

AER Bulletin 2013-03

November 19, 2013

Mandated Subdivision and Development Application Referrals, Setback Relaxations, Land Development Information Package, and Abandoned Well Information

The purpose of this bulletin is to clarify the Alberta Energy Regulator's (AER) setback requirements from oil and gas facilities and related processes and to summarize the AER's processes for responding to setback-related referrals, requests, and inquiries.

The Issue

The AER receives more than 2000 mandated subdivision and development application referrals (setback referrals) annually from subdivision and development authorities in various formats. In approximately 70 per cent of setback referrals, no sour gas facilities, and often no oil or gas operations, are found within the proposed area. A large number of setback referrals received are not for subdivision or development that would result in permanent dwellings or public facilities being subject to AER setback requirements. Further, a large percentage of setback referrals are submitted in hard copy and contain unnecessary and confidential information. Many setback referrals do not clearly indicate the type of surface developments proposed, making it difficult to determine the search area and to provide the appropriate information.

Many other requests for information about oil and gas facilities are also submitted and clarification of the AER's processes for managing these requests is needed.

Mandated Subdivision and Development Application Referrals

Section 10 of the *Subdivision and Development Regulation* (the regulation) requires subdivision and development authorities to send a copy of each subdivision and development application that results in a "permanent additional overnight accommodation or public facility, as defined by the AER, to the AER if any of the land that is subject to the application is within 1.5 kilometres of a sour gas facility or a lesser distance agreed to, in writing, by the AER and the subdivision authority."

The AER must provide the subdivision or development authority with information on sour gas facilities that are within the proposed area, including the sour gas level description and the minimum distance that development must be set back from each sour gas facility identified.

Section 11 of the regulation does not allow a subdivision or development application to be approved if it would result in additional permanent dwellings or public facilities, as defined by the

AER, being located within 100 metres of a gas or oil well, unless the AER provides written approval.

The AER expects that subdivision and development authorities attempt to determine whether there are sour gas facilities in the vicinity of the proposed subdivision or development before submitting a referral to the AER. To assist subdivision and development authorities in determining whether a setback referral is required, the AER provides the following guidance.

The AER uses various land use descriptions to apply setback distance requirements for proposed developments close to sour gas facilities. These land use descriptions are based on the number and the type of surface developments proposed. Refer to the next section and the glossary (appendix 1) to determine how the AER applies these land use descriptions in its setback referral process.

Many subdivision and development authorities have tools and resources that can be used to determine whether a proposed development is close to sour gas facilities. Subdivision and development authorities that do not have these resources can contact the AER to obtain a Land Development Information Package (LDIP). Please refer to the section on LDIPs for information on how to request this information.

Determining Whether a Referral to the AER is Required

Subdivision and development applications are only required to be referred to the AER if they meet the following AER land use description criteria (land use descriptions are defined in the attached glossary):

- Proposed **permanent dwelling** where sour gas facilities may be found within a 100 metre radius
- Proposed **unrestricted country development** where sour gas facilities may be found within 500 metres
- Proposed additional development within an **urban centre** or new urban density development located outside an **urban centre**, or a proposed **public facility** where sour gas facilities may be found within 1500 metres (1.5 kilometres)

The AER does not use the term “permanent overnight accommodation” as is used in the Subdivision and Development Regulation but instead uses “permanent dwelling,” defined in the glossary. For the purposes of the regulation, the two terms should be considered synonymous.

Referrals are *not* required for subdivision or development applications

- that do not include a permanent dwelling, business, or public facility (such as applications for road closures, gravel pits, wind farms, storage lots, lot line adjustments, area structure plans,

bylaw amendments, rezoning, etc. where no permanent dwellings or public facilities are being proposed in the application) or

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emergency 1-800-222-6514

- where it is known that no sour gas facilities are located within the distances set out above.

Preparing and Submitting a Setback Referral to the AER

An applicant or authority can determine whether a referral to the AER is required to be submitted by using the flowchart and information found in the appendices. A subdivision or development applicant may already be aware of nearby oil or gas facilities at the time of application. It may therefore be reasonable for the subdivision and development authority to request this information from the applicant. Only those subdivision and development applications that have sour gas facilities within the setback distances outlined in the previous section, need to be referred.

When a setback referral is submitted to the AER, the form found in appendix 2 should be used to submit the referral. The use of this form will greatly assist the AER in decreasing turnaround times and will avoid unnecessary disclosure of confidential personal information.

The AER does not require notifications of hearings or appeals of decisions, nor does the AER require information on planning authority decisions on subdivision and development applications.

The AER receives many setback referrals via regular mail. In order to expedite a response, subdivision and development authorities are strongly encouraged to submit requests electronically to setbackreferrals@aer.ca. Queries related to setback referrals or requirements may be directed to the Emergency Management Group's help line (EPA help line) at 403-297-2625.

Setback Relaxations

For subdivision and development applications where it is known that the 100 metre setback to a non-sour well would not be met, a setback relaxation request must be made to the AER.

To request a setback relaxation, contact the EPA help line at 403 297-2625 or submit a request to setbackreferrals@aer.ca. Clearly indicate that you are requesting a setback relaxation, as additional information will be required to be submitted to the AER to process the request.

Land Development Information Package

For general information and other land-use purposes, such as area structure plans (ASP), rezoning, by-law amendments, or other planning initiatives where no permanent dwellings or public facilities are proposed in the application, the AER can provide a land development information package (LDIP) to assist the municipality with future planning.

An LDIP provides information on all oil and gas facilities licensed by the AER within a 2 km radius of the subject area to assist the municipality with planning.

Once an LDIP has been obtained further information and clarification about the oil and gas facilities can be obtained by contacting the licensee.

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To obtain an LDIP, contact AER Information Dissemination Services at 1-855-297-8311 or by e-mail at infoservices@aer.ca. Information Dissemination Services will require the legal land description of the lands for which information is being requested.

Abandoned Well Information

In October 2012, the ERCB released [*Directive 079: Surface Development in Proximity to Abandoned Wells*](#), which sets out requirements in support of an amendment by Alberta Municipal Affairs to the *Subdivision and Development Regulation*, which requires proponents (developers and property owners) of a subdivision or development to identify the locations of abandoned wells and ensure that proposed surface developments are not located within the minimum setback requirements in *Directive 079* in respect of any abandoned wells. The directive also requires licensees of abandoned wells to provide information and support to proponents of a subdivision or development and to follow an established well locating and testing protocol for abandoned wells near existing and proposed surface development.

The AER has an abandoned well viewer to help locate abandoned wells (available on the Systems & Tools portal of the AER website, www.aer.ca). *Bulletin 2012-20* provides additional information and can also be found on the AER website. Abandoned well information can also be obtained from the GeoDiscover Alberta website, www.geodiscover.alberta.ca.

Further Information

Questions related to mandated setback referrals and setback relaxations should be directed to the EPA help line at 403-297-2625 or EPAHelpline@aer.ca.

General setback queries should be directed to the AER's Customer Contact Centre at 1-855-297-8311 or by e-mail to inquiries@aer.ca.

Questions related to Land Development Information Packages should be directed to infoservices@aer.ca.

Questions regarding *Directive 079* can be submitted to directive079@aer.ca.

<original signed by>

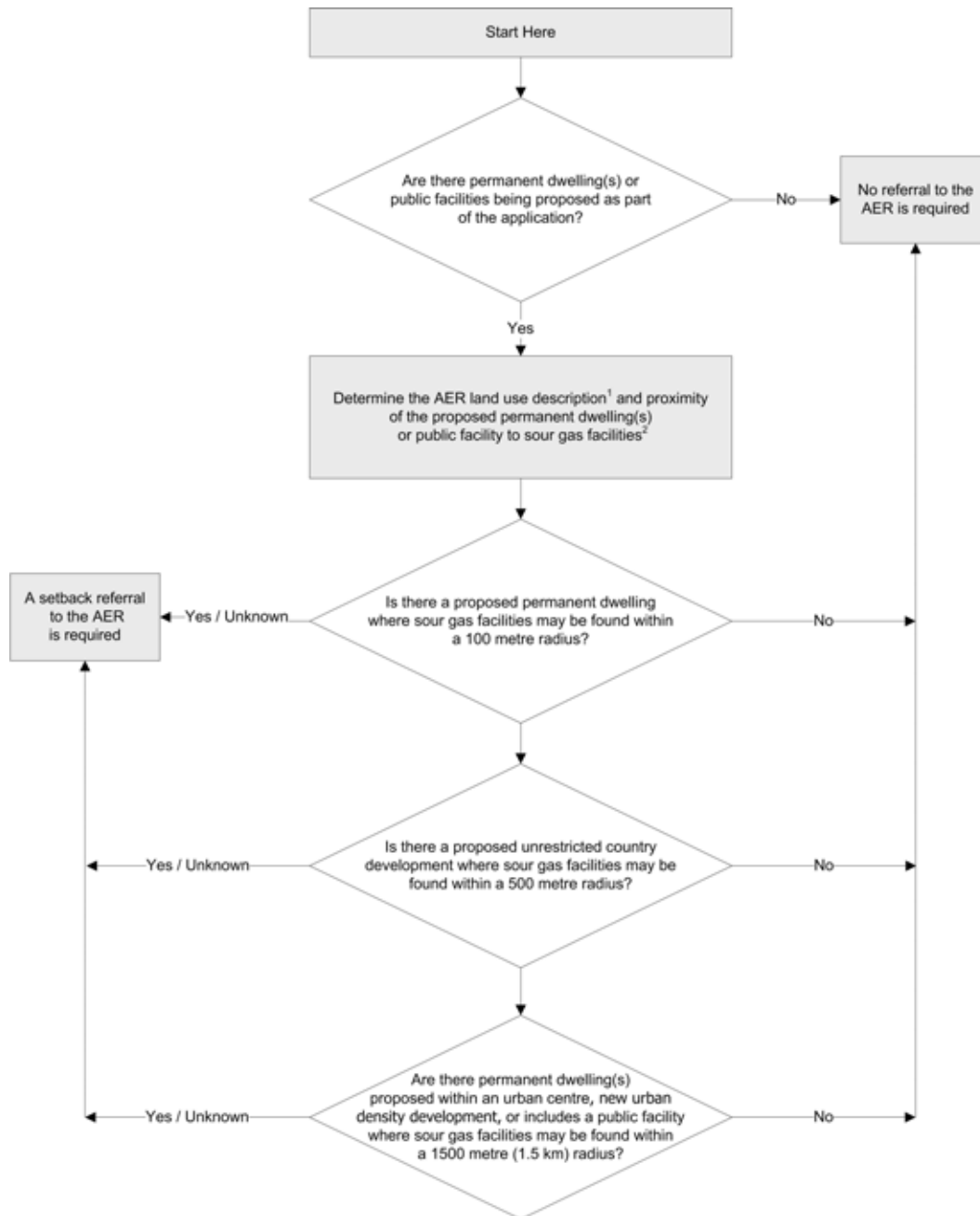
Robin King
Vice President
Field and Operations

Appendix 1 Glossary

<p>permanent dwelling (permanent overnight accommodation)</p>	<p>A “permanent dwelling” (also referred to as dwelling or individual dwelling) description is generally considered to be any dwelling located on a quarter section with eight or less permanent dwellings, located outside the corporate boundaries of an urban centre and not situated at a public facility. In addition to dwellings, other situations appropriate to this classification may include other locales frequented by persons over a 24 hour period such as work sites and places of business (or similar activities), or where the evacuation situation appears complex. <i>(EUB General Bulletin 99-4, pg. 9)</i></p>
<p>public facility</p>	<p>A public building, such as a hospital, rural school, or major recreational facility, situated outside of an urban centre that can accommodate more than 50 individuals and/or that requires additional transportation to be provided during an evacuation. <i>(AER Directive 056, appendix 3)</i></p>
<p>unrestricted country development</p>	<p>Any collection of permanent dwellings situated outside of an urban centre and having more than eight permanent dwellings but no more than 50 per quarter section; for the purpose of applying the requirements of <i>ID 97-6</i>, includes any similar development the [AER] might so designate. <i>(AER Directive 056, appendix 3)</i></p>
<p>urban centre</p>	<p>A city, town, new town, village, or summer village with no fewer than 50 separate buildings, each of which must be an occupied dwelling, or other incorporated centre; for the purpose of applying the requirements of <i>Interim Directive 81-3</i> and <i>Directive 056</i>, this definition includes urban density developments of 50 or more dwellings located outside of an urban centre and urban density developments such as urban service areas of a specialized municipality.</p>

Appendix 2 Setback Referral Flowchart and Form

inquiries 1-855-297-8311
 24-hour emergency 1-800-222-6514



¹ Refer to the glossary for definitions of each land use description for the purposes of this bulletin.

² This information can be obtained by contacting the AER for a land development information package and by contacting the licensee for information.

AER Setback Referral Form



Please refer to *AER Bulletin 2013-03* for land use descriptions and instructions on determining when to refer applications to the AER. Failure to follow the recommended process may result in delays in the review of your referral request.

Date
Month: _____ Day: _____ Year: _____

1. Subdivision and Planning Authority Information
Subdivision and Planning Authority: _____
Subdivision/Development Application No.: _____
Contact Name: _____ Contact Number: _____
E-mail address: _____

2. Land Information
Legal Land Description of Proposed Development:
QTR: _____ SEC: _____ TWP: _____ RG: _____ M: _____

3. Land Use Description
<input type="checkbox"/> Permanent Dwelling <input type="checkbox"/> Unrestricted Country Development <input type="checkbox"/> Urban Centre <input type="checkbox"/> Public Facility

Please note that you may be contacted for further information regarding any setback referral request made to the AER.

For setback referral requests, the AER requests that this form be submitted electronically to setbackreferrals@ aer.ca. All queries relating to setback referrals can be directed to the Emergency Preparedness and Audit (EPA) help line at (403) 297-2625.

AER USE ONLY
Date received: _____ Date replied: _____
AER Registry No. (if applicable): _____