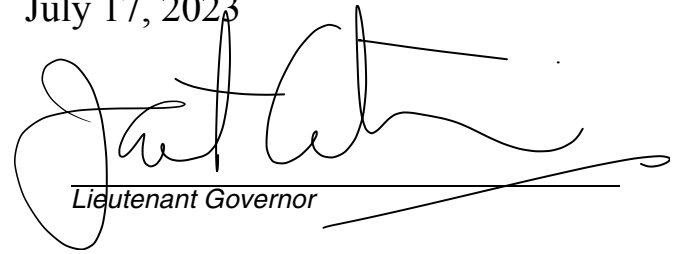


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 464

, Approved and Ordered July 17, 2023

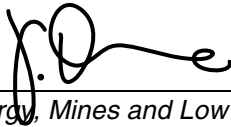


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective September 1, 2023,

- (a) the following provisions of the *Energy Statutes Amendment Act, 2022*, S.B.C. 2022, c. 42, are brought into force:
 - (i) section 1;
 - (ii) section 2 (a), (b) and (d) to (i);
 - (iii) sections 3, 4, 6, 8 to 10, 12 to 20, 22, 24, 26 to 28, 30, 32 to 34, 36, 40, 52, 53, 55, 56, 60 to 66, 69, 70 and 73 to 76, and
- (b) the amendments set out in the attached Schedule are made.



Minister of Energy, Mines and Low Carbon Innovation



Presiding Member of the Executive Council

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

Authority under which Order is made:

Act and section: *Agricultural Land Commission Act*, S.B.C. 2002, c. 36, s. 58.3; *Assessment Act*, R.S.B.C. 1996, c. 20, s. 74; *Bonding Act*, R.S.B.C. 1996, c. 30, s. 11; *Business Number Act*, S.B.C. 2003, c. 50, s. 12; *Energy Statutes Amendment Act, 2022*, S.B.C. 2022, c. 42, s. 77; *Environmental Assessment Act*, S.B.C. 2018, c. 51, s. 9; *Environmental Management Act*, S.B.C. 2003, c. 53, ss. 92 and 138; *Geothermal Resources Act*, R.S.B.C. 1996, c. 171, s. 24; *Greenhouse Gas Industrial Reporting and Control Act*, S.B.C. 2014, c. 29, ss. 47 and 51; *Information Management Act*, S.B.C. 2015, c. 27, s. 22; *Land Act*, R.S.B.C. 1996, c. 245, ss. 7.8 and 110; *Muskwa-Kechika Management Area Act*, S.B.C. 1998, c. 38, s. 17; *Oil and Gas Activities Act*, S.B.C. 2008, c. 36, ss. 9, 94 to 96 and 98 to 105; *Petroleum and Natural Gas Act*, R.S.B.C. 1996, c. 361, ss. 43, 73 and 133; *Professional Governance Act*, S.B.C. 2018, c. 47, s. 118; *Public Interest Disclosure Act*, S.B.C. 2018, c. 22, s. 48; *Real Estate Services Act*, S.B.C. 2004, c. 42, s. 130; *Utilities Commission Act*, R.S.B.C. 1996, c. 473, s. 121; *Water Sustainability Act*, S.B.C. 2014, c. 15, ss. 124 and 127

Other: OICs 3878/67, 35/82, 1575/82, 1373/90, 1854/92, 1367/97, 1347/98, 1350/98, 445/2003, 1012/2003, 1109/2004, 541/2005, 426/2006, 382/2007, 435/2010, 595/2010, 52/2011, 424/2012, 3/2015, 804/2015, 805/2015, 110/2016, 111/2016, 281/2016, 61/2017, 392/2017, 250/2019, 314/2019, 607/2019, 131/2020, 127/2022 and 354/2023

R20698617

SCHEDULE

- 1 Direction No. 1 to the Oil and Gas Commission, B.C. Reg. 1/2015, is amended by repealing the title and substituting the following:*

DIRECTION NO. 1 TO THE BRITISH COLUMBIA ENERGY REGULATOR.

- 2 The Environmental Protection and Management Regulation, B.C. Reg. 200/2010, is amended in section 1 (1)*

(a) by repealing the definition of “oil and gas activity” and substituting the following:

“energy resource activity”, in sections 9 and 20, does not include the diversion and use of water from a water source well unless the activity is the diversion and use of deep groundwater under the *Water Sustainability Act*, , **and**

(b) by repealing the definition of “oil and gas road”.

- 3 The Geothermal Resources General Regulation, B.C. Reg. 39/2017, is amended by repealing section 12 (5) and substituting the following:*

(5) Section 1 (1) of the applied regulation is modified by deleting the definition of “energy resource activity”.

- 4 The Government Body Designation (Public Interest Disclosure) Regulation, B.C. Reg. 58/2022, is amended in the Schedule*

(a) by repealing the following items:

Column 1 Government Body	Column 2 Head of Government Body
Oil and Gas Appeal Tribunal	Chair
Oil and Gas Commission	Chief Executive Officer

, and

(b) by adding the following items:

Column 1 Government Body	Column 2 Head of Government Body
British Columbia Energy Regulator	Commissioner
Energy Resource Appeal Tribunal	Chair

5 *The Information Management Regulation, B.C. Reg. 109/2016, is amended in the Schedule*

(a) *by repealing the following items:*

Item	Column 1 Government Agency	Column 2 Head of Government Body
36	Oil and Gas Appeal Tribunal	Chair
37	Oil and Gas Commission	Commissioner

, and

(b) *by adding the following items:*

Item	Column 1 Government Agency	Column 2 Head of Government Body
4.1	British Columbia Energy Regulator	Commissioner
17.1	Energy Resource Appeal Tribunal	Chair

6 *The Integrated Land and Resource Registry Regulation, B.C. Reg. 180/2007, is amended in Schedule 1*

(a) *by repealing the following items:*

Item	Column 1 Prescribed Instruments (Tenures)	Column 2 Prescribed Persons (Tenure Authorities)
36	a geophysical licence issued under the <i>Petroleum and Natural Gas Act</i>	Oil and Gas Commission
39	a permit issued under the <i>Oil and Gas Activities Act</i> permitting the operation or use of a storage reservoir	Oil and Gas Commission
41	a storage reservoir lease granted under the <i>Petroleum and Natural Gas Act</i>	minister
42	a permit issued under the <i>Oil and Gas Activities Act</i> permitting the drilling and operation of a well	Oil and Gas Commission

, and

(b) *by adding the following items:*

Item	Column 1 Prescribed Instruments (Tenures)	Column 2 Prescribed Persons (Tenure Authorities)
36	a geophysical licence issued under the <i>Petroleum and Natural Gas Act</i>	British Columbia Energy Regulator
39	a permit issued under the <i>Energy Resource Activities Act</i> permitting the operation or use of a storage reservoir	British Columbia Energy Regulator

41	a storage reservoir licence issued under the <i>Petroleum and Natural Gas Act</i>	minister
42	a permit issued under the <i>Energy Resource Activities Act</i> permitting the drilling and operation of a well	British Columbia Energy Regulator

7 *The Investigations Regulation, B.C. Reg. 134/2019, is amended in section 3 (3) by striking out “commission’s” and substituting “regulator’s”.*

8 *The Oil and Gas Activities Act General Regulation, B.C. Reg. 274/2010, is amended*

(a) by repealing the title and substituting the following:

ENERGY RESOURCE ACTIVITIES GENERAL REGULATION,

(b) by repealing section 2,

(c) by repealing section 3 (1) and substituting the following:

(1) For the purposes of paragraph (e) of the definition of “**pipeline**” in section 1 (2) of the Act, water and steam that are used for geothermal activities are prescribed. ,

(d) in section 5.1 by striking out “commission’s” and substituting “regulator’s”,

(e) in section 7 (1) (a) by striking out “the commission” and substituting “the regulator”,

(f) in section 7.1 (b) (ii) by striking out “a licence under Division I of Part VI of the National Energy Board Act (Canada)” and substituting “a licence under Division 1 of Part 7 of the Canadian Energy Regulator Act (Canada)”;

(g) in section 7.1 (b) (vi) by striking out “a storage reservoir lease issued under section 130 of” and substituting “a storage reservoir licence under”,

(h) by repealing section 10 (1) and substituting the following:

(1) For the purposes of section 75 (1) (b) of the Act, “**innovative technology**” means technology that is unproven in a particular application to produce an energy resource. , *and*

(i) by repealing section 10 (2) (a) and (b).

9 *The Petroleum and Natural Gas Act Fee, Rental and Work Requirement Regulation, B.C. Reg. 378/82, is amended in section 5 (2) by striking out “commissioner” and substituting “regulator”.*

- 10** *The Petroleum and Natural Gas Drilling Licence and Lease Regulation, B.C. Reg. 10/82, is amended*
- (a) *in section 3 (5.1) (b) by striking out “commissioner” and substituting “regulator”, and*
- (b) *in section 3.1 (2) (b) by striking out “the Oil and Gas Activities Act General Regulation” and substituting “the Energy Resource Activities General Regulation”.*
- 11** *The Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation, B.C. Reg. 495/92, is amended in section 4 (9) (b) and (12) (b) by striking out “oil and gas activity” and substituting “oil and gas or storage activity”.*
- 12** *The regulations listed in Column 1 of Table 1 are amended in the provisions listed opposite them in Column 2 by striking out “Oil and Gas Activities Act” wherever it appears and substituting “Energy Resource Activities Act”.*
- 13** *The regulations listed in Column 1 of Table 2 are amended in the provisions listed opposite them in Column 2 by striking out “Oil and Gas Commission” wherever it appears and substituting “British Columbia Energy Regulator”.*
- 14** *The regulations listed in Column 1 of Table 3 are amended in the provisions listed opposite them in Column 2 by striking out “commission” wherever it appears and substituting “regulator”.*
- 15** *The regulations listed in Column 1 of Table 4 are amended in the provisions listed opposite them in Column 2 by striking out “oil and gas activity” wherever it appears and substituting “energy resource activity”.*
- 16** *The regulations listed in Column 1 of Table 5 are amended in the provisions listed opposite them in Column 2 by striking out “oil and gas activities” wherever it appears and substituting “energy resource activities”.*
- 17** *The regulations listed in Column 1 of Table 6 are amended in the provisions listed opposite them in Column 2 by striking out “Oil and Gas Road Regulation” and substituting “Energy Resource Road Regulation”.*

Table 1

Item	Column 1 Regulation being amended	Column 2 Provision
1	Administrative Penalties Regulation, B.C. Reg. 35/2011	section 1, in the definition of “Act”
2	Agricultural Land Reserve General Regulation, B.C. Reg. 57/2020	section 36
3	Blueberry River First Nations Implementation Agreement Regulation, B.C. Reg. 146/2023	section 1 (1), in the definition of “Act”
4	Bonding Regulations, B.C. Reg. 11/68	section 9

Item	Column 1 Regulation being amended	Column 2 Provision
5	Business Number Regulation, B.C. Reg. 388/2003	section 4
6	Crown Land Fees Regulation, B.C. Reg. 177/2003	section 3
7	Direction No. 1 to the Oil and Gas Commission, B.C. Reg. 1/2015	section 1, in the definition of "Act"
8	Environmental Protection and Management Regulation, B.C. Reg. 200/2010	section 1 (1), in the definition of "Act"
9	Exempt Interests Regulation, B.C. Reg. 302/90	section 2 (g) (i.1)
10	Geothermal Geophysical Exploration Regulation, B.C. Reg. 358/98	section 2 (1)
11	Greenhouse Gas Emission Administrative Penalties and Appeals Regulation, B.C. Reg. 248/2015	section 1, in the definition of "environmental legislation"
12	Greenhouse Gas Emission Reporting Regulation, B.C. Reg. 249/2015	section 21 (2) (b) (i) section 23 (2) (h)
13	Integrated Land and Resource Registry Regulation, B.C. Reg. 180/2007	section 1, in the definition of "specified enactment"
14	Investigations Regulation, B.C. Reg. 134/2019	section 1, in the definition of "Act"
15	Muskwa-Kechika Management Plan Regulation, B.C. Reg. 53/2002	section 3.4 (a)
16	Oil and Gas Activities Act General Regulation, B.C. Reg. 274/2010	section 1 (1), in the definition of "Act"
17	Oil and Gas Waste Regulation, B.C. Reg. 254/2005	section 7 (1) and (5)
18	Petroleum and Natural Gas Drilling Licence and Lease Regulation, B.C. Reg. 10/82	section 3 (5.3) (d)
19	Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation, B.C. Reg. 495/92	section 1 (1), in the definitions of "amendment application", "coalbed methane project", "concurrent production", "conservation gas", "Drilling and Production Regulation", "gas well event" and "third tier oil" section 5 (5)
20	Pipeline Crossings Regulation, B.C. Reg. 147/2012	section 1, in the definition of "Act"
21	Professional Governance General Regulation, B.C. Reg. 107/2019	Schedule 1
22	Public Utility Regulation, B.C. Reg. 174/2006	section 2 (c) (ix)
23	Real Estate Services Regulation, B.C. Reg. 506/2004	section 2.3 (d)
24	Reviewable Projects Regulation, B.C. Reg. 243/2019	section 14, in Columns 2 and 3 of Table 10

Item	Column 1 Regulation being amended	Column 2 Provision
25	Water Sustainability Fees, Rentals and Charges Tariff Regulation, B.C. Reg. 37/2016	section 11 (2) (b)
26	Water Sustainability Regulation, B.C. Reg. 36/2016	section 39 (5) (a) and (b) (i) and (6)

Table 2

Item	Column 1 Regulation being amended	Column 2 Provision
1	Crown Land Fees Regulation, B.C. Reg. 177/2003	section 3
2	Integrated Land and Resource Registry Regulation, B.C. Reg. 180/2007	section 4 (c)
3	Professional Governance General Regulation, B.C. Reg. 107/2019	section 1.1 (c)
4	Water Sustainability Regulation, B.C. Reg. 36/2016	section 39 (6) (a)

Table 3

Item	Column 1 Regulation being amended	Column 2 Provision
1	Direction No. 1 to the Oil and Gas Commission, B.C. Reg. 1/2015	section 2 section 3
2	Environmental Protection and Management Regulation, B.C. Reg. 200/2010	section 8 section 21 section 38 (b) (ii)
3	Geothermal Resources General Regulation, B.C. Reg. 39/2017	section 11 (1), (6) (b), (7) and (8) section 12 (10), as it modifies section 8 of the applied regulation
4	Investigations Regulation, B.C. Reg. 134/2019	section 3 (1) and (3)

Item	Column 1 Regulation being amended	Column 2 Provision
5	Oil and Gas Activities Act General Regulation, B.C. Reg. 274/2010	section 5 (a) and (b) section 6 (1) section 7.1 section 9 section 14, in the definition of “geological and geophysical reports” section 15 (2) section 16 section 17 (1), (2), (3), (4), (7) and (8) section 17.1 (1) (a), (2) and (3) section 21 section 22 section 23 (1) section 24 (1) (b) and (2) section 26 (2) section 29 (1) and (3) (b) (ii)
6	Petroleum and Natural Gas Drilling Licence and Lease Regulation, B.C. Reg. 10/82	section 5.01 (1) (a)
7	Petroleum and Natural Gas General Regulation, B.C. Reg. 357/98	section 1, in the definition of “operator” section 5 (2) and (3) section 6
8	Petroleum and Natural Gas Royalty and Freehold Production Tax Regulation, B.C. Reg. 495/92	section 1 (1), in the definitions of “deep re-entry well event”, “pay”, “re-entry date” and “spud date”
9	Pipeline Crossings Regulation, B.C. Reg. 147/2012	section 2 (3) (b) (i)

Table 4

Item	Column 1 Regulation being amended	Column 2 Provision
1	Blueberry River First Nations Implementation Agreement Regulation, B.C. Reg. 146/2023	section 1 (1), in the definition of “specified instrument” section 5

Item	Column 1 Regulation being amended	Column 2 Provision
2	Environmental Protection and Management Regulation, B.C. Reg. 200/2010	section 1 (1), in the definitions of “facility area” and “wellsite” section 8.1 section 9 (1) and (2) section 10 section 11 section 12 section 13 section 14 section 15 section 16 section 17 section 19 (1) and (2) section 20 (1) and (2)
3	Geothermal Resources General Regulation, B.C. Reg. 39/2017	section 12 (7)
4	Oil and Gas Activities Act General Regulation, B.C. Reg. 274/2010	section 7.1 (a) and (b) section 8 (1) (a) section 29 (2) (e)
5	Spill Preparedness, Response and Recovery Regulation, B.C. Reg. 185/2017	section 4

Table 5

Item	Column 1 Regulation being amended	Column 2 Provision
1	Environmental Protection and Management Regulation, B.C. Reg. 200/2010	section 2 section 6 (b) and (d) section 7 (b) and (c) section 15 (a) section 38 (b) (i)
2	Geothermal Resources General Regulation, B.C. Reg. 39/2017	section 12 (7)

Table 6

Item	Column 1 Regulation being amended	Column 2 Provision
1	Administrative Penalties Regulation, B.C. Reg. 35/2011	section 8 (1), (2), (3), (4) and (5)
2	Environmental Protection and Management Regulation, B.C. Reg. 200/2010	section 1 (1), in the definition of “road right of way”