

ALBERTA REGULATION 244/2018
Environmental Protection and Enhancement Act
METHANE EMISSION REDUCTION REGULATION

Definitions

1 In this Regulation,

- (a) “Act” means the [Environmental Protection and Enhancement Act](#);
- (b) “Directive 017” means Directive 017, Measurement Requirements for Oil and Gas Operations, published by the Regulator, as amended from time to time;
- (c) “Directive 060” means Directive 060, Upstream Petroleum Industry Flaring, Incinerating, and Venting, published by the Regulator, as amended from time to time;
- (d) “duty holder”, in respect of an upstream oil and gas facility, means
 - (i) the holder of an approval for a scheme or operation under [section 10](#) of the [Oil Sands Conservation Act](#), but does not include the holder of an approval for an oil sands mining scheme or operation,
 - (ii) the holder of a licence or approval for an installation associated with a pipeline under the [Pipeline Act](#),
 - (iii) the holder of a licence or approval for a well or facility under the [Oil and Gas Conservation Act](#), or
 - (iv) the operator of a facility that does not require a licence or approval under the [Oil and Gas Conservation Act](#);
- (e) “fugitive emissions” means the unintentional release of hydrocarbons, including methane, into the atmosphere and includes, but is not limited to, unintentional releases of hydrocarbons as a result of
 - (i) worn, broken or loose components,
 - (ii) surface casing vent flows and gas migration, and
 - (iii) equipment emitting in excess of design or normal operating conditions;
- (f) “fugitive emissions management program” means a program to track, manage or repair a release of fugitive emissions;
- (g) “methane” means, in addition to its normal scientific meaning, a mixture mainly of methane that ordinarily may contain some ethane, nitrogen, helium or carbon dioxide;
- (h) “operator” means an operator as defined in the [Oil and Gas Conservation Act](#);
- (i) “Regulator” means the Alberta Energy Regulator;
- (j) “upstream oil and gas facility” means
 - (i) a scheme or operation approved under [section 10](#) of the [Oil Sands Conservation Act](#),

- (ii) an installation as defined in the [Pipeline Act](#), or
 - (iii) a well or facility as defined in the [Oil and Gas Conservation Act](#);
- (k) “vent gas” means uncombusted gas that is released into the atmosphere at an upstream oil and gas facility and includes, but is not limited to,
- (i) waste gas,
 - (ii) gas used to operate pneumatic devices,
 - (iii) gas from compressor seals, starters and blowdowns,
 - (iv) gas from facility upsets and emergency shutdowns,
 - (v) gas from dehydrator still columns,
 - (vi) gas from production tanks other than methanol or chemical tanks,
 - (vii) gas released during pigging operations,
 - (viii) gas produced during well completions,
 - (ix) gas produced during well unloading volumes, and
 - (x) blanket gas,
- but does not include fugitive emissions.

Application

2 This Regulation applies to all upstream oil and gas facilities except processing plants approved under [section 11](#) of the [Oil Sands Conservation Act](#).

Vent gas

3(1) A duty holder shall comply with each requirement of sections 8.3 to 8.6.3.2 of Directive 060 for all vent gas released from the upstream oil and gas facility.

(2) If a duty holder engages in flaring or incineration for the purposes of meeting the requirements of subsection (1), the duty holder shall also comply with each requirement of sections 3.6 and 7 to 7.12.5 of Directive 060.

Measurement

4 For the purposes of [section 3](#), the volume of gas produced, received, vented and destroyed at an upstream oil and gas facility must be determined in accordance with the applicable methods set out in Directive 017.

Fugitive emissions management program

5 A duty holder shall comply with fugitive emissions management requirements for the upstream oil and gas facility in accordance with

- (a) each requirement of sections 8.10 to 8.10.5 of Directive 060, or
- (b) section 8.10.6 of Directive 060, in the case where the duty holder has received approval from the Director for an alternative fugitive emissions management program.

Annual report

6(1) On or before June 1 of each year, a duty holder shall submit to the Director an annual report prepared in accordance with section 8.2 of Directive 060 for the upstream oil and gas facility in respect of the previous year.

(2) The annual report must include

- (a) the information required under sections 8.4.1, 8.6.1.2, 8.6.2.4, 8.6.3.2 and 8.10.5 of Directive 060, and

- (b) any other information requested by the Director.

Additional reports

7(1) The Director may at any time, by notice in writing, direct a duty holder

- (a) to submit to the Director additional reports or records respecting any requirements of this Regulation, or
- (b) to conduct additional monitoring, measurement, repairs and reporting related to methane emissions in the manner and frequency specified in the notice.

(2) The duty holder shall comply with a direction under subsection (1).

Records retention

8(1) A duty holder shall comply with each requirement of section 8.11 of Directive 060 in respect of the records for the upstream oil and gas facility.

(2) A duty holder shall retain the following documents for 4 years from the date they were created:

- (a) the annual report for the upstream oil and gas facility;
- (b) the fugitive emissions management program;
- (c) the records, information and data on which the documents described in clauses (a) and (b) are based.

Offences

9(1) A duty holder that contravenes [section 3](#), [5](#), [6](#), [7](#) or [8](#) is guilty of an offence and liable

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

(2) No person shall be convicted of an offence referred to in subsection (1) if that person establishes on a balance of probabilities that the person took all reasonable steps to prevent its commission.

Consequential amendment

10(1) The [Administrative Penalty Regulation \(AR 23/2003\)](#) is amended by this section.

(2) The Schedule is amended by adding the following after section 4.1:

4.2 Methane Emission Reduction Regulation

- [sections 3](#), [5](#), [6](#), [7](#), [8](#).

Coming into force

11 This Regulation comes into force on January 1, 2020.