

**Advisory Land Use Planning Notes on New Regulatory Requirements
for Surface Development in Proximity to Abandoned Wells**

Introduction

An amended Subdivision and Development Regulation (Alberta Regulation 160/2012) comes into force November 1, 2012. New provisions were added to ensure abandoned wells are accommodated during future subdivision and development. These planning notes provide important information to municipal officials, planners, development officers, developers and landowners on the new provisions for abandoned oil and gas wells and how to accommodate them within areas where development, subdivision, or construction may occur. These mandatory provisions must be complied with when preparing municipal subdivision and development plans, other statutory plans, and/or land use bylaws. Municipal subdivision or development authorities evaluating development permit and subdivision applications must ensure these provisions are applied prior to issuing approvals.

The Issue

The location of oil and gas wells that are being drilled or are actively producing is evident, both from the surface and through a notation on the land title. Abandonment of an oil or gas well occurs by rendering the well incapable of flow and placing a cap over the casing approximately one meter below the surface. Energy Resources Conservation Board (ERCB) *Directive 020: Well Abandonment* sets out minimum well abandonment requirements to be met by the licensee of the well to ensure the integrity of the well and protect public safety and the environment.

After surface reclamation is complete and a certificate is issued by Alberta Environment and Sustainable Resource Development, the well site lease notation may be removed from the title. At this point, there is nothing visible on the surface or on the title to indicate the presence of an abandoned well.

Abandoned wells rarely require maintenance but adequate access to the site needs to be maintained should a leak occur. The abandoned well bore is not visible on the surface and therefore may represent a risk to excavation and construction equipment and safety of the equipment operator if abandoned wells are not properly located.

The risk to the public from an abandoned well is very low. *ERCB Directive 079: Surface Development in Proximity to Abandoned Wells* sets out a minimum setback distance from the well that must be maintained between abandoned wells and development as well as requirements for accurately locating the abandoned well and verifying its integrity prior to development. The amended Subdivision and Development Regulation requires municipalities

to confirm if abandoned wells are present as part of a subdivision or development permit application review. Where an abandoned well has been identified in the review, the municipality shall ensure that ERCB setback requirements are applied to allow for both well site access and prevention of accidental contact of a well bore with construction equipment.

In summary, it is the responsibility of the developer or landowner (proponent) of the proposed subdivision and/or development to take measures to identify any abandoned wells within that property and to apply the required setback as set out in the ERCB directive. It is the responsibility of the municipality, as part of the subdivision and development application process, to ensure that the proponent of the subdivision or development has taken these measures and has applied the required setback. These efforts will ensure that abandoned wells are appropriately identified and suitable setbacks are incorporated in planning, development and construction decisions. The information that follows in this bulletin further explains these processes.

Obtaining Abandoned Well Site Records

The developer or landowner (proponent) of the proposed subdivision and/or development must obtain abandoned well information from the ERCB. This information can be obtained from the ERCB's Abandoned Well Viewer available on the ERCB website at www.ercb.ca. The viewer will provide a map identifying all abandoned well surface locations in the selected area and a listing of additional details, including the licensee of record, surface location, latitude and longitude, and fluid type of each well. If it appears that a potential conflict between abandoned well locations and proposed surface development may exist, the proponent must contact the licensee of record for any additional information that may be required or to physically locate the well. If the proponent is unable to contact the licensee of record using the information provided, the ERCB may be able to assist with additional contact information. To obtain clarification about the information provided by the Abandoned Well Viewer, or if you do not have Internet access, contact the ERCB Customer Contact Centre by telephone at 1-855-297-8311 or by e-mail at Inquiries@ercb.ca or contact Information Services by mail at ERCB, Suite 1000, 250 – 5 Street SW, Calgary AB T2P 0R4.

The ERCB has been administering the abandonment of oil and gas wells since January 1945. The ERCB may not be aware of all wells drilled and abandoned before 1945, and records for a small number of wells abandoned before this time may not be complete because the data was not available. ERCB records may only provide general information on how these wells were abandoned. In such cases, the licensee of record should be contacted by the proponent for detailed information and verification of well data. If the licensee of record no longer exists, the proponent may contact the ERCB for assistance.

Setbacks from Abandoned Well Sites

ERCB Directive 079: Surface Development in Proximity to Abandoned Wells (www.ercb.ca) sets out detailed requirements for accommodating abandoned wells during subdivision and development. The Directive specifies that development on top of an abandoned well will not be permitted and a minimum setback of a five metre radius around the well must be maintained. The proponent is strongly encouraged to also consider providing an access route to the well wide enough to allow vehicle entry to the site. The licensee of the well is responsible for determining if

the well was abandoned to an acceptable standard and if there are any existing well integrity issues that require repair prior to surface development taking place.

Applications for Subdivision and Development Permits

Subdivision Application

Application Process

- New subdivision applications, except for lot line adjustments, must include documentation from the ERCB identifying the presence or absence of abandoned wells. Documentation can be obtained from the ERCB using the online Web Viewer.
- If an abandoned gas or oil well is identified on the land that is the subject of the subdivision application, the applicant must include a map that shows the actual well location, as identified in the field, and the setback established in ERCB Directive 079 in relation to existing or proposed building sites.
- If an abandoned gas or oil well(s) is identified on land that is the subject of the subdivision application, the Subdivision Approving Authority must refer a copy of the subdivision application to the Licensee(s) of Record. The referral must include the applicant's contact information.
- The information is not required if it was submitted to the same subdivision authority within the last year.

Decision Process

- Effective November 1, 2012, the Subdivision Authority may not approve subdivision applications unless the lots comply with the setback directed by ERCB Directive 079.

Development Permit

Application Process

- New development permits for buildings larger than 47 sq. m. (500 sq. ft.) and for additions to buildings that will as a result of the addition become larger than 47 sq. m., must include documentation from the ERCB with the application identifying the presence or absence of abandoned wells. Documentation can be obtained from the ERCB using its online Web Viewer. The information is not required if it was submitted to the same development authority within the last year.

Decision Process

- The Development Authority may not approve a development permit for an application received after the coming into force of the amended regulation for buildings larger than 47 sq. m. and for additions to buildings that as a result of the addition becomes larger than 47sq. m., unless the development complies with the setback directed by ERCB Directive 079.

- Buildings that existed prior to the coming into force of the amended regulation, that are destroyed to 75 per cent of value, if rebuilt must comply with the setback directed by ERCB Directive 079.
- If an application is made to alter or add on to a building larger than 47 sq. m. and for an addition to a building that as a result of the addition becomes larger than 47 sq. m. that existed prior to November 1, 2012, which does not comply with the setback directed by ERCB Directive 079, the Development Approving Authority may approve the application with the acceptance of a lesser setback distance if the Well Licensee of Record, through consultation with the applicant, is recommending support for a lesser distance, and provided it does not further encroach on the abandoned well.

What applications need to comply with new setbacks?

- Subdivision applications received on or after November 1, 2012.
- Development permits for buildings greater than 47 sq. m. and additions that result in the building being larger than 47 sq. m. received on or after November 1, 2012.

What is exempt from setbacks?

- Any developments for a building that is smaller than 47 sq. m.
- Subdivision lot line adjustments.

Further Information

For more information, please contact:

Energy Resources Conservation Board 250, 5 th Street S.W. Calgary, Alberta T2P 0R4 Telephone: 403-297-8311 Facsimile: 403-297-7040 Email: Inquiries@ercb.ca	Alberta Municipal Affairs Municipal Services Branch Planning Unit 17 th Floor, 10155 102 Street Edmonton, Alberta T5J 4L4 Telephone: 780-427-2225 Facsimile: 780-420-1016 Email: lgsmail@gov.ab.ca
Alberta Environment and Sustainable Resource Development Policy Division 10th Floor Oxbridge Place 9820 106 Street Edmonton, Alberta T5K 2J6 Telephone: 780-427-5883 Facsimile: 780-422-4192 Email: land.management@gov.ab.ca	For information on reclamation certificates on private land: www.esar.alberta.ca