulator the address in Alberta of the agent, which address shall also be the address for service of the permittee, licensee or approval holder in Alberta.
- (4) A permittee, licensee or approval holder that is resident in Alberta
  - (a) may perform the permittee's, licensee's or approval holder's duties and responsibilities under this Act directly or through an agent, and
  - (b) if the permittee, licensee or approval holder appoints an agent, shall notify the Regulator in writing of the name and address of the agent.
- (5) A person is not eligible to be appointed or remain as an agent under subsection (3) or (4) unless the person meets the requirements under the rules.
- (6) The appointment of an agent under this section is ineffective unless the Regulator approves the appointment, and the Regulator may approve or refuse to approve the appointment.
- (7) Subject to subsection (8), the approval of an appointment by the Regulator does not relieve the permittee, licensee or approval holder of any duty or responsibility to comply with this Act, the regulations or rules or an order of the Regulator.
- (8) If an agent has been appointed and the permittee, licensee or approval holder fails or is unable to comply with a duty or responsibility under this Act or an order of the Regulator, the agent is responsible to comply with the duty or responsibility.
- (9) A permittee, licensee or approval holder and any agent of the permittee, licensee or approval holder shall register any change of address of the permittee, licensee or approval holder or agent with the Regulator within 15 days after the change.
- (10) An agent may not be changed or discharged without the consent in writing of the Regulator, which consent may, at the Regulator's discretion, be refused.

**Waste prohibited**

**50(1)** No person shall commit waste.

(2) No prosecution under subsection (1) may be instituted without the written consent of the Regulator.

(3) In a prosecution under this section, no person shall be considered to have committed waste unless the person has failed to comply with an order or direction of the Regulator through which waste could have been avoided.

**Injunctions**

**51** Notwithstanding any prosecution under this Act, the Regulator may apply to the Court for an order

- (a) to enjoin a person from committing waste,
- (b) to enjoin a contravention of any regulation or rule or of any order or direction of the Regulator, or
- (c) to require compliance with any regulation, rule, order or direction of the Regulator.

**Offences and penalties**

**52(1)** A person is guilty of an offence who

- (a) whether as a principal or otherwise, contravenes or fails to comply with a provision of any of the following:
  - (i) this Act;
  - (ii) the regulations;
  - (iii) the rules;
  - (iv) an order or direction of the Regulator under this Act, the regulations or the rules;
  - (v) the terms or conditions of a permit, licence or approval or imposed by the Regulator in relation to anything else under this Act,
- (b) either alone or in conjunction or participation with any other person, induces or causes a permittee, licensee, approval holder or other person to contravene or to fail to comply with a provision referred to in clause (a), or
- (c) instructs, orders, directs, induces or causes an officer, agent or employee of a permittee, licensee or approval holder or other person to contravene or to fail to comply with a provision referred to in clause (a).

(2) A prosecution for an offence under this Act may not be commenced more than 2 years after the later of

- (a) the date on which the offence was committed, or
- (b) the date on which evidence of the offence first came to the attention of the Regulator.

(3) A person who is guilty of an offence under this Act is liable

- (a) to a fine of not more than \$500 000, in the case of a corporation, and
- (b) to a fine of not more than \$50 000, in the case of an individual.

(4) No person shall be convicted of an offence under this Act if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

(5) A person who is guilty of an offence under this Act is liable on conviction for each day or part of a day on which the offence occurs or continues.

**Suspension of Act in emergency**

**53** The Lieutenant Governor in Council may, in the event of an emergency or grave economic disturbance, for such period of time as the Lieutenant Governor in Council may order, suspend particular provisions of this Act for such period of time as the Lieutenant Governor in Council may order in respect of

- (a) any or all wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps or processing plants, or
- (b) any class of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps or processing plants.

## Part 5 Rules and Regulations

### Rules

**54(1)** The Regulator may make rules

- (a) respecting the management of the development of mineral resources as between permittees, licensees and approval holders and in relation to the development and conservation of energy resources and energy development;
- (b) respecting the conservation and management of mineral resources, including conservation and management in relation to energy resources and energy resource activities;
- (c) respecting affording each mineral resource owner the opportunity of obtaining the owner's share of the production of mineral resources;
- (d) respecting approvals of schemes, including exemptions from the requirement for approvals and the transfer of approvals;
- (e) respecting the manner in which applications under this Act are to be submitted and the information required to be included with or to accompany applications;
- (f) respecting entitlements or authorizations required to apply for or hold permits, licences and approvals under this Act, including different entitlements or authorizations in respect of different classes of permits, licences and approvals;
- (g) respecting eligibility requirements to apply for or hold permits, licences and approvals under this Act or to acquire and hold an identification code;
- (h) respecting circumstances in which permittees, licensees and approval holders under this Act are required to apply for amendments to permits, licences and approvals;
- (i) respecting licences and licensing in respect of wells and facilities, including the transfer of licences;
- (j) respecting permits, licences and approvals in respect of mines, mine sites, external mine discard dumps and processing plants, including the transfer of permits, licences and approvals;
- (k) respecting classes of permits, licences, approvals, facilities, wells and mines and prescribing prohibitions and requirements that apply in respect of each class;
- (l) respecting the exemption from or modification of the application of all or some of the rules in respect of different classes of permits, licences, approvals, facilities, wells and mines;
- (m) respecting requirements or prohibitions on any matter related to
  - (i) the drilling, completion, injection, recovery, operation of and the production from wells,
  - (ii) the storage of anything produced from wells,
  - (iii) the management of waste produced from wells, and
  - (iv) equipment and materials used in connection with anything referred to in subclauses (i) to (iii);
- (n) respecting requirements or prohibitions on any matter related to
  - (i) the construction of, operation of, and production from facilities,
  - (ii) the storage of anything produced from facilities,
  - (iii) the management of waste produced from facilities, and
  - (iv) equipment and materials used in connection with anything referred to in subclauses (i) to (iii);

- (o) respecting the approval, location, equipping, operation and abandonment of experimental schemes and prescribing requirements or prohibitions on any matter related to experimental schemes;
- (p) respecting multi-zone wells, including rules
  - (i) prohibiting completion of a well as a multi-zone well without the permission of the Regulator, and
  - (ii) prohibiting the use of a well for the production from or injection to more than one zone without the approval of the Regulator;
- (q) respecting shut-down, suspension, abandonment and other closure activities, including rules respecting
  - (i) the circumstances under which wells and facilities must be suspended or abandoned,
  - (ii) the timing of suspensions and abandonments, and
  - (iii) the manner in which suspensions and abandonment are to be carried out;
- (r) respecting reasonable care and measures to prevent impairment or damage in respect of wells, facilities, well sites and facility sites;
- (s) respecting the undertaking or compelling by the Regulator of remedial action;
- (t) respecting costs of providing reasonable care and measures to prevent impairment or damage and costs of suspension, abandonment, remediation and reclamation in respect of wells, facilities, well sites and facility sites;
- (u) respecting the funding, treatment, designation and requirements applicable to the suspension, abandonment, remediation and reclamation of orphan wells, facilities, well sites and facility sites;
- (v) respecting any matter related to the construction and operation of mines, mine sites, external mine discard dumps and processing plants, including rules
  - (i) respecting requirements or prohibitions on any matter related to the construction and operation of mines, mine sites, external mine discard dumps and processing plants, and
  - (ii) prescribing the methods, equipment and materials to be used in the construction and operation of mines, mine sites, external mine discard dumps and processing plants;
- (w) restricting or prohibiting the development of mines, mine sites, external mine discard dumps and processing plants at any point within a stated distance of a boundary, roadway, road allowance, right-of-way, lake, river, stream, pipeline, building of any specified type or any specified works, either public or private;
- (x) restricting or prohibiting mining within any city, town or village or within a hamlet designated or continued under the *Municipal Government Act*;
- (y) respecting the resumption of operations at suspended mines, mine sites, external mine discard dumps and processing plants;
- (z) respecting requirements or prohibitions on any matter related to experimental mining or processing technologies or methods in respect of mineral resources;
- (aa) respecting machinery, transportation equipment and apparatus or devices intended for use at mines or mine sites, including circumstances in which the Regulator's approval of the use of such machinery, transportation equipment and apparatus or devices is required;
- (bb) respecting mine plans;
- (cc) respecting the appointment of professional engineers;
- (dd) respecting the suspension and abandonment of mines, mine sites, external mine discard dumps and processing plants, including rules respecting
  - (i) applications for suspension and abandonment,

- (ii) the circumstances under which mines, mine sites, external mine discard dumps and processing plants must be suspended or abandoned,
- (iii) the timing of the suspension or abandonment of mines, mine sites, external mine discard dumps and processing plants,
- (iv) the manner in which suspension and abandonment are to be carried out, and
- (v) measures required to ensure that
  - (A) abandoned mines, mine sites, external mine discard dumps and processing plants are left in a permanently safe and secure condition, and
  - (B) suspended mines, mine sites, external mine discard dumps and processing plants are left in a safe and secure condition;
- (ee) respecting costs of suspension and abandonment of mines, mine sites, external mine discard dumps and processing plants;
- (ff) respecting the measures that permittees, licensees and approval holders must take to prevent pollution of air, water and land;
- (gg) respecting the manner in which land and bodies of water disturbed by mines, mine sites, external mine discard dumps and processing plants must be reclaimed or restored;
- (hh) respecting the provision of addresses for the purposes of section 49;
- (ii) respecting eligibility for and appointment of agents under section 49 and defining "resident" for the purposes of that section;
- (jj) respecting the exemption of permittees, licensees or approval holders or classes of permittees, licensees or approval holders from the application of all or some of the requirements under section 49, subject to any terms and conditions provided for in the rules, including the substitution of any other requirements;
- (kk) respecting deposits or other forms of security required of permittees, licensees and approval holders to guarantee the proper and safe suspension, abandonment and reclamation of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants and the carrying out of any other activities necessary to ensure the protection of the public and the environment, including the amount and form of those deposits and security and how they may be used, retained, forfeited and returned;
- (ll) respecting inspections to be made at wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants and by whom inspections are to be carried out and reported;
- (mm) respecting monitoring, including geotechnical monitoring, and compliance in relation to wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants;
- (nn) requiring and prescribing any tests and methodology, samples, cores, analyses, surveys, logs and any other data and submission of those tests, samples, cores, analyses, surveys, logs and other data to the Regulator;
- (oo) respecting methods to be used for measurements related to mineral resource production or recovery and measurements of any associated substances produced, including rules respecting
  - (i) the standard conditions to which those measurements are to be converted, and
  - (ii) the units in which measurements are to be expressed;
- (pp) respecting notice to the Regulator or other persons and approval before certain activities or operations are undertaken, including the circumstances in which approval or notice is required;
- (qq) respecting records, reports and information to be kept, stored or submitted to the Regulator by a permittee, licensee, approval holder or other person;
- (rr) respecting records, reports and information to be submitted to or kept, stored or acquired by the Regulator under this Act and their treatment by the Regulator as confidential, including when and to whom the records, reports and information may be made available;

- (ss) respecting the location of wells, facilities, mines, mine sites, external mine discard dumps and processing plants, including regulating, restricting or prohibiting the drilling of wells or the construction, operation or development of wells, facilities, mines, mine sites, external mine discard dumps or processing plants for the purposes of achieving spacing, buffers and setbacks;
  - (tt) respecting the prevention of the waste of mineral resources, including methods of operation to be observed for the prevention of waste;
  - (uu) respecting compliance with and enforcement of regional plans under the *Alberta Land Stewardship Act*;
  - (vv) respecting the service of notices;
  - (ww) respecting forms, including forms required under this Act;
  - (xx) establishing a schedule of fees
    - (i) pertaining to any application or any proceeding under this Act or the rules,
    - (ii) for any map, report, document or other record of the Regulator, and
    - (iii) for any other service provided by the Regulator;
  - (yy) respecting measures to conserve mineral resources or to prevent their waste or improvident disposition and stipulating any other provisions reasonably incidental to the development of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants, and the production from them.
- (2) If this Act or the rules made under subsection (1) authorize the Regulator to grant a permit, licence or approval or approve any operation, the Regulator may prescribe terms and conditions under which it grants the permit, licence or approval or approves the operation.
- (3) If rules made under subsection (1) have prescribed the information to be included in or to accompany an application under this Act or the rules, the Regulator is not precluded from
- (a) considering or acting on the application notwithstanding that it does not contain that information, or
  - (b) requiring additional information.
- (4) Rules made under subsection (1) respecting the confidentiality of records, reports or information submitted to or acquired by the Regulator under this Act prevail despite the *Freedom of Information and Protection of Privacy Act*.

#### Regulations

**55** The Lieutenant Governor in Council may make regulations

- (a) prescribing things as not being facilities for the purposes of section 1(1)(j)(ix);
- (b) further defining "mineral resources" for the purposes of section 1(1)(p);
- (c) prescribing things as not being wells for the purposes of section 1(1)(bb);
- (d) respecting provisions of other energy resource enactments applicable to the development of mineral resources, with necessary modifications;
- (e) respecting the conservation and management of mineral resources, including conservation and management in relation to energy resources and energy resource activities;
- (f) respecting the management of the development of mineral resources as between permittees, licensees and approval holders and in relation to the development and conservation of energy resources and energy development;
- (g) respecting affording each mineral resource owner the opportunity of obtaining the owner's share of the production of mineral resources;
- (h) for the purpose of all matters, questions, orders or directions arising under this Act, respecting the Lieutenant Governor in Council's approval of wells, facilities, mines, mine sites or processing plants, or classes of wells, facilities, mines, mine sites or processing plants;

- (i) prescribing other purposes for which the Regulator may order suspension and abandonment;
- (j) respecting the funding, treatment, designation and requirements applicable for the purposes of addressing the suspension, abandonment, remediation and reclamation of orphan wells, facilities, well sites and facility sites;
- (k) respecting the closure of wells, facilities, well sites, facility sites, mines, mine sites, external mine discard dumps and processing plants;
- (l) respecting reasonable care and measures to prevent impairment or damage in respect of mines, mine sites, external mine discard dumps and processing plants;
- (m) respecting any matters that are necessary for or ancillary or incidental to the exercise of a power or the performance of a duty or function by the Regulator under this Act;
- (n) defining for the purposes of this Act any term or expression that is used but not defined in this Act;
- (o) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the purposes of this Act.

### Part 6

#### Transitional Provisions, Consequential Amendments, Related Amendments and Coming into Force

##### Amends RSA 2000 cE-12

**56(1)** The *Environmental Protection and Enhancement Act* is amended by this section.

**(2)** Section 1(aaaa) is repealed and the following is substituted:

(aaaa) “well” means

- (i) an orifice in the ground that is completed or being drilled
  - (A) for the production of oil, oil sands or gas, or
  - (B) for injection into an underground formation,
- (ii) a well as defined in the *Geothermal Resource Development Act*, or
- (iii) a well as defined in the *Mineral Resource Development Act*;

##### Amends SA 2020 cG-5.5

**57(1)** The *Geothermal Resource Development Act* is amended by this section.

**(2)** Section 1 is amended

**(a)** in subsection (1)

**(i)** in clause (c)

**(A)** in subclause (ii) by adding “the *Mineral Resource Development Act* or” after “as defined in”;

**(B)** in subclause (iii) by striking out “this Act” and substituting “this Act, the *Mineral Resource Development Act*” after “as defined in”;

**(ii)** in clause (h)(ii) by adding “the *Mineral Resource Development Act* or” after “as defined in”;

**(b)** in subsection (3)

**(i)** in clauses (a) and (b) by adding “the *Mineral Resource Development Act* or” after “as defined in”;

**(ii)** by adding “the *Mineral Resource Development Act* or” after “holder of a licence under”.

**(3)** Section 25(3) is amended

- (a) in clause (a) by adding "a licensee, permittee or approval holder under the *Mineral Resource Development Act*," after "this Act,";
- (b) by repealing clauses (b) and (c) and substituting the following:
  - (b) refuse to consider an application for an identification code or licence from an applicant under this Act, the *Mineral Resource Development Act*, the *Oil and Gas Conservation Act* or the *Pipeline Act* or for a permit under the *Mineral Resource Development Act*,
  - (c) refuse to consider an application to transfer a licence under this Act, a licence or approval under the *Mineral Resource Development Act* or the *Oil and Gas Conservation Act*, a permit under the *Mineral Resource Development Act* or a licence under the *Pipeline Act*,

**Amends RSA 2000 cN-3**

**58(1) The *Natural Resources Conservation Board Act* is amended by this section.**

**(2) Section 1 is amended**

- (a) by repealing clause (f);
- (b) in clause (g) by adding "or mineral resource" after "energy resource".

**(3) Section 4(c) is repealed.**

**Amends RSA 2000 cO-6**

**59(1) The *Oil and Gas Conservation Act* is amended by this section.**

**(2) Section 1(1) is amended**

**(a) by repealing clause (w) and substituting the following:**

- (w) "facility", except for the purposes of Part 11, means any building, structure, installation, equipment or appurtenance over which the Regulator has jurisdiction and that is connected to or associated with the recovery, development, production, handling, processing, treatment or disposal of hydrocarbon-based resources, including synthetic coal gas and synthetic coal liquid, or any associated substances or wastes or the disposal of captured carbon dioxide, and includes, without limitation,
  - (i) a battery, a processing plant, a gas plant, an oilfield waste management facility, a central processing facility as defined in the rules made under the *Oil Sands Conservation Act*, a compressor, a dehydrator, a separator, a treater, a custom treating plant, a produced water-injection plant, a produced water disposal plant, a miscible flood injection plant, a satellite or any combination of any of them,
  - (ii) all or part of a facility as defined in the *Geothermal Resource Development Act* or the *Mineral Resource Development Act* that is designated under section 3(3)(a) as a facility for the purposes of this Act,
 

but does not include
  - (iii) a well as defined in this Act, the *Geothermal Resource Development Act* or the *Mineral Resource Development Act*,
  - (iv) a pipeline as defined in the *Pipeline Act*,
  - (v) a mine site or processing plant as defined in the rules made under the *Oil Sands Conservation Act*,
  - (vi) a mine site or coal processing plant as defined in the *Coal Conservation Act*,
  - (vii) a mine site or processing plant as defined in the *Mineral Resource Development Act*, or
  - (viii) subject to subclause (ii) and the regulations, a facility as defined in the *Geothermal Resource Development Act* or the *Mineral Resource Development Act*;

**(b) by repealing clause (nn) and substituting the following:**

- (nn) "pipeline" means any pipe or any system or arrangement of pipes wholly within Alberta and whereby oil, gas or synthetic crude oil or water incidental to the drilling for or production of oil, gas or synthetic crude oil is conveyed, and includes all property of any kind used for the purpose of, or in connection with, or incidental to, the operation of a pipeline in the gathering, transporting, handling and delivery of oil, gas, synthetic crude oil or water, but does not include any pipe or any system or arrangement of pipes that
- (i) constitutes a distribution system for the distribution within a community of gas to ultimate consumers,
  - (ii) is used in connection with the development of geothermal resources as defined in the *Geothermal Resource Development Act*,
  - (iii) is used in the distribution of heat resulting from the development of geothermal resources as defined in the *Geothermal Resource Development Act*, or
  - (iv) is used in connection with the development of mineral resources as defined in the *Mineral Resource Development Act*;

**(c) in clause (eee)**

**(i) in subclause (ii) by adding "or the Mineral Resource Development Act" after "Geothermal Resource Development Act";**

**(ii) by repealing subclause (iv) and substituting the following:**

(iv) subject to subclause (ii) and the regulations, a well as defined in the *Geothermal Resource Development Act* or the *Mineral Resource Development Act*;

**(3) Section 3(2) and (3) are amended by adding "or the Mineral Resource Development Act" after "Geothermal Resource Development Act" wherever it occurs.**

**(4) Section 106(3) is amended**

**(a) by repealing clause (a) and substituting the following:**

(a) suspend any operations of a licensee or approval holder under this Act, a licensee under the *Geothermal Resource Development Act* or the *Pipeline Act* or a permittee, licensee or approval holder under the *Mineral Resource Development Act*,

**(b) in clause (b) by adding "or for a permit, licence or approval from an applicant under the Mineral Resource Development Act" after "Pipeline Act";**

**(c) by repealing clause (c) and substituting the following:**

(c) refuse to consider an application to transfer a licence or approval under this Act, a licence under the *Geothermal Resource Development Act* or the *Pipeline Act* or a permit, licence or approval under the *Mineral Resource Development Act*,

**(d) in the portion following clause (e)**

**(i) by adding "permittee," after "declaration is the";**

**(ii) by adding "permittee" after "control of the".**

**(5) Section 110.1(c), (d) and (e) are amended by adding "or the Mineral Resource Development Act" after "the Geothermal Resource Development Act".**

**Amends RSA 2000 cP-15**

**60(1) The Pipeline Act is amended by this section.**

**(2) Section 1(1)(t)(i) is amended by striking out "or" at the end of paragraph (B), adding "or" at the end of paragraph (C) and adding the following after paragraph (C):**

(D) a facility, scheme, processing plant or other matter authorized under the *Mineral Resource Development Act*,

**(3) Section 51 is amended**

**(a) in subsection (3) by repealing clauses (a), (b) and (c) and substituting the following:**

- (a) suspend any operations of a licensee under this Act, the *Geothermal Resource Development Act* or the *Oil and Gas Conservation Act*, an approval holder under the *Oil and Gas Conservation Act* or a permittee, licensee or approval holder under the *Mineral Resource Development Act*,
  - (b) refuse to consider any application for an identification code, licence or approval from an applicant under this Act, the *Geothermal Resource Development Act*, the *Mineral Resource Development Act* or the *Oil and Gas Conservation Act* or for a permit from an applicant under the *Mineral Resource Development Act*,
  - (c) refuse to consider an application to transfer a licence under this Act, the *Oil and Gas Conservation Act*, the *Geothermal Resource Development Act* or the *Mineral Resource Development Act*, an approval under the *Oil and Gas Conservation Act* or the *Mineral Resource Development Act* or a permit under the *Mineral Resource Development Act*,
- (b) in the portion following clause (e)
- (i) by adding “permittee,” after “declaration is the”;
  - (ii) by adding “permittee” after “control of the”.

**Amends SA 2012 cR-17.3**

**61(1) The *Responsible Energy Development Act* is amended by this section.**

**(2) Section 1(1) is amended**

(a) by adding the following after clause (j)(ii.1):

(ii.2) the *Mineral Resource Development Act*,

(b) by adding the following after clause (m):

(m.1) “mineral resource” means a mineral resource as defined in the *Mineral Resource Development Act*;

**(3) Section 2(1)(a) and (2)(a), (e) and (f) are amended by adding “and mineral resources” after “energy resources”.**

**(4) Section 17(a) is amended by adding “and mineral resources” after “energy resources”.**

**(5) Section 29 is amended**

(a) in subsection (1)

(i) in clause (d) by adding “, mineral resource project” after “coal project” wherever it occurs;

(ii) in clause (f) by adding “, the *Mineral Resource Development Act*” after “*Geothermal Resource Development Act*”;

(b) in subsection (2) by adding “, mineral resource project” after “coal project”;

(c) in subsection (3)

(i) in clauses (a) and (d) by adding “, mineral resource projects” after “coal projects” wherever it occurs;

(ii) in clause (e) by adding “, mineral resource project” after “coal project” wherever it occurs;

(d) in subsections (4) and (5) by adding “, mineral resource project” after “coal project” wherever it occurs.

**(6) Section 67(1)(b) is amended by adding “and mineral resource” after “energy resource”.**

**(7) Section 78 is amended by adding the following after clause (e):**

(e.1) defining “facility” for the purposes of section 29;

**(8) Section 80(2)(a), (b) and (c) are amended by adding “mineral resource project,” after “coal project,”.**

**Coming into force**

**62** This Act comes into force on Proclamation.

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