

**PROVINCE OF BRITISH COLUMBIA**  
**REGULATION OF THE BOARD OF THE**  
**BRITISH COLUMBIA ENERGY REGULATOR**

*Energy Resource Activities Act*

The board of the British Columbia Energy Regulator orders the following:

- (a) the Dormancy and Shutdown Regulation, B.C. Reg. 112/2019, is amended as set out in the attached Schedule 1;
- (b) the Hydrogen Facility Regulation, B.C. Reg. 27/2025, is amended as set out in the attached Schedule 2;
- (c) the Processing Facility Regulation, B.C. Reg. 48/2021, is amended as set out in the attached Schedule 3;
- (d) the Service Regulation, B.C. Reg. 199/2011, is amended as set out in the attached Schedule 4;
- (e) effective October 1, 2026, the Requirements for Consultation and Notification Regulation, B.C. Reg. 50/2021, is amended as set out in the attached Schedule 5.

**DEPOSITED**

March 10, 2026

B.C. REG. 27/2026

March 5, 2026

Date



Chair, Board of Directors

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*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: Energy Resource Activities Act, S.B.C. 2008, c. 36, ss. 106, 107, 111, 111.1 and 112

Other: \_\_\_\_\_

R20947237

## SCHEDULE 1

**1 Section 1 of the Dormancy and Shutdown Regulation, B.C. Reg. 112/2019, is amended**

**(a) in paragraph (b) of the definition of “interested person” by striking out “local Indigenous nation” and substituting “local first nation”,**

**(b) by repealing the definition of “local Indigenous nation” and substituting the following:**

**“local first nation”,** in relation to a dormant site or former site, means a first nation that is identified for the site in a manner specified by the regulator; ,

**(c) by adding the following definition:**

**“qualified professional”,** in relation to a matter, means an individual who

(a) is registered with a regulatory body as defined in section 1 (1) [definitions and interpretation] of the *Professional Governance Act*, and

(b) through suitable education, experience, accreditation and knowledge, may reasonably be relied on to provide advice within the individual’s area of expertise as it relates to the matter; , **and**

**(d) in paragraph (a) of the definition of “reference year” by striking out “section 3 (1) (a),” and substituting “section 3 (1) (a) or (1.1),”.**

**2 Section 3 is amended**

**(a) by adding the following subsection:**

(1.1) Subject to subsection (2), a well is dormant for the purposes of section 2 if

(a) the regulator has received a notice under section 8 (1) (a) of the Drilling and Production Regulation from the permit holder, and

(b) either

(i) a drilling event has not occurred for the well by the later of

(A) January 1, 2026, and

(B) December 31 of the fifth calendar year after the date the notice referred to in paragraph (a) was received by the regulator, or

(ii) the regulator has received a written notice from the permit holder that the well is dormant. , **and**

**(b) in subsection (3) by striking out “subsection (1) (a)” and substituting “subsection (1) (a) or (1.1) (b)”.**

**3 Section 4 (3) (a) is amended by striking out “3 (1) (a)” and substituting “3 (1) (a) or (1.1)”.**

**4 Section 5 (f) is amended by striking out “local Indigenous nations” and substituting “local first nations”.**

**5 Section 7 is amended**

- (a) in paragraph (a) by striking out “a professional satisfactory to the regulator” and substituting “a qualified professional”;**
- (b) in paragraph (b) by striking out “and” at the end of subparagraph (i) and by repealing subparagraph (ii) (D) and substituting the following:**

  - (D) any signed statement, of the qualified professional referred to in paragraph (a) or the permit holder, required by the regulator, and ,
- (c) in paragraph (b) by adding the following subparagraph:**

  - (iii) is in the form specified by the regulator, ,
- (d) by repealing paragraph (d) (i) and substituting the following:**

  - (i) ensures that all areas of potential environmental concern associated with the pipeline are identified and investigated by a qualified professional; , and
- (e) in paragraph (d) (ii) by striking out “in the form and manner required by the regulator” and substituting “which report must be in the form specified by the regulator”.**

**6 Section 9 is amended**

- (a) in subsection (1) (b) by striking out “the regulator gives written notice to the permit holder for the site that the regulator is satisfied that the permit holder,” and substituting “the permit holder for the site gives to the regulator a written report from a qualified professional verifying that the permit holder,” and**
- (b) by adding the following subsections:**

  - (3) A permit holder for a dormant site or former site must give to the regulator a written report from a qualified professional verifying that the applicable steps under subsection (1) (b) or (2) (b) for the purpose of restoration have been effective.
  - (4) A report under this section must be in the form specified by the regulator.

**7 Section 10 (2) is amended by striking out “of this Division” and substituting “in this Division”.**

**8 Section 11 is amended**

- (a) in subsection (1.1) by adding the following paragraph:**

  - (a.1) identify, by permit and type,

    - (i) any eligible sites, as defined in section 22.1 (1), approved for substitution under section 22.1 (3) to be decommissioned, assessed or restored in the calendar year, and
    - (ii) the dormant sites and former sites affected by the substitution and in respect of which specified work is deferred; ,
- (b) by repealing subsection (2) and substituting the following:**

- (2) An annual work plan under subsection (1) must be developed, and a copy submitted to the regulator, by November 15 of the prior calendar year. , **and**

*(c) by repealing subsection (3).*

**9** *Section 12 (3) is repealed.*

**10** *Sections 13 and 14 are repealed and the following substituted:*

**Engagement on annual work plan**

- 13**
- (1) For the purpose of discussing a permit holder's annual work plan for a calendar year, the permit holder for a dormant site or former site must make reasonable efforts to meet with an interested person for the site if
    - (a) the interested person requests a meeting with the permit holder, or
    - (b) the permit holder has a liability reduction plan that covers the site and the liability reduction plan commits the permit holder to attempt to meet with the interested person about the annual work plan.
  - (2) For the purpose of obtaining feedback on a permit holder's annual work plan for a calendar year, the permit holder for a dormant site or former site must,
    - (a) if an interested person for the site contacts the permit holder about the annual work plan, reply to the interested person, and
    - (b) if the permit holder has a liability reduction plan that covers the site and the liability reduction plan commits the permit holder to do so, contact an interested person for the site to request feedback on the permit holder's annual work plan.
  - (3) A permit holder must respond within 30 days after receiving a request under subsection (1) (a) or being contacted under subsection (2) (a).
  - (4) A permit holder must submit to the regulator a report that does the following:
    - (a) describes the permit holder's efforts under this section to meet with an interested person;
    - (b) if a meeting is held or written submissions exchanged, includes minutes or another summary that
      - (i) notes the topics discussed and concerns raised, and
      - (ii) describes any changes the permit holder has agreed to make to the permit holder's annual work plan.
  - (5) A report under subsection (4) must be in the form specified by the regulator.

**Notification of intention to begin work**

- 14**
- (1) Before a permit holder does specified work in a calendar year at a dormant site or former site that is not identified in the permit holder's annual work plan for the calendar year, the permit holder must give written notice to each interested person, if any, for the site.
  - (2) A notice under subsection (1) must be given as far in advance as is practicable before doing the specified work.

- (3) The permit holder must prepare and maintain a record that describes all of the following:
  - (a) each notice given under subsection (1);
  - (b) any concerns raised by any interested person in relation to the site;
  - (c) any actions taken by the permit holder in response to concerns raised by the interested person.

**11 Section 15 is amended**

**(a) by repealing subsection (1) (a),**

**(b) by repealing subsection (2) and substituting the following:**

- (2) A permit holder for type A sites must assess each of those sites before the site is restored. , **and**

**(c) by repealing subsection (3) (a).**

**12 Section 16 (2) is repealed and the following substituted:**

- (2) A permit holder for a type B site must assess the site before the site is restored.

**13 Section 17 is amended**

**(a) by repealing subsection (2) and substituting the following:**

- (2) A permit holder for a type C site must assess the site before the site is restored. , **and**

**(b) by repealing subsection (5).**

**14 The following section is added to Division 2 of Part 2:**

**Definitions for Division**

**18.1** In this Division:

**“qualifying site”** means all of the following:

- (a) a site that became a dormant site under section 3 (1) (a);
- (b) a site that became a dormant site under section 3 (1) (b);
- (c) a site that is the former site for a well permit that was cancelled, declared spent or expired after 2018;

**“tier 1 qualifying site count”** means at least 100 and no more than 500 qualifying sites;

**“tier 2 qualifying site count”** means more than 500 qualifying sites.

**15 Section 19 is amended**

**(a) by repealing subsection (1) and substituting the following:**

- (1) A permit holder may submit to the regulator a liability reduction plan if
  - (a) the permit holder is eligible under section 20,

- (b) if applicable, the permit holder has engaged under section 21 with local first nations in relation to the plan, and
- (c) the plan meets the requirements in sections 22 to 25. , **and**

**(b) by adding the following subsection:**

- (3) A liability reduction plan must be in the form specified by the regulator.

**16 Section 19.1 (2) is repealed.**

**17 Sections 20, 21 and 22 are repealed and the following substituted:**

**Eligibility to submit liability reduction plan**

- 20**
- (1) A permit holder is eligible to submit a liability reduction plan under section 19 if the permit holder has a portfolio of current sites or a portfolio of former sites and the portfolios, alone or together, include a tier 1 qualifying site count or tier 2 qualifying site count.
  - (2) Without limiting subsection (1), a permit holder is eligible to submit a liability reduction plan under section 19 if the permit holder has previously had a liability reduction plan approved.

**Engagement on liability reduction plan**

- 21**
- (1) A permit holder who intends to submit a liability reduction plan that covers a dormant site or former site for which a local first nation is identified must, before submitting the plan, make reasonable efforts to meet with the local first nation to discuss the plan.
  - (2) If a local first nation identified in relation to a dormant site or former site requests a meeting with the permit holder for the site to discuss the permit holder's liability reduction plan, or contacts the permit holder about the plan, the permit holder must
    - (a) respond to the local first nation within 30 days of receiving the request or being contacted, and
    - (b) in the case of a meeting request, make reasonable efforts to meet with the local first nation.
  - (3) A permit holder must submit to the regulator a report that does the following:
    - (a) describes the permit holder's efforts under this section to meet with a local first nation;
    - (b) if a meeting is held or written submissions exchanged, includes minutes or another summary that
      - (i) notes the topics discussed and concerns raised, and
      - (ii) describes any changes the permit holder has agreed to make to the permit holder's liability reduction plan.
  - (4) A report under subsection (3) must be in the form specified by the regulator.

## Basic requirements

- 22** (1) A liability reduction plan of a permit holder must identify all of the following, as applicable:
- (a) the dormant sites and former sites that are covered by the plan on the date the permit holder submits the plan to the regulator;
  - (b) the sites the permit holder anticipates will become dormant sites or former sites during the period covered by the plan but after the plan is approved;
  - (c) the dormant sites for which the permit holder anticipates acquiring the permit during the period covered by the plan but after the plan is approved;
  - (d) the circumstances in which sites referred to in paragraph (b) will become dormant sites or former sites;
  - (e) the circumstances in which the permit holder will acquire the permits for the dormant sites referred to in paragraph (c).
- (2) A liability reduction plan must
- (a) cover a period of no more than 15 calendar years,
  - (b) for each of those calendar years, specify
    - (i) the number of dormant sites and former sites covered by the plan to be decommissioned in the calendar year,
    - (ii) the number of dormant sites and former sites covered by the plan to be assessed in the calendar year, and
    - (iii) the number of dormant sites and former sites covered by the plan to be restored in the calendar year, and
  - (c) be in the form specified by the regulator.
- (3) A liability reduction plan must be consistent with the following timelines for the restoration of the dormant sites and former sites covered by the plan:
- (a) in the case of a type A or type B site that is included in a tier 1 qualifying site count, by December 31, 2036;
  - (b) in the case of a type C site that is included in a tier 1 qualifying site count, by December 31 of the calendar year that is 10 calendar years after the reference year for the site;
  - (c) in the case of a type A or type B site that is included in a tier 2 qualifying site count, by December 31, 2041;
  - (d) in the case of a type C site that is included in a tier 2 qualifying site count and will become a dormant site before January 1, 2032, by December 31, 2041;
  - (e) in the case of a type C site that is included in a tier 2 qualifying site count and will become a dormant site on or after January 1, 2032, by December 31 of the calendar year that is 10 years after the reference year for the site.
- (4) A liability reduction plan must include specific plans for the decommissioning, assessment and restoration of the following:
- (a) priority sites;

- (b) dormant sites and former sites within a relevant geographic area, as defined in section 22.1.
- (5) If, in relation to a liability reduction plan, a permit holder has made a commitment to a local first nation, if any, identified for a dormant site or former site covered by the plan, the commitment must be included in the plan.
- (6) A liability reduction plan must specify, for each type of dormant site that is covered by the plan, the maximum number of dormant sites of that type for which the permit holder may transfer the permit.
- (7) A liability reduction plan must demonstrate that the permit holder will, in each calendar year covered by the plan, decommission, assess and restore a number of dormant sites or former sites sufficient to
  - (a) reduce the permit holder's portfolio of current sites or portfolio of former sites, or both, within the calendar year, and
  - (b) comply with the timelines for restoration set out in subsection (3).

**18** *The following sections are added:*

**Substitution of sites under liability reduction plans**

**22.1** (1) In this section:

**“eligible permit holder”** means a permit holder who has

- (a) an approved liability reduction plan, and
- (b) a portfolio of current sites or a portfolio of former sites and the portfolios, alone or together, include a tier 1 qualifying site count or a tier 2 qualifying site count;

**“eligible site”** means a site other than a dormant site or former site;

**“relevant geographic area”** means a geographic area determined by the regulator after engaging with a local first nation identified for a site within the geographic area;

**“specified work”** includes work to decommission, assess or restore an eligible site as if those terms applied in relation to the eligible site.

- (2) If an eligible permit holder wishes to do specified work on one or more eligible sites instead of on one or more dormant sites or former sites covered by the permit holder's liability reduction plan, the eligible permit holder must do the following:
  - (a) if the affected dormant sites or former sites are located outside a relevant geographic area,
    - (i) notify the land owners of the affected dormant sites or former sites that specified work in relation to those sites may be deferred, and
    - (ii) prepare and maintain a record of that notification and any response received from the land owners;
  - (b) give the regulator a written notice that
    - (i) identifies the affected eligible sites, dormant sites and former sites, and

- (ii) if applicable, is accompanied by the record referred to in paragraph (a) (ii).
- (3) If, after receiving a notice under subsection (2) (b) from an eligible permit holder, the regulator approves the permit holder's proposed substitution and the permit holder does specified work on one or more eligible sites,
  - (a) the time by which the permit holder must, under section 22 (3) (a) to (e), restore the dormant sites or former sites identified in the notice is extended by a period of up to 5 years, as determined by an official, and
  - (b) if the regulator is satisfied that the specified work on the eligible sites has been done, the specified work may be considered for the purposes of section 22 (7) (a) as if the eligible sites are dormant sites or former sites.
- (4) Subsection (3) does not apply if a dormant site or former site in respect of which restoration timelines would be extended is a priority site or located within a relevant geographic area.

### **Remedial liability reduction plans**

- 22.2** (1) Despite sections 19 and 20, a permit holder may submit to the regulator a liability reduction plan if
- (a) the permit holder is eligible under subsection (2) of this section,
  - (b) if applicable and subject to subsection (6) of this section, the permit holder has engaged under section 21 with local first nations in relation to the plan, and
  - (c) the plan meets the following requirements:
    - (i) the requirements in this section;
    - (ii) the requirements in section 22 (1), (2), (4) to (6) and (7) (a);
    - (iii) the requirements in sections 23 to 25.
- (2) Subject to subsection (3), a permit holder is eligible to submit a liability reduction plan under subsection (1) if
- (a) the permit holder has
    - (i) a portfolio of current sites or a portfolio of former sites and the portfolios, alone or together, include at least 5 qualifying sites, or
    - (ii) submitted an application under section 29 [*transfer of permit and authorizations*] of the Act to acquire the permits for at least 5 qualifying sites, and
  - (b) the permit holder has received a written notice from the regulator.
- (3) A permit holder may not submit a liability reduction plan under subsection (1) more than one year after the date on which the notice was received.
- (4) In deciding whether to give a permit holder a notice referred to in subsection (2) (b), the regulator must consider at least the following matters:
- (a) the permit holder's history of compliance with the Act, the regulations and any order issued under the Act to the permit holder;
  - (b) the permit holder's history of permit transfers under section 29 of the Act over the last 3 calendar years.

- (5) A liability reduction plan to be submitted under subsection (1) must, for each dormant site and former site covered by the plan, include the calendar year by which the site will be decommissioned, assessed or restored, as the case may be.
- (6) Section 21 does not apply in relation to a liability reduction plan submitted under subsection (1) of this section by a permit holder unless
  - (a) the permit holder has a portfolio of current sites or a portfolio of former sites and the portfolios, alone or together, include a tier 1 qualifying site count or a tier 2 qualifying site count, or
  - (b) the regulator otherwise requires the permit holder to comply with section 21.
- (7) Sections 22 (3) and (7) (b) and 22.1 do not apply in relation to a liability reduction plan submitted under subsection (1) of this section.

**19 Section 24 is amended**

**(a) in subsection (2) by adding the following paragraph:**

- (a.1) identify, by permit and type,
  - (i) any eligible sites, as defined in section 22.1 (1), approved for substitution under section 22.1 (3) that were decommissioned, assessed or restored in the calendar year, and
  - (ii) the dormant sites or former sites affected by the substitution and in respect of which specified work is deferred; , **and**

**(b) by repealing subsection (3).**

**SCHEDULE 2**

**1 Section 44 (b) of the Hydrogen Facility Regulation, B.C. Reg. 27/2025, is amended by striking out “section 39 (2)” and substituting “section 38 (2)”.**

**SCHEDULE 3**

**1 Section 24 (2) of the Processing Facility Regulation, B.C. Reg. 48/2021, is amended by striking out “9 (1) (a) and (b) (i)” and substituting “9 (1) (a) and (b) (i) and (3)”.**

**SCHEDULE 4**

**1 Section 1 of the Service Regulation, B.C. Reg. 199/2011, is amended by repealing the definition of “local Indigenous nation” and substituting the following:**

**“local Indigenous nation”** means, as applicable,

- (a) a local first nation as defined in section 1 of the Dormancy and Shutdown Regulation, or
- (b) a local Indigenous nation as defined in section 1 of the Energy Resource Road Regulation; .

## SCHEDULE 5

*1 Section 9 of the Requirements for Consultation and Notification Regulation, B.C. Reg. 50/2021, is repealed and the following substituted:*

### **Applicants for pipeline permits**

- 9** (1) An applicant for a pipeline permit must provide an invitation to consult to a municipality if the pipeline is to be
- (a) located within the municipality and within the right of way of an arterial highway or municipal highway within the meaning of the *Transportation Act*, and
  - (b) used for transporting
    - (i) petroleum, natural gas or both, or
    - (ii) water associated with activities performed in relation to petroleum, natural gas or both.
- (2) An applicant for a pipeline permit must provide an invitation to consult to the minister charged with the administration of the *Transportation Act* if the pipeline is to be
- (a) located within the right of way of any highway, and
  - (b) used for transporting
    - (i) petroleum, natural gas or both, or
    - (ii) water associated with activities performed in relation to petroleum, natural gas or both.