

Release Reporting Frequently Asked Questions

Question: Am I required to notify the landowner of a spill?

Section 4.1 of *Informational Letter IL 98-01: A Memorandum of Understanding Between Alberta Environmental Protection and the Alberta Energy and Utilities Board Regarding Coordination of Release Notification Requirements and Subsequent Regulatory Response (IL 98-01)* states: “It is the responsibility of the industry operator reporting a release to the EUB or PCD (as appropriate) to inform any private individuals whose lands may be affected by the release. The industry operator must notify the landowner of any release that occurs off a lease site, migrates off a lease site or occurs on an easement or right-of-way.”

Question: If a company owns the property adjacent to the lease, is the spill still considered off-lease and therefore reportable to the ERCB?

Yes. On-lease refers to anywhere within the surveyed boundary of the upstream petroleum site lease. On-lease **does not** refer to surface rights granted by Sustainable Resource Development (MSL, LOC, PLA, PIL, etc.) or freehold land. Off-lease includes access roads, highways, gravel roads, easements, or right-of-ways. All releases that are not on the surveyed boundary of the upstream petroleum site lease are reportable to the ERCB regardless of volume.

Question: If a piece of equipment dented the pipeline but nothing was released is this reportable to the ERCB?

Yes. ERCB licensed pipeline incidents require notification even if nothing was released. As outlined in Section 35 of the *Pipeline Act*, if contact is made with a pipeline during any ground disturbance resulting in a puncture of or crack in the pipeline or in a scratch, gouge, flattening, or dent on the surface of the pipeline, or in damage to its protective coating, the particular ground disturbance that resulted in the contact with the pipeline shall be immediately stopped and the licensee of the pipeline shall immediately notify the ERCB of the location where the contact occurred and the kind of damage that resulted from the contact.

Question: Is a release of small volumes of hydrotest solution (70% freshwater 30% methanol) from a pressure truck hose fitting while working on a pipeline hydrotest a reportable spill to the ERCB?

No. The spilled material is not an unrefined product. It was not the result of a pipeline break/hit and the product being used is not oilfield waste (as per *Informational Letter IL 98-01* this release may be reportable to *Alberta Environment (AENV)*).

Question: Is a frac into a river from pipeline boring activities a reportable release to the ERCB?

This incident is reportable to AENV. Licensees may notify the ERCB as a courtesy verbally or as a non-reportable incident on the Digital Data Submission (DDS) system. The AENV *CODE OF PRACTICE FOR PIPELINES AND TELECOMMUNICATION LINES CROSSING A WATER BODY* states: “A person involved in carrying out a works must, within 24 hours, report by telephone, facsimile or e-mail to the Director and an owner, any contravention of this Code of Practice including possible environmental impacts resulting from the contravention and initial actions taken to mitigate the contravention.”

Question: If a licensee reports a spill to the ERCB will the ERCB issue enforcement?

If it was determined that the licensee reported the incident late, or if the site visit or investigation determined the incident was a result of noncompliance with ERCB requirements, then enforcement action may be taken.

Question: When is a spill considered to be reported as late?

ERCB requirements clarify that once a licensee becomes aware of a reportable release the incident is to be immediately reported orally to the appropriate ERCB Field Centre. There is no specific time frame (e.g., 24 hours) because it is expected that the licensee will notify the ERCB at the first available opportunity. The licensee has the opportunity to take measures to control the spill (e.g., shut-in the line, call for assistance, etc.) and then the ERCB must be notified. If a licensee is aware of a spill and has taken adequate measures to contain and clean up, however failed to notify the ERCB at the first available opportunity, enforcement action may be taken.

Question: When is a spill considered to be an adverse impact, and therefore required to be reported to the ERCB?

The *Environmental Protection and Enhancement Act* defines “adverse effect” as impairment of or damage to the environment, human health, or safety or property. *IL 98-01* provides the following guidelines to assess whether the release may cause, is causing, or has caused an adverse effect:

- any third party off-lease impact (e.g., crop damage, vegetation damage, and livestock impact)
- unrecovered spilled substance likely to contaminate surface or ground water
- groundwater and/or surface water is contaminated
- release or spill has potential for off-site odour complaints, or toxic/flammable release to air going off-site

Question: If a release occurred while transporting product to a facility, should the licensee call the ERCB with the well licence or facility licence number?

If the released material can be traced back to a single well, report the well licence information to the ERCB. If the released material cannot be associated with a single well (e.g., load is from group sales tank) report the facility licence information to the ERCB.

Question: If a truck accident occurs while hauling to a facility and there is a release of diesel fuel, is this required to be reported to the ERCB?

No. Diesel is a refined product and *IL 98-01* outlines that for releases of refined product (e.g., diesel, gasoline, sulphur, and solvents) the operator is required to orally notify AENV. If the incident results in injuries or the public may be affected a courtesy notification can be made to the local ERCB Field Centre.

Question: What happens if surface water is accidentally discharged (e.g., lease dike overflows) and landowner permission has not been obtained?

- If the ERCB receives a public complaint from the landowner, enforcement action(s) will be issued.
- If the fluids meet surface water discharge criteria and landowner permission can be obtained after the incident, report the incident verbally to the ERCB and enter as a non-reportable incident on the DDS system.

- If the fluid does not meet surface water discharge criteria, report to the ERCB as an off-lease spill.
- If fluids meet surface water discharge criteria and landowner permission cannot be obtained after the incident, report to the ERCB as a self-disclosure.

Question: If exposing a pipeline due to a failure, can the hydrovac soils be backfilled once the line is repaired?

Licensees are required to confirm that the excavated material is not contaminated. If the pipeline is backfilled with excavated contaminated material, enforcement action will be taken. In accordance with Section 8.150(2) of the *Oil and Gas Conservation Regulations*, a licensee generating oilfield waste shall properly characterize and classify oilfield wastes, and use appropriate oilfield waste storage, treatment, and disposal practices in accordance with the requirements outlined in *Directive 058: Oilfield Waste Management Requirements for the Upstream Petroleum Industry*.

Question: Can contaminated soil be stored temporarily on the ground (e.g., excavated contaminated soil from a pipeline failure)?

No. Contaminated soil and also contaminated soil that has the potential to leach must not be stored directly on the ground. A liner or bin is required as per the requirements of *Directive 055: Storage Requirements for the Upstream Petroleum Industry (Directive 055)*. Any alternative storage method must be approved by the ERCB Environment Group.

Question: Can contaminated soil from pipeline excavation be stored temporarily on the pipeline right of way?

Yes. If the requirements outlined in *Directive 055* are met.

Question: If a tank overflows 3 m³ and everything is contained inside the secondary containment system does it require notification to the ERCB?

Yes. The release is on-site and is in excess of 2 cubic metres. In accordance with Section 8.050(2) of the *Oil and Gas Conservation Regulations* the licensee or operator shall immediately orally report the size and location of the spill to the appropriate field centre of the Board.

Question: Are licensees required to submit spill notifications on the Digital Data Submission (DDS) system?

Reportable releases must be phoned in verbally to the local ERCB Field Centre. Licensees can submit non-reportable incidents on DDS but it is not mandatory. Licensees can also view their company's ERCB reportable release incidents that have been entered by the ERCB on the DDS system.

If you have questions/comments, please contact your local ERCB field centre or email the ERCB industry education coordinator industry.education@ercb.ca