

Frequently Asked Questions

Reclamation Certificate Process for Energy Development Activities Under an *Environmental Protection and Enhancement Act* Approval

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Unless exempt, an operator must obtain a reclamation certificate as required by the *Environmental Protection and Enhancement Act (EPEA)*. A reclamation certificate is issued when the AER is satisfied that the conservation and reclamation have been completed in accordance with the terms and conditions of the *EPEA* approval and the site has an equivalent land capability. An *EPEA* approval must remain in place until the final reclamation certificate is issued for the facility.

EPEA-approved energy development facilities that follow this process are as follows:

- Gas plants
- Coal mines and coal processing plants
- Oil sands mines and oil sands processing plants
- Enhanced recovery in situ oil sands or heavy oil processing plants
- Oil production sites

Q1. What is the reclamation certification process for *EPEA*-approved facilities?

A1. The reclamation certification process includes the following steps:

- Preapplication meeting – the regulated party should request a preapplication meeting.
- Application submission – regulated party must submit a reclamation certificate application for *EPEA*-approved facilities to EPEA.Rec.Cert.Applications@aer.ca. If you are submitting an integrated application, use the relevant application submission process for each act as well.
- Public Notice of Application – follow the process on the AER’s website.
- Supplemental information – The regulated party must respond to any requests for information following the AER’s technical review of the application.
- Field inquiry – The regulated party and landowner will be notified of and invited to attend the AER’s field inquiry as per *EPEA* section 136 and the *Conservation and Reclamation Regulations* sections 6 and 8.

- Decision – After the inquiry and application review, the AER will determine whether to issue an *EPEA* reclamation certificate.

Further information on the general *EPEA* application process is available on the AER website.

Q2. Can the 2010 Wellsite Criteria be used to assess reclamation at *EPEA*-approved facilities?

A2. The 2010 Reclamation Criteria for Well Sites and Associated Facilities documents are only relevant to upstream oil and gas activities that do not require an *EPEA* approval. The 2010 criteria do not apply to *EPEA*-approved facilities because *EPEA* approvals contain site-specific reclamation conditions. However, the 2010 criteria may be used as a tool to provide measurements and indicators that can aid in developing reclamation criteria for *EPEA*-approved facilities.

Q3. How much land can be included in a reclamation certification application for an *EPEA*-approved facility?

A3. There is no limit to the amount of land that can be the subject of a single reclamation certificate. Parcels should be of a sufficient size to allow for removal from the approved area, provide survey efficiency, coincide with progressive reclamation planning, and avoid redisturbance by ongoing operations or reclamation activity.

Q4. How is remediation and contamination considered within an *EPEA* reclamation certificate application?

A4. The AER requires that reclamation and remediation be addressed before an application is submitted. Information regarding historic contamination and completed remediation efforts is a required component of an *EPEA* reclamation certificate application.

Note that there are no time limits for contamination liabilities on specified land where a reclamation certificate has been issued, unless a remediation certificate for a specific release has been issued under the *Remediation Certificate Regulation*.

Q5. What is the role of the stakeholder in the *EPEA* reclamation certification application process?

A5. The AER expects that reclamation activities be communicated to relevant project stakeholders and encourages operators to provide stakeholders with a copy of the application. In conducting a reclamation field inquiry, the owner and occupant must be contacted.

Stakeholders (e.g., landowners and occupants, First Nations) may provide feedback on any application, which can include success of reclamation, targeted end land use, and achieving equivalent land capability at a given location.

The AER posts public notice for all applications on its Public Notice of Application tool [on the AER website](#).

Q6. What are the conservation and reclamation liability periods associated with *EPEA*-approved facilities?

A6. Reclamation liability after the issuance of an *EPEA* reclamation certificate may arise when circumstances that were not initially apparent are discovered during a reclamation inquiry. In such situations, the operator may be liable even after an *EPEA* reclamation certificate has been issued. The liability depends on the class of specified land.

Plants (gas plant, coal processing plant, oil sands processing plant, enhanced recovery in situ oil sands or heavy oil processing plant): An environmental protection order may be issued for conservation or reclamation purposes for up to 25 years after a reclamation certificate was issued.

Mines (coal mine, oil sands mine): An environmental protection order cannot be issued for conservation or reclamation purposes after a reclamation certificate is issued. Mines receive significant regulatory oversight throughout their life cycles (via the terms and conditions of the *EPEA* approval, monitoring and compliance assurance), which means that there is more certainty that all conservation or reclamation issues were dealt with before the reclamation certificate was issued.

Oil production sites (under an *EPEA* approval only): An environmental protection order cannot be issued for conservation or reclamation purposes after a reclamation certificate is issued. These oil production sites receive significant regulatory oversight throughout their life cycles (via the terms and conditions of the *EPEA* approval, monitoring and compliance assurance), which means that there is more certainty that all conservation or reclamation issues were dealt before the reclamation certificate was issued.