

Frequently Asked Questions

Release Reporting

April 2017

This document includes general and energy resource activity sections. Information that is applicable to any energy resource activity is captured in the general section, whereas information specific to oil and gas, pipeline, in situ coal or oil sands, or coal or oil sands mining operations is captured within separate sections.

General

Q1. Where can I find release reporting requirements?

A1. Release reporting requirements are outlined in the *Oil and Gas Conservation Rules (OGCR)*, sections 8.050, 8.051, 8.190; the *Pipeline Act*, section 35; the *Pipeline Regulations*, section 76; the *Oil Sands Conservation Rules (OSCR)*, section 13; the *Environmental Protection and Enhancement Act (EPEA)*, part 5 and section 110; and the *Release Reporting Regulation*, section 3.

Q2. What is a reportable release?

A2. See tables 1 and 2.

Q3. What is an adverse effect?

A3. Adverse effect is defined in the *Environmental Protection and Enhancement Act*, section 1(b), as “impairment of or damage to the environment, human health, or safety or property.” Adverse effect may be determined by any number of factors, including the chemical and physical characteristics of the substance released, the receiving media, the location of the release, and the risk to the environment. The onus is on the person who causes, permits, or has control of the release to determine whether there is a potential adverse effect.

Table 1. Reportable releases

Reportable release	Oil & gas	Mining – oil sands	Mining – coal	In situ – oil sands	In situ – coal	Pipelines	Pipeline installations	Pipeline-related activities & equipment
Any leak or break from a pipeline						X		
Release of a substance that has caused, is causing, or may cause an adverse effect	X	X	X	X	X	X	X	X
Release of a substance into a water body (as defined in the <i>Water Act</i>)	X	X	X	X	X	X	X	X
Release of a substance into a watercourse, groundwater, or surface water (as stated in the <i>Release Reporting Regulation</i>)	X	X	X	X	X	X	X	X
Release of oil, water, or unrefined product off site	X	X		X	X	X	X	X
Release of oil, water, or unrefined product exceeding 2 cubic metres (m ³) on site	X	X		X	X	X	X	X
A liquid spill (as defined in the <i>Oil Sands Conservation Rules</i>)		X		X				
Release of a liquid hydrocarbon exceeding 2 m ³		X		X		X	X	X
Uncontrolled gas release of more than 30 000 m ³	X	X		X	X	X	X	
Release of gas or gas equivalent exceeding 30 000 m ³		X		X		X	X	
Well flowing uncontrolled	X	X		X	X			

Table 2. Reportable releases of common products at energy sites

Common refined product	Chemical class*	Reportable criteria
<ul style="list-style-type: none"> • Demulsifiers[†] • Diesel • Gasoline • Methanol[†] – use UN # to determine subclasses • Scale inhibitors[†] 	Class 3 Flammable liquids	<ul style="list-style-type: none"> • Any release that has caused, is causing, or may cause an adverse effect • Any release into a water body (as defined in the <i>Water Act</i>) or a watercourse, groundwater, or surface water (as stated in the <i>Release Reporting Regulation</i>)
<ul style="list-style-type: none"> • Activated carbon • Calcium carbide • Molten sulphur • Sodium 	Class 4 Flammable solids	
<ul style="list-style-type: none"> • Ammonium nitrate • Bleaches • Calcium nitrate 	Class 5.1 Oxidizing substances	
<ul style="list-style-type: none"> • Methanol • Arsenic • Lead acetate • Mercuric chloride • Pesticides[†] 	Class 6.1 Poisonous toxic substances	
<ul style="list-style-type: none"> • Acids[†] • Amines[†] • Bases[†] • Batteries[†] • Caustics[†] 	Class 8 Corrosives	
<ul style="list-style-type: none"> • Glycol • Hydraulic oil • Ammonia 	Substances not regulated by <i>TDG</i>	
Common unrefined product	Chemical class*	Reportable criteria
<ul style="list-style-type: none"> • Condensate • Crude oil • Crude emulsion • Bitumen 	Possibly Class 3 Flammable liquids	<ul style="list-style-type: none"> • Any release which is causing, may cause, or has caused an adverse effect • Any release into a water body (as defined in the <i>Water Act</i>) or a watercourse, groundwater, or surface water (as stated in the <i>Release Reporting Regulation</i>) • Releases greater than 2 m³ on site • Any release off site
<ul style="list-style-type: none"> • Produced water • Oilfield waste • Drilling waste 	Substances not regulated by <i>TDG</i>	

* Chemical class is defined by the federal *Transportation of Dangerous Goods Act (TDG)*. Refer to the United Nations number on the material safety data sheet (MSDS) to determine applicable class.

[†] Product names that are commonly used to refer to a number of products that have various classifications. Refer to the product's MSDS to confirm *TDG* classification.

Q4. Who must report a release?

A4. The person who released the substance or caused or allowed the release of the substance, or who controlled the substance that was released (referred to below as “the person responsible”).

Q5. Can I report a release if I’m not the person responsible?

A5. Yes, any stakeholder may report a release.

Q6. How do I report a release of unknown origin?

A6. In the same manner as a release where the source is known.

Q7. When must a release be reported?

A7. As soon as the person responsible knows that a release has occurred (or ought to have known of the release). This means reporting at the first available opportunity.

Q8. What does the AER mean by “ought to have known” of the release?

A8. Based on the information available, the person responsible should have known that a release had occurred.

Q9. When does the AER consider that a release has been reported late?

A9. The AER expects that the person responsible will begin activities to control a release prior to reporting. As such, the AER considers that a release has been reported late if the person responsible did not report the release at the first available opportunity after becoming aware of the release.

Q10. How do I report a release?

A10. Releases must be reported to the AER through the 24-hour Energy/Environmental Emergency & Operational Complaint Line at 1-800-222-6514.

The person responsible for reporting the release must also notify all stakeholders that may be affected by the release.

Q11. Is a release reported to the AER or to Alberta Environment and Parks (AEP)?

A11. All releases are reported through the 24-hour emergency line. The reports will be disseminated to the appropriate regulatory body (e.g., the AER or AEP) based on the activity, location, and extent of the release.

Q12. What information is required when reporting a release to the response line?

A12. The AER will ask for the following information:

- the name of the person responsible;
- the AER authorization number, if applicable;
- the type and quantity of substance released;
- the location (legal land description) and time of the release;
- a description of the release location and immediate surrounding area;
- a description of any actions proposed or taken at the release site to contain, recover, or remediate the release; and
- a description of the circumstances leading up to the release.

Q13. When is the Release Report form used?

A13. A release of an unrefined or refined substance that may cause, has caused, or will cause an adverse effect must be reported to the AER. In accordance with the *OGCR*, section 8.050(3); the *Release Reporting Regulation*, section 4; and the *Pipeline Rules*, Part 8, licensees must complete the Release Report and provide it to the regulator (in this case, the appropriate AER field centre) within seven days of incident. In addition, at any time during incident cleanup or remediation, the AER may request an updated release report. Before the AER closes an incident file for a release, the licensee must submit a final release report.

Q14. Where is the Release Report form located?

A14. The Release Report form is located on the AER's website under Forms > Miscellaneous Forms > Release Report.

Q15. Do I need to fill out the Release Report form *and* submit a "seven-day letter"?

A15. No. The Release Report form encompasses the requirements set out in section 4 of the *Release Reporting Regulation*.

Q16. What information must be included in the Release Report form?

A16. All applicable information. The form contains a help function (press F1) to assist in completing the form.

Q17. Who do I contact if I have other questions on release reporting?

A17. Contact the AER's Customer Contact Centre at 1-855-297-8311 or inquiries@aer.ca.

Oil & Gas

Q18. If a release occurred while transporting product other than by pipeline must the release be reported?

A18. Yes. If the substance can be traced back to a well or facility, the AER authorization number of the well or facility should be included when reporting (if available).

Q19. If crude oil overflowed from a tank and the overflow is contained inside a secondary containment system, is it reportable?

A19. If the release is on site and exceeds 2 m³, it must be reported in accordance with section 8.050(2) of the *OGCR*, or if the release may cause, is causing, or has caused an adverse effect, it must be reported in accordance with section 110 of *EPEA*.

Q20. What is considered an on-site release?

A20. A release within the surveyed well or facility licence boundary approved under the *OGCA*.

Q21. What is considered an off-site release?

A21. A release outside of the surveyed well or facility licence boundary approved under the *OGCA*. This includes any releases outside of the licence boundary but within the mineral surface lease area.

Q22. What if an off-site release extends outside of the *Public Lands Act (PLA)* disposition boundary?

A22. The release must be reported and a temporary field authorization is required for any work done outside of the *PLA* disposition boundary.

Pipelines and Pipeline-Related Activities and Equipment

Q23. What is considered an off-site release?

A23. A release outside of the surveyed well or facility licence boundary approved under the *OGCA*. This includes

- a release on a pipeline right-of-way, and
- a release from a pipeline that is outside of the well or facility licence boundary but within the area boundary of a blocked MSL.

Q24. Table 1 refers to pipeline installations. What is a pipeline installation?

A24. As defined in *Directive 056*, section 6.9.26, a pipeline installation is “any equipment, apparatus, mechanism, machinery, or instrument incidental to the operation of a pipeline. This includes a compressor station, pump station, tank farm, and pipeline loading and unloading facility associated with pipelines carrying processed (sales) product.” Category C and D line heaters are also considered pipeline installations.

Q25. If a release occurs at a pipeline installation, is it reportable if it is less than 2 m³?

A25. No, unless it is a release from a pipeline within the installation’s lease boundary or the release may cause, is causing, or has caused an adverse effect. See *Directive 077: Interpretation of Jurisdictional Relationships for Pipelines, Pressure Equipment, and Pressure Piping* for information on the jurisdictional relationship between pipelines and facility piping as it relates to pipeline installations, facilities, and well sites.

Q26. Table 1 refers to pipeline-related activities and equipment. What are these?

A26. Pipeline-related activities are activities that are part of the construction, operation, and maintenance of the pipeline, such as horizontal directional drilling (HDD) or pressure testing. An example of a release from a pipeline-related activity would be drilling mud released from HDD or boring. A spill of unknown origin on a pipeline right-of-way would also fall into this category.

Pipeline-related equipment is equipment that is associated with the pipeline but not directly part of the pipeline, such as pressure testing equipment.

Q27. Is a release of small volumes of hydrostatic test water from a pressure truck hose fitting reportable?

A27. Only if the release may cause, is causing, or has caused an adverse effect or the release is into a water body (as defined in the *Water Act*) or a watercourse, groundwater, or surface water (as stated in the *Release Reporting Regulation*), in which case it must be reported in accordance with section 110 of *EPEA*. Further, any release of hydrostatic test water must be released in accordance with the *Code of Practice for the Release of Hydrostatic Test Water from Hydrostatic Testing of Petroleum Liquid and Gas Pipelines*.

Q28. If during a ground-disturbance activity a piece of equipment dents a pipeline authorized under the *Pipeline Act*, but no substance was released, is this reportable?

A28. Yes. Contact with a pipeline during any ground disturbance resulting in a puncture, crack, scratch, gouge, dent, flattening, or protective-coating damage must be reported under the *Pipeline Act*.

Q29. If the pipeline was under construction when the contact occurred, is this considered “contact damage” and therefore reportable?

A29. It would depend on what stage the pipeline was at during construction. If the pipeline was struck after being backfilled, then it would be reportable.

Q30. Is a release into a water body (e.g., river, lake, wetland) from HDD (also known as pipeline boring) reportable?

A30. Yes, since the substance released is drilling waste with the potential to cause adverse effects.

Q31. Is a release from HDD that does not affect a water body reportable?

A31. Yes. Refer to *Bulletin 2017-09: Reporting Non-Emergency Pipeline Horizontal Directional Drilling (HDD) Releases* for details on the acceptable method of reporting.

Q32. Do multiple releases during one HDD operation need to be reported separately?

A32. If there are multiple releases, each release must be evaluated separately to determine if the criteria for monthly reporting, set out in *Bulletin 2017-09*, have been met. Any individual release that does not meet the criteria must be reported to the AER through the 24-hour emergency line at 1-800-222-6514.

Q33. Is the Release Report form referred to in A13 required for HDD or pipeline boring releases that meet the criteria for monthly reporting?

A33. No.

Q34. Is a small release of a refined product (such as lubricating or hydraulic oils) from equipment on a pipeline right-of-way reportable?

A34. If the release may cause, is causing, or has caused an adverse effect or the release is into a water body (as defined in the *Water Act*) or a watercourse, groundwater, or surface water (as stated in the *Release Reporting Regulation*), it must be reported in accordance with section 110 of *EPEA*.

Mineable Coal and Oil Sands

Q35. Is a release in a mine pit reportable?

A35. Yes, if the release is a reportable release under the *OSCR*, *EPEA*, or the *Release Reporting Regulation*.

Q36. If a liquid hydrocarbon tank overflows and the overflow is contained inside a secondary containment system, is it reportable?

A36. At an oil sands mine,

- if the release exceeds 2 m³, it must be reported in accordance with section 13 of the *OSCR*, or
- if the release may cause, is causing, or has caused an adverse effect or the release is into a water body (as defined in the *Water Act*) or a watercourse, groundwater, or surface water (as stated in the *Release Reporting Regulation*), it must be reported in accordance with section 110 of *EPEA*.

At a coal mine, if the release may cause, is causing, or has caused an adverse effect, it must be reported in accordance with section 110 of *EPEA*.

Q37. If there are conditions that are hazardous to a dam, is this reportable?

A37. Yes, conditions that are or may likely be hazardous to a dam must be reported in accordance with part 6 of the *Water (Ministerial) Regulation*.

Q38. Is a release of hydraulic oil or ethylene glycol reportable?

A38. No, unless the release may cause, is causing, or has caused an adverse effect or the release is into a water body (as defined in the *Water Act*) or a watercourse, groundwater, or surface water (as stated in the *Release Reporting Regulation*). Then it must be reported in accordance with section 110 of *EPEA*.

In Situ Coal and Oil Sands

Q39. What is considered an on-site release?

A39. A release within the surveyed well or facility licence boundary approved under the *OGCA*.

Q40. What is considered an off-site release for release reporting purposes?

A40. An off-site reportable release is outside of the surveyed well or facility licence boundary approved under the *OGCA*.

Q41. What if an off-site release extends outside of the *Public Lands Act* disposition boundary?

A41. The release must be reported and a temporary field authorization is required for any work done outside of the *PLA* disposition boundary.