

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

You are receiving this document because a representative of an energy resource company recently approached you regarding plans to dispose, treat, or store drilling waste on your land. Drilling waste is generated when drilling a well (oil, gas, or geothermal) or when directional drilling for pipeline construction.

Properly managing the disposal of drilling waste is important to

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

The Alberta Energy Regulator (AER) requires companies to manage drilling waste according to AER *Directive 050: Drilling Waste Management* and provide landowners with information about any drilling waste management activity the company seeks to conduct on the owner's land.

Companies can manage drilling waste on the well-site lease where the waste was generated. Also, managing directional drilling waste is permitted on a pipeline right-of-way that has already been disturbed for pipeline construction. The AER does not require companies to obtain landowner consent to manage drilling waste meeting these conditions. However, landowners may request restrictions or conditions around drilling waste management when negotiating the surface lease for the well site or the pipeline right-of-way. Therefore, it is important that landowners obtain information directly from the companies about their drilling waste management plans. Any monitoring of additional conditions or restrictions is between the landowner and the company generating the drilling waste.

Companies must obtain landowner consent to

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

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

Although the requirements in *Directive 050* have been designed to protect soil quality, a landowner's decision concerning drilling waste management activities may be influenced by conditions specific to the landowner. Landowners should feel free to raise concerns or questions—companies are expected to respond.

Landowners are not obligated to consent to drilling waste management activities on their land or enter into a written agreement for a remote site. Landowners have the right to withhold their consent.

If you are considering a disposal request from a company, we recommend that you meet with the company representatives to review the proposal. The discussion should include the overall disposal or management plan being proposed, any measures that could be put in place to reduce potential adverse effects, and any potential alternatives to the proposal.

Additional information, including a copy of AER *Directive 050*, is available on the AER website at www.aer.ca > Regulating Development > Rules and Directives > Directives > *Directive 050*.

Landowners who have more questions about the regulation of drilling waste management can contact the AER's Customer Contact Centre by phone at 1-855-297-8311 or by email at inquiries@er.ca.