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Regulator

Régie de l'énergie
du Canada

CER Contaminated Sites Oversight:

Program Overview across Canada

Canada



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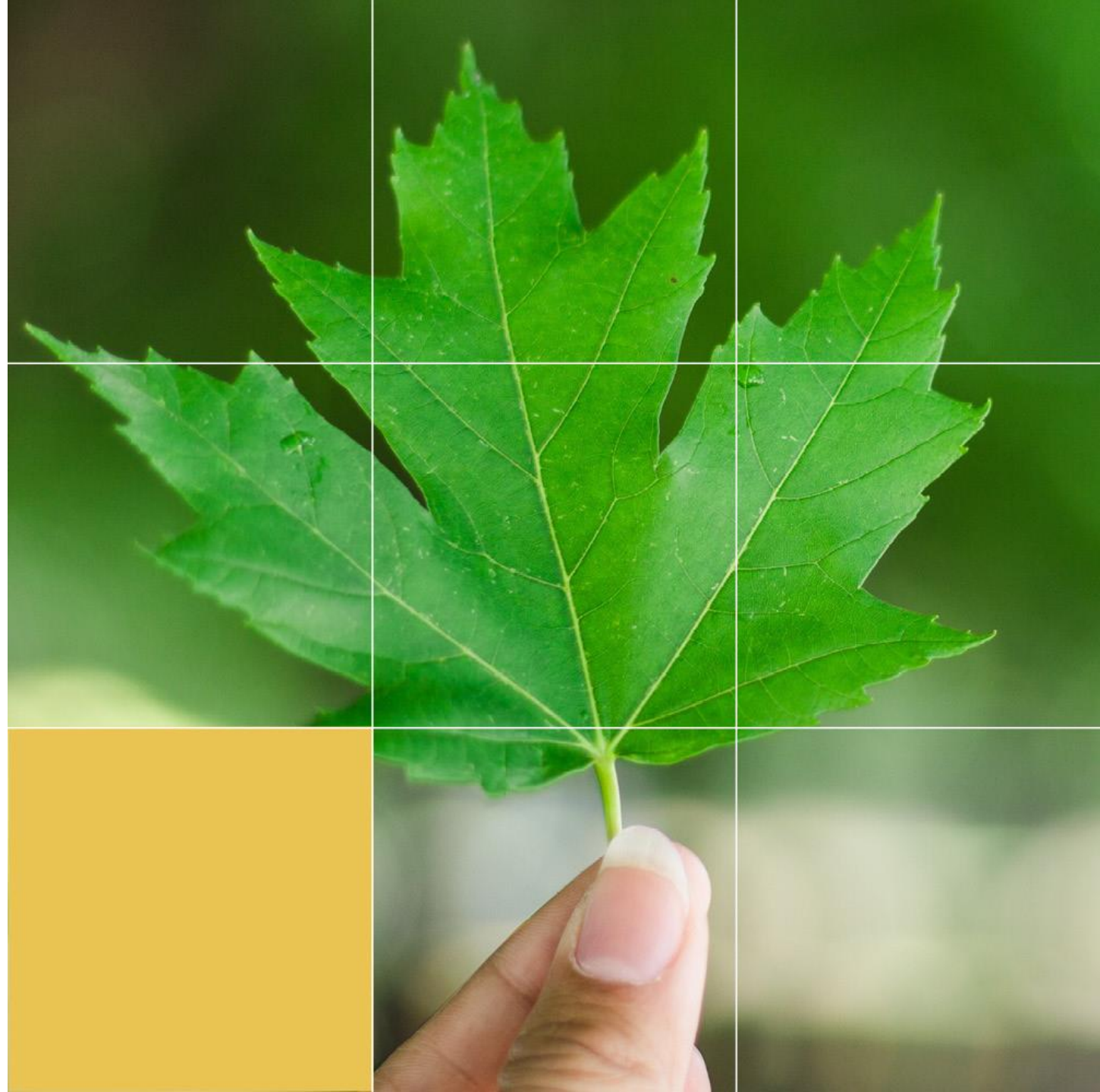
Régie de l'énergie
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RemTech

Adele Houston
Holly Kingston

Environmental Protection, CER

12 October 2022



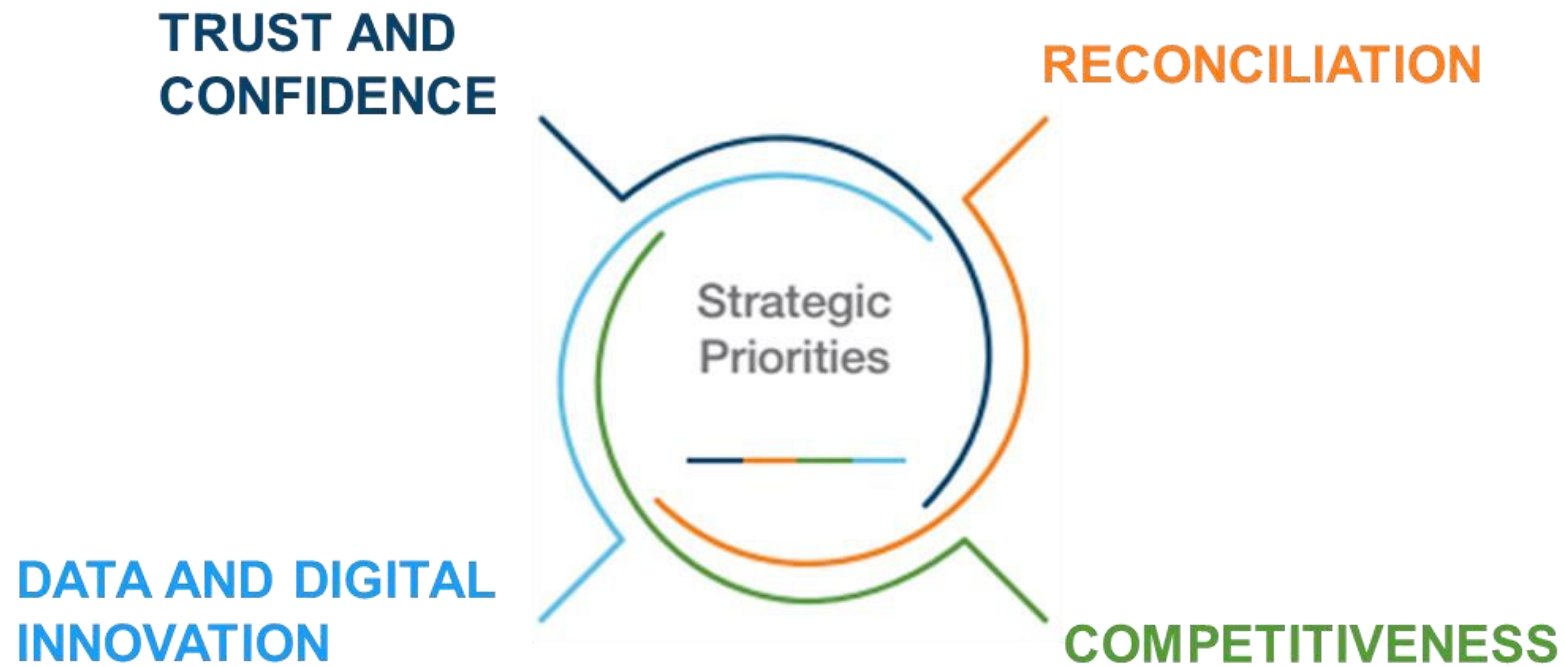


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Strategic Priorities



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Regulatory Context

CER is responsible for ensuring pipelines are constructed, operated, and abandoned in a safe and secure manner that protects people, property and the environment

- Canadian Energy Regulator Act (**CER Act**)
- Canada Oil and Gas Operations Act (**COGOA**)
- Oil and Gas Operations Act (**OGOA**)
- Onshore Pipeline Regulation (**OPR**) is performance-based



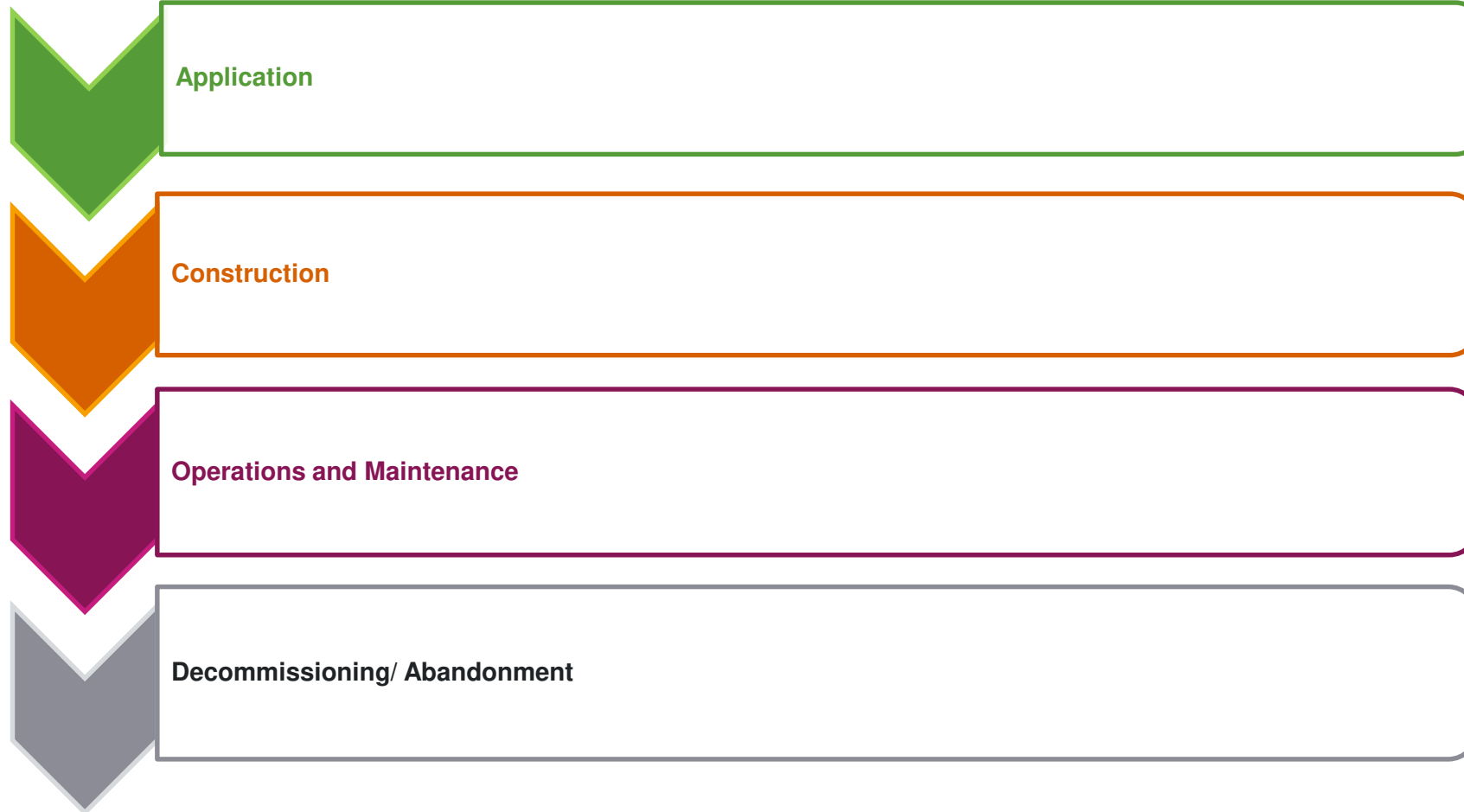


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CER Lifecycle Regulation



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Management System

Requirements in **OPR Section 6.3 and Section 6.5 (1)** (a) through (x)

- Set goals and objectives and specific targets to reach them
- Identify and analyze hazards and potential hazards
- Evaluate and manage risks
- Inventory of contaminated sites
- Process for inspection and monitoring
- Process to evaluate develop and implement controls to prevent, manage and mitigate contamination
- Communicate the controls
- Establish and maintain a list of legal requirements



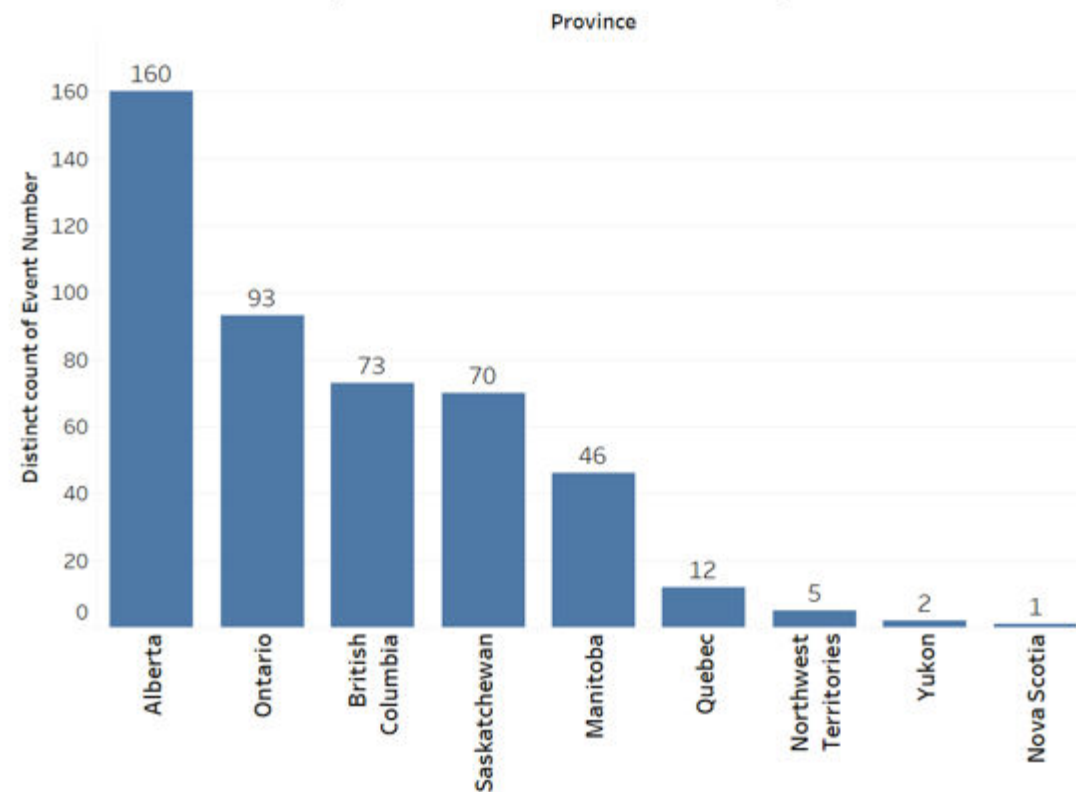


Contamination Reported to the CER

Density Map of Reported Contaminated Site Locations



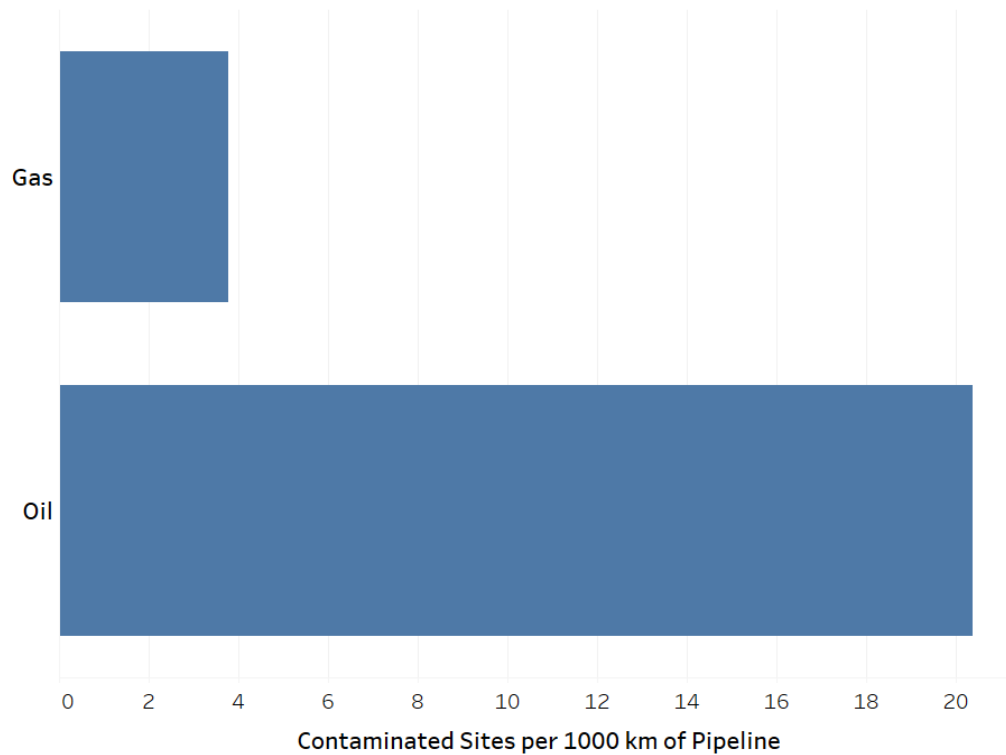
Number of Reported Contaminated Sites per Province



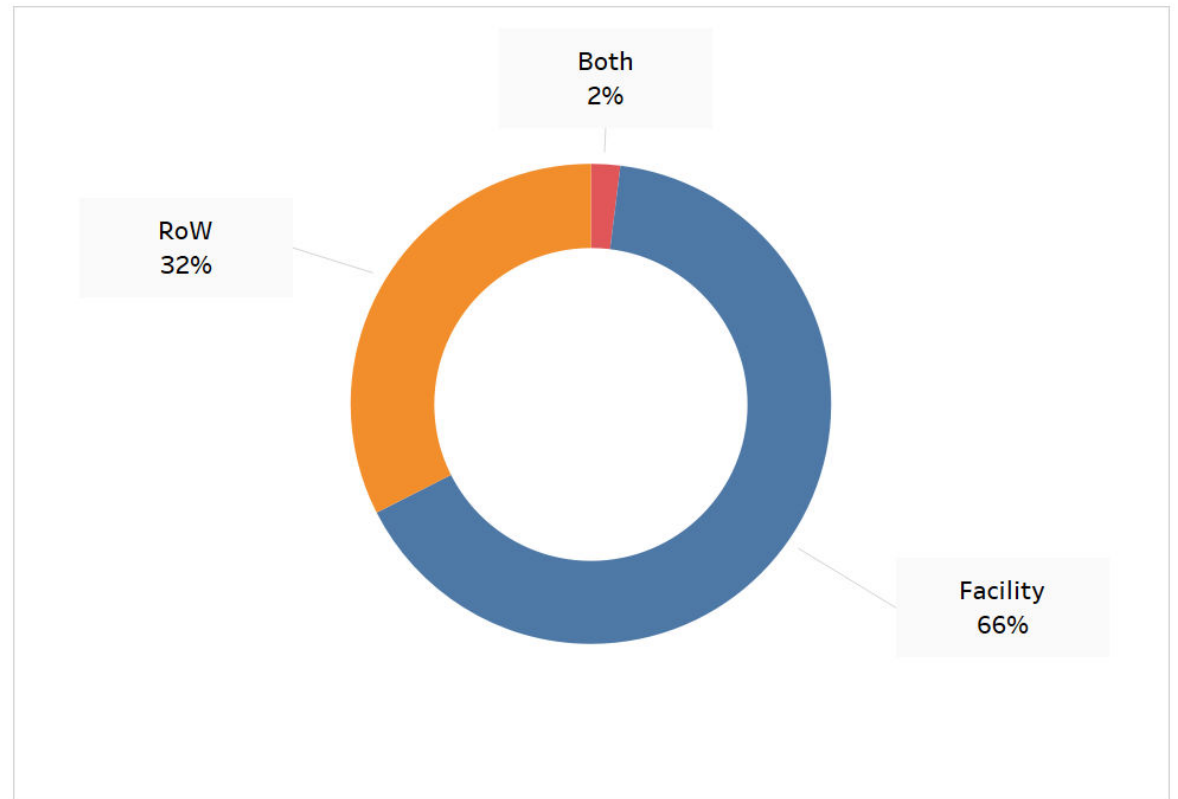


Contamination Reported to the CER

Active Contaminated Sites by Product
per 1000 km of Pipeline including Facilities



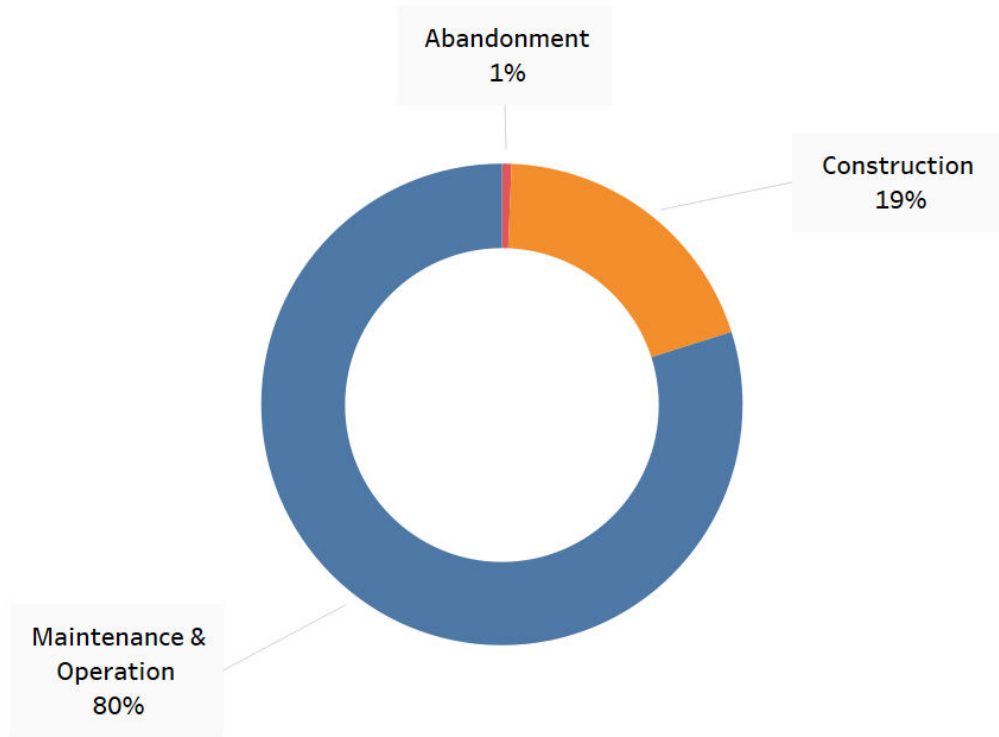
Contamination Discovered at Facilities,
Right-of-Ways (RoW) or Both



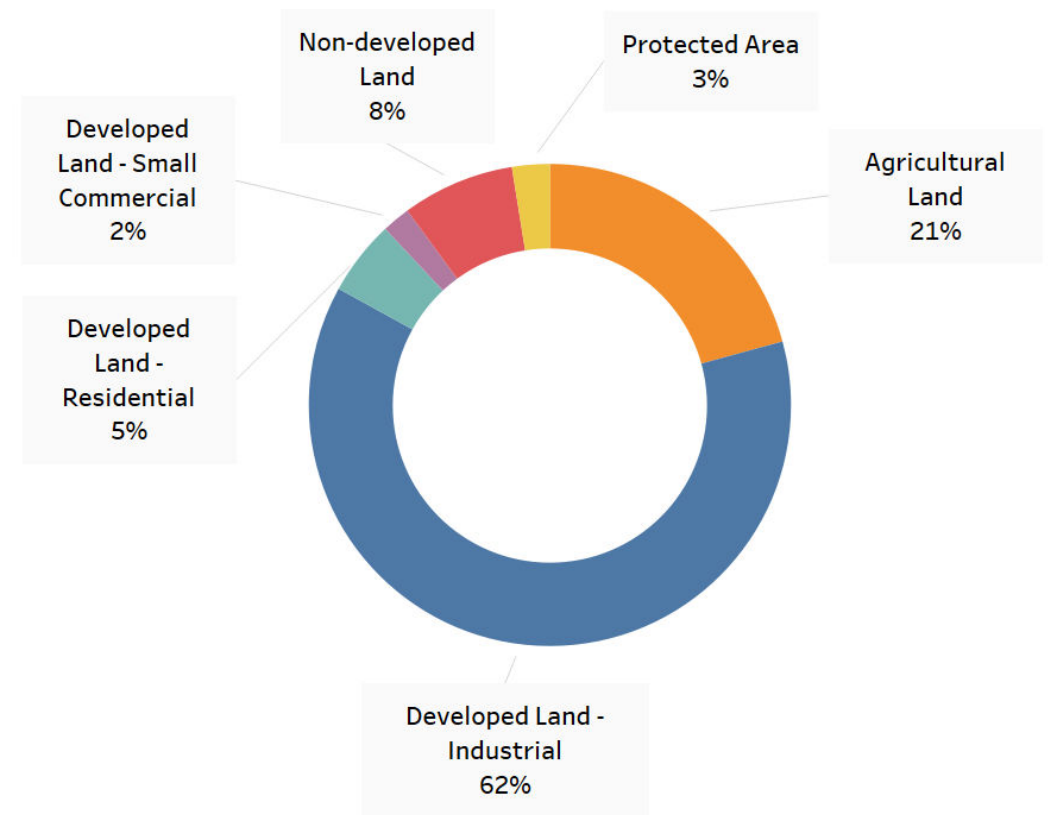


Contamination Reported to the CER

Reported Activity when Contamination Discovered



Reported Land Use at Contaminated Sites





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Remediation Process Guide (2020)

Important to have performance-based regulation accompanied by technical Guidance

RPG provides the framework by which companies can demonstrate they are meeting CER requirements for environmental protection related to contamination



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Remediation Process Guide (2020)

Content

- Management system requirements
- Guidance on reporting
- Notification and engagement of other parties
- Remedial Action Plans
- Risk Management Plans
- Site Closure
- Permits development of site-specific Remediation Criteria and risk management
- Does not provide Closure for risk managed sites (only remediated sites)





Remediation Process

How the process begins:

- **Contamination is reported** to the CER in a notice of contamination (NOC) in the online event reporting system (OERS).

*2018 and newer NOCs are posted publicly on the CER website (RegDocs)

Two circumstances for submitting an NOC:

- Contamination is identified/encountered and **confirmed** by analytical testing
- Contamination associated with an incident **cannot be remediated** within 12 weeks of incident being reported



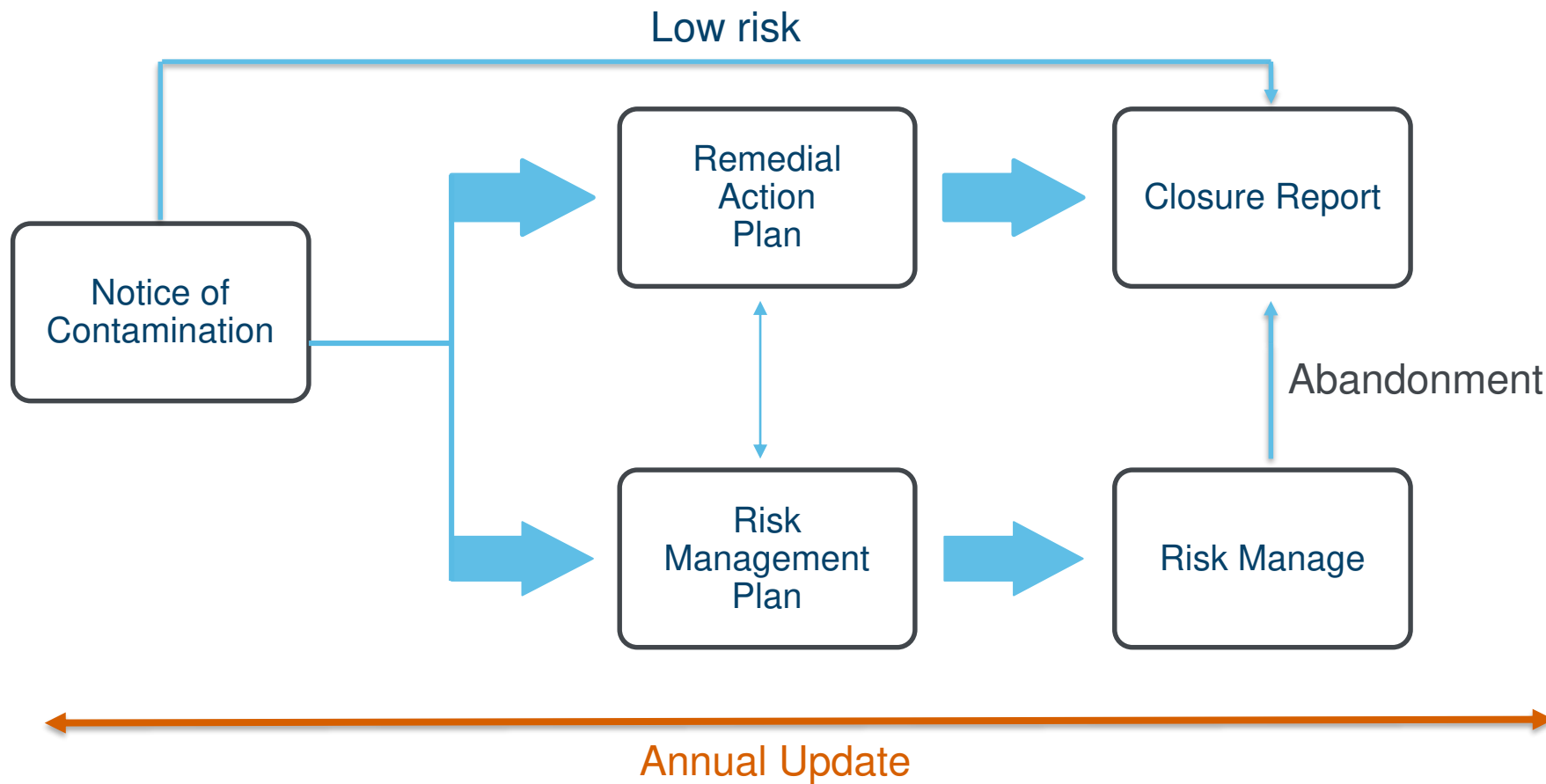
Remediation Process

Reported contamination

- Includes **third party contamination**
- Whether contamination is **off-site**
- Company **notifies and engages** with potentially affected persons and communities and if applicable, other regulators
- **Assigned** a remediation event number (REM)
- Environmental Analyst appointed



Remediation Process





Remediation Process

Notification and Engagement

- Companies **establish** a systematic and proactive approach to project-specific engagement with potentially affected persons and communities
- A **Record of Engagement** is a component of remedial action plans, risk management plans and closure plans

Annual Updates

- All **active** sites
- Submitted by **30 June** every year

Information Requests



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Advancements

**Engagement
requirements
work toward
reconciliation
with
Indigenous
peoples**

**Continued
work with
provinces/
territories in
overlapping
jurisdictions**

**OERS and
Public posting
of
contaminated
sites
information**

**Third Party
Contamination
Process and
expanded
Closure
reporting
guidance**

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Questions?

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