



Province of Alberta

ENVIRONMENTAL PROTECTION AND
ENHANCEMENT ACT

**CONSERVATION AND RECLAMATION
REGULATION**

Alberta Regulation 115/1993

With amendments up to and including Alberta Regulation 62/2018

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Office Consolidation

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(Consolidated up to 62/2018)

ALBERTA REGULATION 115/93

Environmental Protection and Enhancement Act

CONSERVATION AND RECLAMATION REGULATION

Table of Contents

1	Definitions
	Division 1
	Conservation and Reclamation
2	Objective
3	Standards, criteria and guidelines
3.1	Codes of practice
4	Jurisdiction of local authority inspectors
5	Guidelines, remuneration
6	When inquiry conducted
8	Conduct of inquiry
9	Terms and conditions of e.p.o.
10	Notice of emergency e.p.o.
11	Time limitation
12	Application for reclamation certificate
13	Terms and conditions
14	Incomplete conservation or reclamation
15	Operator liability after reclamation certificate
15.1	Reclamation certificate not required
	Division 2
	Security
16	Definitions
16.1	Incorporation of Standard
17	Security required
17.1	Exemption from security
18	Amount of security
19	Apportionment of security
20	Scheduled adjustment of security
20.1	Adjustment of security when required
21	Form of security
22	Return of security
23	Retention of security

- 24 Forfeiture of security
- 24.1 Conversion of security where no renewal
- 24.2 Failure to comply with Standard
- 24.3 Provision of additional information
- 24.4 Debt owing to the Crown
- 25 Repeals
- 25.1 Expiry
- 26 Coming into force

Schedule

Definitions

1 In this Regulation, and, in the case of clause (t), for the purposes of Part 6 of the Act,

- (a) “Act” means the *Environmental Protection and Enhancement Act*;
- (b) “battery” means a system or arrangement of tanks or other surface equipment, together with associated infrastructure, for receiving or holding the effluent of one or more wells;
- (b.1) “borrow excavation” means an excavation in the surface made solely for the purpose of removing borrow material for
 - (i) the construction of the sub-base for a specific roadway project, or
 - (ii) the construction of a dam, canal, dike, structure or erosion protection works associated with a provincial water management infrastructure projectand includes any associated infrastructure connected with the borrow excavation;
- (c) “coal” in addition to its ordinary meaning, includes manufactured chars, cokes and any manufactured solid coal product that is used or useful as a reductant or energy source or for conversion into a reductant or energy source;
- (d) “Director” means the person designated by Ministerial Order as Director for the purposes of this Regulation;
- (e) “equivalent land capability” means that the ability of the land to support various land uses after conservation and reclamation is similar to the ability that existed prior to an

activity being conducted on the land, but that the individual land uses will not necessarily be identical;

- (f) “exploration operation” means any investigation, work or act to determine the presence of coal or oil sands by test drilling, excavation or other means that results in surface disturbance or that may cause an adverse effect, but excludes any exploration operation that is the subject of a permit, licence or approval under the *Exploration Regulation* (AR 214/98);
- (f.1) “footprint” means any direct land disturbance, temporary or permanent, made from an activity referenced in clause (t);
- (g) “Green Area” means that part of Alberta shown outlined and coloured green on the map annexed to
 - (i) a Ministerial Order dated May 7, 1985 and made pursuant to the *Public Lands Act*, as that Order is amended from time to time, or
 - (ii) any order made in substitution for that order, as amended from time to time;
- (g.1) “industrial pipeline” means a pipeline other than a municipal pipeline;
- (h) “information document” means any document issued by the Director that provides direction and guidance on matters respecting conservation and reclamation;
- (h.1) “infrastructure” means any works, buildings, structures, facilities, equipment, apparatus, mechanism, instrument or machinery belonging to or used in connection with a mine, oil production site, well, battery, pipeline, quarry, pit, borrow excavation, peat operation, coal processing plant, plant or transmission line, and includes any storage site or facility, disposal site or facility, access road, haul road, railway or telecommunication line;
- (i) “inspector” means a person who is an inspector by reason of the operation of section 25(3)(a) or (c) of the Act;
- (j) “land” means terrestrial, semi-aquatic and aquatic landscapes when the term is used in the definitions of “land capability” and “equivalent land capability”;
- (k) “land capability” means the ability of land to support a given land use, based on an evaluation of the physical, chemical and biological characteristics of the land,

- including topography, drainage, hydrology, soils and vegetation;
- (k.1) “municipal pipeline” means a pipeline that forms part of
- (i) a wastewater system,
 - (ii) a water distribution system, or
 - (iii) a waterworks system;
- (l) “oil production site” means field production facilities that are used to recover oil or oil sands by drilling or other in-situ recovery methods and in respect of which an approval is required under the Act and the regulations, and includes injection or pumping facilities and any associated infrastructure;
- (m) “peat” means a material composed almost entirely of organic matter from the partial decomposition of plants growing in wet conditions;
- (n) “peat operation” means any opening or excavation in, or working of, the surface or subsurface of the ground for the purpose of working, recovering, opening up or proving any peat or peaty substance, and includes any associated infrastructure connected with the peat operation;
- (o) “plant” means all buildings, structures, process equipment, pipelines, vessels, storage and material handling facilities, roadways and other installations used in and for any activity listed in section 2 of the Schedule of Activities in the Act, including the land that is used in or for the activity;
- (p) “public land” means land of the Crown in right of Alberta to which the *Public Lands Act* applies;
- (q) “railway” means the right-of-way and the developed infrastructure that is being or has been used or held for or in connection with railway purposes after August 15, 1978, including, but not limited to, the rail bed, main lines, branches, extensions, sidings, station grounds, yards, other tracks, bridges, tunnels, trestles, culverts, ditches, road crossings and other structures;
- (q.1) “renewable electricity” means electricity that has been produced from a renewable energy resource;

- (q.2) “renewable energy operation” means a site or plant generating renewable electricity from a renewable energy resource;
- (q.3) “renewable energy resource” means an energy resource that occurs naturally and that can be replenished or renewed within a human lifespan, including, but not limited to
- (i) moving water,
 - (ii) wind,
 - (iii) heat from the earth when used for electrical power generation,
 - (iv) sunlight, and
 - (v) sustainable biomass;
- (r) “roadway” means a highway or road as defined in the *Public Highways Development Act*;
- (s) “soil” means the unconsolidated, mineral or organic material at the surface of the earth that serves as a medium for plant growth;
- (t) “specified land” means land that is being or has been used or held for or in connection with
- (i) the construction, operation or reclamation of a well, an industrial pipeline or a battery,
 - (ii) the construction, operation or reclamation of an oil production site,
 - (iii) the construction, operation or reclamation of a municipal pipeline,
 - (iv) the construction, operation or reclamation of a telecommunication system or transmission line,
 - (v) the construction, operation or reclamation of a mine, pit, borrow excavation, quarry or peat operation,
 - (vi) the construction or reclamation of a roadway,
 - (vii) the conduct or reclamation of an exploration operation,
 - (viii) the reclamation of a railway,

- (ix) the construction, operation or reclamation of a plant, or
- (x) the construction, operation or reclamation of a renewable energy operation,

but does not include that portion of a pit on which a waste management facility is operating or has been operated in accordance with a valid approval or registration under the Act and the regulations;

- (u) “telecommunication system” means the towers, buildings, access roads, camps and other facilities on the surface of the land associated with an interprovincial or international communication system, but does not include a telecommunication system or part of a system located in a city, town, new town, village, summer village or specialized municipality;
- (v) “White Area” means that part of Alberta shown outlined and coloured white on the map annexed to
 - (i) a Ministerial Order dated May 7, 1985 and made pursuant to the *Public Lands Act*, as that Order is amended from time to time, or
 - (ii) any order made in substitution for that order, as amended from time to time.

AR 115/93 s1;245/93;167/96;242/99;251/2001;
247/2003;315/2003;131/2004;62/2018

Division 1 Conservation and Reclamation

Objective

2 The objective of conservation and reclamation of specified land is to return the specified land to an equivalent land capability.

AR 115/93 s2;167/93

Standards, criteria and guidelines

3(1) The Director may establish standards, criteria and guidelines for conservation or reclamation of specified land and may develop and release information documents respecting those standards, criteria and guidelines.

(2) An operator must

- (a) conserve specified land, and
- (b) reclaim specified land

in accordance with the applicable standards, criteria and guidelines that are established by the Director.

AR 115/93 s3;167/96;247/2003

Codes of practice

3.1(1) The following codes of practice are adopted pursuant to section 38 of the Act and form part of this Regulation:

- (a) the *Code of Practice for Exploration Operations*, published by the Department, as amended or replaced from time to time;
- (b) the *Code of Practice for Pits*, published by the Department, as amended or replaced from time to time.

(2) A person who, pursuant to a registration or notice, as applicable, carries on an activity referred to in Column A of the Schedule shall comply with the corresponding Code of Practice in Column B of the Schedule in the carrying on of that activity.

(3) Notwithstanding subsection (2), where the Director issues an approval in respect of the activity pursuant to section 6(3) of the *Activities Designation Regulation* (AR 276/2003), the approval holder

- (a) is not required to comply with the Code of Practice in the Schedule, and
- (b) shall comply with the terms and conditions of the approval.

AR 131/2004 s3;160/2005

Jurisdiction of local authority inspectors

4(1) An inspector designated as an inspector pursuant to section 25(3)(c) of the Act

- (a) may only act in cases involving land that is in the municipality of the local authority that employs him, to which he is under contract or for which he is an agent, and
- (b) may not be a member of the council of the local authority that employs him, to which he is under contract or for which he is an agent, where the local authority is a city, town, village, summer village, municipal district, specialized municipality, county or a settlement under the *Metis Settlements Act*.

(2) A local authority must notify the Director in writing of the suspension or termination of employment of a person designated as an inspector under section 25(3)(c) of the Act.

AR 115/93 s4;167/96;251/2001

Guidelines, remuneration

5 The Director shall, in consultation with local authorities, set guidelines for the role and qualifications of inspectors designated pursuant to section 25(3)(c) of the Act and determine the remuneration and expenses to be paid to them.

AR 115/93 s5;167/96;251/2001

When inquiry conducted

6(1) A reclamation inquiry must be conducted in respect of specified land

- (a) when, in the Director's opinion, a complete and accurate application for a reclamation certificate has been received by the Director, or
- (b) when a reclamation certificate has been issued but section 142(1) of the Act applies.

(2) Notwithstanding subsection (1), a reclamation inquiry need not be conducted where

- (a) the Director has received an application for a reclamation certificate in respect of an activity referred to in section 1(t)(i), and
- (b) in the Director's opinion, the application is complete and accurate.

(3) Repealed AR 247/2003 s4.

AR 115/93 s6;167/96;251/2001;247/2003

7 Repealed AR 167/96 s2.

Conduct of inquiry

8(1) A reclamation inquiry must be conducted by one or more inspectors on the specified land to which the inquiry relates.

(2) An inspector shall give to the owner and the operator at least 5 days' notice of the date on which and the location at which the inquiry will be held.

(3) The notice under subsection (2) may be waived or less than 5 days' notice may be given if the owner and the operator consent.

- (4) An inspector may conduct a reclamation inquiry even if a person who has been notified under this section does not attend at the inquiry.
- (5) In conducting a reclamation inquiry an inspector is not bound by the rules of law concerning evidence.
- (6) An inspector may, where it appears reasonable to do so, adjourn the reclamation inquiry to a different date.
- (7) Where a reclamation inquiry is adjourned, the inspector must provide reasonable notice of the different date to the owner and operator.

AR 115/93 s8;167/96

Terms and conditions of e.p.o.

9 Without limitation to sections 140, 141, 142 and 241 of the Act, an environmental protection order regarding conservation and reclamation may contain terms and conditions requiring the person to whom the order is directed to

- (a) prevent, contain, control, remove or remedy any degradation or deterioration of the surface of the land,
- (b) conserve or replace soil, and
- (c) apply for and obtain a reclamation certificate within the time prescribed by the Director.

AR 115/93 s9;167/96;251/2001

Notice of emergency e.p.o.

10 Where an inspector issues an environmental protection order under section 143 of the Act, the inspector must notify the Director as soon as possible that the order has been issued and the reasons for the order.

AR 115/93 s10;167/96;251/2001

Time limitation

11 An environmental protection order under section 143 of the Act may not be issued for a period of greater than 7 days.

AR 115/93 s11;251/2001

Application for reclamation certificate

12(1) An application for a reclamation certificate must

- (a) contain the information in respect of the specified land that is required in a form provided by the Director for that purpose, or

- (b) contain the following information in respect of the specified land, where the Director does not provide a form under clause (a):
- (i) a map, with references to legal boundaries, showing the land for which the certificate is being requested and the adjacent land use;
 - (ii) particulars of the characteristics and properties of the conserved and reclaimed land, including topography, drainage, soils, vegetation and land capability;
 - (iii) documentation of conservation and reclamation procedures;
 - (iv) documentation of the history of surface disturbance;
 - (v) documentation of and justification for any surface improvements to be left on the conserved and reclaimed land and written acceptance of the improvements by the registered owners of the land;
 - (vi) a declaration that the operator has complied with
 - (A) all terms and conditions of any applicable approval, code of practice, environmental protection order or enforcement order,
 - (B) the directions of an inspector or the Director, and
 - (C) any applicable standards, criteria or guidelines established under section 3(1);
 - (vii) the name, address and telephone number of all of the registered owners of the land;
 - (viii) particulars of any surface lease or right of entry order for the land;
 - (ix) a description of any substance present as a result of the operator's activity on the land and a description of the nature and extent of the adverse effect caused by the presence of the substance;
 - (x) particulars of any remedial measures taken with respect to a substance referred to in subclause (ix);
 - (xi) any additional information required by an information document or requested by the Director.

(2) The Director may waive any of the requirements in subsection (1) where, in the opinion of the Director, the information is not relevant to the application.

(3) Repealed AR 167/96 s6.

AR 115/93 s12;167/96;247/2003

Terms and conditions

13 An inspector may issue a reclamation certificate subject to any terms and conditions the inspector considers to be appropriate.

AR 115/93 s13;167/96

Incomplete conservation or reclamation

14 Where an inspector is of the opinion that specified land has not been conserved or reclaimed in accordance with section 137 of the Act, this Regulation and any applicable code of practice, the inspector may do one or more of the following:

- (a) provide further direction respecting conservation or reclamation;
- (b) specify an additional waiting period to allow for a further evaluation of the conservation or reclamation;
- (c) issue an environmental protection order regarding conservation or reclamation in accordance with section 140 of the Act;
- (d) refuse to issue a reclamation certificate.

AR 115/93 s14;167/96;251/2001;247/2003

Operator liability after reclamation certificate

15(1) Where a reclamation certificate is issued under the Act to an operator in respect of an activity referred to in section 1(t)(ii) to (viii) and (x), no environmental protection order regarding conservation or reclamation may be issued under section 142(2) of the Act

- (a) more than 5 years after the date of issuance of the reclamation certificate, in a case where no approval in respect of the activity was held on the date of issuance of the reclamation certificate, or
- (b) after the date of issuance of the reclamation certificate, in the case of an activity listed in Division 3 of Schedule 1 of the *Activities Designation Regulation*, where an approval was held in respect of the activity on the date of issuance of the reclamation certificate.

- (2) Where a reclamation certificate is issued under the Act in respect of an activity referred to in section 1(t)(i)
- (a) on or before October 1, 2003, no environmental protection order regarding conservation or reclamation may be made under section 142(2) of the Act more than 5 years after the date of issuance of the reclamation certificate, or
 - (b) after October 1, 2003, no environmental protection order regarding conservation or reclamation may be made under section 142(2) of the Act more than 25 years after the date of issuance of the reclamation certificate.
- (3) Where a reclamation certificate is issued under the Act in respect of an activity referred to in section 1(t)(ix), no environmental protection order regarding conservation or reclamation may be made under section 142(2) of the Act more than 25 years after the date of issuance of the reclamation certificate.

AR 115/93 s15;167/96;251/2001;247/2003;62/2018

Reclamation certificate not required

15.1(1) Operators are exempt from the requirement of section 137(1)(c) of the Act with respect to a particular activity on or in respect of specified land

- (a) where that activity is
 - (i) a pipeline that is a rural gas utility as defined in the *Rural Gas Act*,
 - (ii) a pipeline that is less than 15 cm in diameter and is ploughed into the ground,
 - (iii) a railway that was abandoned prior to September 1, 1993,
 - (iv) an exploration operation or transmission line that is located in a road allowance,
 - (v) a borrow excavation less than 5 hectares (12.5 acres) in size, or
 - (vi) a renewable energy operation
 - (A) that was reclaimed prior to July 1, 2018, or
 - (B) where the renewable electricity generated or produced is less than or equal to that which is defined for large micro-generation in the *Micro-generation Regulation* (AR 27/2008) and

the total footprint boundary is no greater than 1 hectare (2.47 acres) in size

or

- (b) where, in the opinion of the Director, a second activity listed in section 1(t) is carried out on or in respect of the specified land.

(2) Subsection (1)(b) does not exempt the operator from the requirement to obtain a reclamation certificate with respect to any part of the specified land that is not exempted under subsection (1)(b).

AR 167/96 s10;242/99;251/2001;247/2003;62/2018

Division 2 Security

Definitions

16 In this Division,

- (a) “approval” means an approval, other than a mine approval, in respect of an activity that is listed in Division 3 of Schedule 1 to the *Activities Designation Regulation* (AR 276/2003);
- (b) “coal processing plant” means a coal processing plant within the meaning of section 2(3)(c) of the *Activities Designation Regulation* (AR 276/2003) that is on land that is the subject of a mine approval in respect of a coal mine;
- (c) “code of practice” means a code of practice adopted by this Regulation, as amended or replaced from time to time;
- (d) “mine approval” means an approval within the meaning of section 1(f) of the Act in respect of
 - (i) a coal mine,
 - (ii) a coal processing plant,
 - (iii) an oil sands mine, or
 - (iv) an oil sands processing plant;
- (e) “oil sands processing plant” means an oil sands processing plant within the meaning of section 2(2)(pp) of the *Activities Designation Regulation* (AR 276/2003) that

is located on land that is the subject of a mine approval in respect of an oil sands mine;

- (f) “registration” means a registration in respect of an activity that is listed in Division 3 of Schedule 2 to the *Activities Designation Regulation* (AR 276/2003);
- (g) “Standard” means the *Mine Financial Security Program Standard* adopted by section 16.1.

AR 115/93 s16;247/2003;34/2011

Incorporation of Standard

16.1 Pursuant to section 38 of the Act, the *Mine Financial Security Program Standard* made by the Director and published by the Department, as amended or replaced from time to time, is adopted by reference in this Regulation.

AR 34/2011 s2

Security required

17(1) The Director shall require an operator to provide security as follows:

- (a) in a case where an approval, a mine approval or a registration is required, the security must be provided before the approval, mine approval or registration is issued;
- (a.1) repealed AR 34/2011 s3;
- (b) in a case where the Minister has made a designation under subsection (2) with respect to an activity, the security must be provided
 - (i) before the activity is commenced, or
 - (ii) within 30 days after the receipt of a notice in writing from the Director, if the activity has already been commenced.

(1.1) Where an activity that is carried on or is to be carried on by an operator is governed by a code of practice but is not an activity in respect of which security must be provided by reason of subsection (1)(a.1), the Minister may nevertheless by order designate that activity as one in respect of which security must be provided.

(2) Where the activity that is carried on or is to be carried on by an operator is not an activity in respect of which an approval or a mine approval is required or is not governed by a code of practice, the

Minister may by order designate the activity as one in respect of which security must be provided.

AR 115/93 s17;131/2004;34/2011

Exemption from security

17.1 The following operators are not required to provide security:

- (a) an operator that is a local authority;
- (b) an operator that applies for an approval for the construction of a pipeline;
- (c) an operator that has, or applies for, an approval for the construction, operation or reclamation of an oil production site;
- (d) an operator that has, or applies for, an approval for the construction, operation or reclamation of a transmission line.

AR 167/96 s11;160/2005;63/2008

Amount of security

18(1) Security for an approval shall be in an amount determined by the Director to be sufficient to ensure completion of conservation and reclamation on the specified land as required by the Act and the regulations, based on

- (a) the estimated costs of conservation and reclamation submitted by the operator,
- (b) the nature, complexity and extent of the activity,
- (c) the probable difficulty of conservation and reclamation, giving consideration to such factors as topography, soils, geology, hydrology and revegetation, and
- (d) any other factors the Director considers to be relevant.

(1.1) Security for a mine approval shall be in an amount determined in accordance with the Standard.

(1.2) Security for a registration shall be in an amount determined in accordance with the applicable code of practice.

(2) The Director shall give the operator written directions as to the estimated costs referred to in subsection (1)(a), including how and when those estimates are to be submitted and the information to be submitted in support of them, and the operator shall comply with those directions.

(3) Notwithstanding subsection (1), where land is disturbed after September 1, 1993 pursuant to a development and reclamation approval issued under the *Land Surface Conservation and Reclamation Act* for an activity that is subject to an approval or a registration, the amount of the security that is required shall be determined in accordance with the relevant provisions of that Act and regulations.

AR 115/93 s18;167/96;34/2011

Apportionment of security

19 The Director may designate portions of the specified land on which the activity is or will be taking place and attribute separate security to be provided by the operator for each portion so designated.

Scheduled adjustment of security

20(1) Security for a mine approval shall be adjusted in accordance with the Standard.

(2) Security for a registration shall be adjusted in accordance with the applicable code of practice.

(3) Security for an approval shall be adjusted in accordance with

- (a) the schedule specified in the approval or a schedule established in writing by the Director, and
- (b) the directions established by the Director under section 18(2) or any other requirements established in writing by the Director.

(4) In setting a schedule under subsection (3)(a), the Director may require the operator to provide any written information to the Director that is necessary to determine the adjusted security amount as adjusted under subsection (3)(b) and may specify a latest date

- (a) for the provision of that information, and
- (b) by which the adjusted security amount, if any, must be provided.

(5) The operator shall respond in writing to the Director to any deficiencies in the information provided under subsection (4) within the period directed in writing by the Director.

(6) Where an operator does not

- (a) provide the Director with the written information necessary to determine the adjusted security,

- (i) in the case of a mine approval, as required by the Standard,
 - (ii) in the case of a registration, as required by the applicable code of practice, or
 - (iii) in the case of an approval, as required under subsection (4),
- (b) respond to the Director as required by and within the period specified in subsection (5), or
 - (c) provide the adjusted security amount, if any, required by subsection (1), (2) or (3) before the established deadline,

the Director may require the operator to provide an estimate of the required security from a third party at the operator's expense within a period directed by the Director or determine the amount of security that must be provided.

(7) The Director shall provide written notice to the operator of the amount of security determined under subsection (6) and the operator shall ensure that the required security is provided.

AR 115/93 s20;34/2011

Adjustment of security when required

20.1(1) Notwithstanding anything in section 20, the Director may at any time direct the operator in writing to prepare, and the operator may at any time provide to the Director, an updated estimate of security.

(2) The operator shall respond in writing to the Director to any deficiencies in the information provided by the Director under subsection (1) within the period directed in writing by the Director.

(3) The operator shall provide the updated security amount approved by the Director within the period directed in writing by the Director.

AR 34/2011 s5

Form of security

21 Security must be in one or more of the following forms as required by the Director:

- (a) cash;
- (b) cheques and other similar negotiable instruments payable to the President of Treasury Board and Minister of Finance;

- (c) Government guaranteed bonds, debentures, term deposits, certificates of deposit, trust certificates or investment certificates assigned to the President of Treasury Board and Minister of Finance;
- (d) irrevocable letters of credit, irrevocable letters of guarantee, performance bonds or surety bonds in a form acceptable to the Director;
- (d.1) qualifying environmental trusts within the meaning of subsection 248(1) of the *Income Tax Act* (Canada);
- (e) any other form that is acceptable to the Director.

AR 115/93 s21;27/2002;68/2008;34/2011;31/2012;62/2013

Return of security

22(1) Where a reclamation certificate is issued in respect of all or part of specified land, the Minister may return or direct the return of all or part of the security provided, as the case may be.

(2) Notwithstanding subsection (1), if the conservation and reclamation of specified land has been partially completed as required under the Act and the regulations, the Minister may, on application by the operator, return or direct the return of a part of the security, as determined by the Minister.

(3) Where the amount of security determined under section 20 or 20.1 is less than the amount of security provided by the operator, the Minister shall return or direct the return of the excess.

(4) The Minister shall return or direct the return of all security provided where an application for an approval is submitted but no approval is issued.

AR 115/93 s22;34/2011

Retention of security

23 In a case to which section 15 applies, the Minister may, notwithstanding that a reclamation certificate has been issued, retain all or part of the security until the expiration of the applicable period referred to in that section.

Forfeiture of security

24(1) Where an operator fails to comply with

- (a) an environmental protection order regarding conservation and reclamation under section 140 or 142 of the Act, or

- (b) an emergency environmental protection order under section 143 of the Act or an enforcement order under section 210 of the Act,

and the failure to comply may, in the Minister's opinion, prevent or otherwise interfere with conservation and reclamation of the specified land as required by the Act and the regulations, the Minister may order that all or part of the security provided by the operator be forfeited.

(2) Where the Minister orders security to be forfeited under subsection (1), the Minister shall

- (a) give written notice of the decision to the operator, and
- (b) direct the President of Treasury Board and Minister of Finance to transfer the security from the Environmental Protection Security Fund to the Environmental Protection and Enhancement Fund.

(3) On the request of the Minister the President of Treasury Board and Minister of Finance shall pay to the Minister from the Environmental Protection and Enhancement Fund as much of the security transferred under subsection (2) as the Minister considers is necessary to carry out the conservation and reclamation of the specified land in accordance with the Act and the regulations, and the Minister shall use the security for that purpose.

(4) Subsection (3) applies despite the fact that the operator may not have actually received the notice referred to in subsection (2)(a).

(5) Where the amount of the forfeited security exceeds the amount required for conservation and reclamation, the President of Treasury Board and Minister of Finance shall on the direction of the Minister pay the excess amount to the operator.

(6) Where the amount of the forfeited security is insufficient to pay for the cost of conservation and reclamation, the operator remains liable for the balance.

AR 115/93 s24;251/2001;27/2002;68/2008;31/2012;62/2013

Conversion of security where no renewal

24.1 Where, in the Minister's opinion,

- (a) the security instrument provided by the operator will not be renewed before it expires, and
- (b) the operator has not provided satisfactory replacement security before the expiry of that instrument,

the Minister may instruct the issuer of the security instrument to convert the instrument to cash.

AR 34/2011 s8

Failure to comply with Standard

24.2(1) In addition to any action taken under section 24.1, where an operator

- (a) fails to comply with the Standard,
- (b) fails an audit conducted under the Standard to such an extent that the Director considers that the operator has failed to comply with the Standard, or
- (c) is required to post an Outstanding Reclamation Deposit under the Standard to such an extent that the Director considers that the operator has failed to comply with the Standard,

the Director may direct the operator to provide additional security in an amount determined by the Director or full financial security in the amount of the MFSP Liability calculated under the Standard.

(2) The amount of additional security required by the Director under subsection (1) may not exceed 25% of the MFSP Liability calculated under the Standard.

(3) The operator must provide the additional security or full financial security directed under subsection (1) within the period directed in writing by the Director.

(4) The Director may remove the requirement for the additional security or full financial security if the Director considers that the applicable conditions referred to in subsection (1) no longer apply.

AR 34/2011 s8

Provision of additional information

24.3(1) Notwithstanding any requirement of section 18, 20 or 20.1, the Director may, at any time, require an operator to provide additional information respecting the calculation of the security.

(2) The operator shall provide the additional information specified by the Director under subsection (1) within the period directed by the Director.

AR 34/2011 s8

Debt owing to the Crown

24.4 Where an operator fails to provide security required by this Part, the amount of the security so required becomes a debt owing to the Crown.

AR 34/2011 s8

Repeals

25(1) The *Inquiry Procedure Regulation* (Alta. Reg. 122/80) is repealed.

(2) The *Part 3 Administrative Transfer Regulation* (Alta. Reg. 222/82) is repealed.

(3) The *Council's Administrative Jurisdiction Regulation* (Alta. Reg. 221/82) is repealed.

(4) The *Land Conservation Regulations* (Alta. Reg. 125/74) are repealed.

(5) The *Security Deposit Ministerial Regulation* (Alta. Reg. 172/77) is repealed.

AR 115/93 s25;245/93

Expiry

25.1 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2020.

AR 63/2008 s3;105/2011;130/2013;169/2014;103/2016;62/2018

Coming into force

26 This Regulation comes into force on September 1, 1993.

Schedule

COLUMN A	COLUMN B
The conduct or reclamation of an exploration operation.	Code of Practice for Exploration Operations, 2005, published by the Department
The construction, operation or reclamation of a pit that is listed in Schedule 2, Division 3 of the <i>Activities Designation Regulation</i> .	Code of Practice for Pits, published by the Department AR 131/2004 s5;160/2005



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