

Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)

Regulatory Context

Consequential edits to the Filing Manual resulting from the coming into force of the CER Act (2019) and related updates, including the CER's Early Engagement Guide, were published on the CER website on 6 August 2020. A series of periodic technical updates to the Filing Manual are now underway in a process that is anticipated to occur over the next two years.

Public Comment Opportunity

The purpose of this note is to announce a 45-day public comment period from 1 March to 14 April 2021 on the first proposed technical revisions, affecting Filing Manual Guides B (Abandonment) and K (Decommissioning). A feedback page has been created on the CER website, providing links to the draft revised Guides B and K, and a version tracking the proposed changes: <https://www.cer-rec.gc.ca/en/applications-hearings/submit-applications-documents/filing-manuals/filing-manual/filing-manual-updates/index.html>.

Proposed updates

Guides B and K require updating because the number of pipeline abandonment and decommissioning applications to the CER has been increasing in recent years, while existing filing requirements and guidance lack necessary detail and clarity on some topics. This has led to incomplete applications, more information requests and conditions, and frequent queries from companies and their consultants.

Proposed updates address the following areas:

- Requirements regarding the explanation and rationale for the abandonment or decommissioning method(s) chosen, including how factors such as land use, safety, potentially affected peoples and communities, property, environment and economics were identified and considered. These updates would increase transparency and rigor regarding the applicant's reasons and the factors considered for selecting the preferred abandonment or decommissioning method.
- Requirements for applicants to provide a high-level assessment of the potential short-term and long-term environmental and socio-economic effects on each valued environmental and socio-economic component regardless of the preferred abandonment method. These updates would provide all parties with additional information related to potential consequences of possible abandonment methods on each valued component, and will aid in determining the appropriateness of the chosen abandonment method.
- Requirements for the applicants to provide an Environmental Protection Plan, or a description of the environmental protection procedures, and a Reclamation Plan. These updates would increase transparency and rigor related to long-term environmental protection and reclamation requirements.
- Clarification of the circumstances in which companies need to undertake a comprehensive environmental and socio-economic assessment and when it is not required (scalability). These updates would provide added clarity to applicants when planning and preparing their submissions to the CER in regards to the level of

information to be provided in an application. This would assist the CER in increasing the efficiency of processing applications and releasing decisions in a timely manner.

- Information requirements regarding contamination assessment and management to be made consistent with the Remediation Process Guide. These updates would improve clarity and consistency regarding filing requirements to ensure environmental protection in cases where contamination was discovered during abandonment or decommissioning activities.
- Reference documents relating to physical and technical issues related to abandonment (i.e., studies completed by Pipeline Abandonment Research Steering Committee). These updates would assist all users of the document in accessing relevant and current technical knowledge related to abandonments.
- Adding information requirements for those companies wanting to apply to access funds held in Abandonment Trusts. These requirements would provide clarity to the applicants when submitting an application to access funds from trust for undertaking the activities related to abandonments and decommissioning.
- Remove requirements for any irrelevant or redundant information, for example in the case of small abandonments. These updates would improve regulatory efficiency and contribute to competitiveness.
- Consistency between the requirements in Guides B and K. With improved clarity around filing requirements, the need for subsequent information requests should be lessened.

The CER welcomes written feedback regarding Guides B and K and the proposed updates during the comment period ending 14 April 2021, via the feedback page at: <https://www.cer-rec.gc.ca/en/applications-hearings/submit-applications-documents/filing-manuals/filing-manual/filing-manual-updates/index.html>.

Please contact filingmanual@cer-rec.gc.ca if you would like to request a meeting to discuss your feedback or concerns.