

Noncompliance Events

Part A: Planning Requirements—Noncompliance Events

The risk level of each noncompliance—Low Risk (L) or High Risk (H)—is based on the criteria set out in *Directive 019: ERCB Compliance Assurance—Enforcement*.

The ERCB may escalate enforcement actions should it be warranted.

Risk level	Section (number)	Noncompliance event
H	1.4	Failure to provide information as requested by the ERCB for any audit, inspection, or investigation, including the Emergency Response (ER) Assessment Program.
H	2.1 (1)	Failure to have a corporate-level ERP.
L	2.1 (2)	Failure to include information specified in Section 2.1 in the corporate-level ERP.
H	2.1 (3)	Failure to ensure that a call to the licensee 24-hour emergency telephone number initiates immediate action.
H	2.1 (4)	Failure to ensure that the licensee 24-hour emergency telephone number is posted by way of a conspicuous sign erected at the primary entrance to all licensee well and facility operations.
L	2.1.1 (5), 5.1(1)	Failure to have the information in Appendix 4 included in the ERP.
L	2.1.1 (6), 5.1(2), 14.2 (3)	Failure to define appropriate actions, including public protection measures that would be taken for each level of emergency.
L	2.1.2 (7), 5.8 (19)	Failure to include the specified information in the communications plan or include the plan in the ERP.
L	2.1.3 (8)	Failure to identify roles and responsibilities of personnel required to effectively respond to an emergency.
L	2.1.4 (9), 5.10 (22)	Failure to describe how an emergency will be managed and coordinated and/or to address the roles and responsibilities of personnel at the company's EOCs.
L	2.1.5 (10), 5.12 (24)	Failure to outline procedures for activating the reception centre or meeting and registering evacuees at the centre.
H	3.1 (1)	Failure to adjust the actual size and shape of the final EPZ.
H	3.2 (2)	Failure to use ERCBH2S properly.
L	3.2 (3)	Failure to electronically submit a copy of the CSV batch export file from ERCBH2S in support of the ERP.
H	4.1 (1)	Failure to carry out public and local authority notification and consultation prior to the development of an ERP.

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Risk level	Section (number)	Noncompliance event
H	4.2 (2)	Failure to identify all residents and local authorities within

and adjacent to the EPZ.

H	4.2 (3)	Failure to include an entire urban density development within the EPZ for the purpose of conducting the public involvement program.
H	4.2 (4)	Failure to contact the appropriate urban director(s) of emergency management to review key emergency response information and/or to confirm and coordinate each party's roles and responsibilities.
L	4.2 (6)	Failure to confirm and coordinate roles and responsibilities in accordance with the protocols established with the local authority, the directors of emergency management for all municipalities within and adjacent to the EPZ, and the local RHA or applicable federal health branch.
L	4.2 (7)	Failure to attempt to reach a mutual understanding with local authorities on the specific needs and roles and responsibilities of each party during an emergency and/or failure to include a summary of the roles and responsibilities in the ERP.
H	4.3 (8)	Failure to notify or notify and consult with those listed in Table 3.
L	4.3 (9)	Failure to conduct the public involvement program in accordance with Section 4.3.
H	4.3 (10)	Failure to notify residents of urban centres that they are within the EPZ and to provide details of the public protection measures available in the event of an emergency.
L	4.3 (11)	Failure to attempt to contact residents, persons away for an extended period of time, and nonresidents, such as registered trappers and industrial operators, to arrange a suitable meeting time and place or to provide an information package by registered mail with an offer to meet .
L	4.3.1 (12)	Failure to develop a public information package and/or to provide all persons identified in Table 3 with a copy.
L	4.3.1 (13)	Failure to provide the requisite information in the public information package.
L	4.3.1 (14)	Failure to provide a copy of the public information package to the local ERCB Field Centre.

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Risk level	Section (number)	Noncompliance event
H	4.4 (15)	Failure to attempt to obtain personal information for incorporation into the ERP.
L	4.4 (16)	Failure to consider those residents who were unwilling to provide personal information as having special needs.

L	5.2.1 (3)	Failure to include in the site-specific ERP specific procedures for how and when notification will take place within the EPZ.
L	5.2.2 (4)	Failure to address how evacuation of the response zones will be accomplished.
L	5.2.2 (5)	Failure to address assistance with transportation needs or changes in normal notification procedures in evacuating public facilities.
L	5.2.2 (6)	Failure to include the appropriate shelter-in-place instructions in the public information package or in the ERP.
L	5.2.3 (7)	Failure to address how notification and evacuation will take place outside of the EPZ and/or to include that summary in the ERP.
L	5.2.4.1 (8)	Failure to include ignition procedures in the ERP and/or acknowledge that ignition authority will be assigned to a licensee representative on site.
L	5.2.4.2 (9)	Failure to include an ignition policy in the ERP.
L	5.2.5 (10)	Failure to include isolation procedures, such as establishing and managing roadblocks in the ERP.
L	5.2.6 (11)	Failure to provide details on the use and procedures surrounding the activation of air quality monitoring equipment in the ERP.
L	5.3 (12)	Failure to clearly identify specified information on the ERP map.
L	5.4 (13)	Failure to have a listing (including location, number, and type) of communications equipment, roadblock equipment, ignition equipment, and air monitoring equipment in the ERP.
L	5.6 (14)	Failure to include a telephone list of key internal personnel or external emergency support services in the ERP.
L	5.7 (15), 7.3.3 (11), 8.3.2 (9), 9.3.1 (7)	Failure to distribute copies of the sour operations, HVP pipeline, cavern storage facility, sour well site-specific drilling and/or completion ERP, or approved supplement to the government departments and agencies listed in Appendix 5 within 10 business days after approval, unless the government agency requests otherwise in writing. (continued)

Risk level	Section (number)	Noncompliance event
L	5.7 (16)	Failure to provide a copy of the ERP to any resident within the EPZ upon written request.
L	5.7 (17)	Failure to ensure that all required plan holders have a copy of the approved ERP.

L	5.7 (18)	Failure to ensure that a plan distribution list is included in the ERP.
L	5.8 (20)	Failure to have a bridging paragraph in the ERP in accordance with the requirements of Section 5.8.
L	5.9 (21)	Failure to identify roles and responsibilities of personnel or provide the names of key personnel and responders in the ERP.
L	5.11 (23)	Failure to have a process for recording the information for the activities in Section 5.11.
L	5.13 (25)	Failure to include procedures in the ERP to downgrade and stand-down levels of emergency.
H	6.1 (1)	Failure to submit for approval an ERP for all sour well site-specific drilling and/or completion operations listed in Table 4 or for any other situation in which the ERCB determines that an ERP is required.
L	6.2 (2)	Failure to ensure the site-specific ERP addresses the requirements in Section 6.2.
H	6.3 (3)	Failure to ensure that critical sour well site-specific drilling and/or completion ERPs meet the requirements in Section 6.3.
H	6.4 (4)	Failure to ensure that noncritical sour well site-specific drilling and/or completion ERPs meet the requirements in Section 6.4.
H	6.5 (5)	Failure to leave all components of the wellhead on until the ERP has been approved and is on site.
H	7.1 (1), 8.1 (1), 9.1 (1)	Failure to have an approved ERP for situations listed in Tables 5 and 7, for any cavern storage facility storing HVP product, and for any other situation in which the ERCB determines that a plan is required.
H	7.1 (2), 8.1 (2), 9.1 (2)	Failure to have an ERP approved prior to commencement of operations.
L	7.2 (3), 8.2 (3), 9.2 (3)	Failure to address the requirements for ERP content.

Part B: Implementation Requirements—Noncompliance Events

The risk level of each noncompliance—Low Risk (L) or High Risk (H)—is based on the criteria set out in *Directive 019: ERCB Compliance Assurance—Enforcement*.

The ERCB may escalate enforcement actions should it be warranted.

Risk level	Section (number)	Noncompliance event
H	11.1 (1)	Failure to have an up-to-date copy of the corporate-level ERP at a response location(s) in their area of operations.
H	11.1 (2)	Failure to review the corporate-level ERP with personnel assigned roles and responsibilities.
H	11.1.1 (3), 14.2 (2)	Failure to use the Assessment Matrix to classify an incident.
H	11.1.1 (4), 14.2 (4)	Failure to contact the ERCB after activating internal response resources to confirm the level of emergency and convey the specifics of the incident.
H	11.1.2 (5), 14.5 (18)	Failure to contact the local authority, RCMP/police, local RHA, government agencies, or support services if a hazardous release goes off site and has the potential to impact the public or if members of the public or the media have been contacted.
H	11.1.2 (6), 14.5 (19)	Failure to provide the information in Appendix 8 to the public as soon as possible during an incident.
L	11.1.2.1 (7), 14.5.1 (20)	Failure to consult with the ERCB prior to making the decision to downgrade or stand-down an emergency.
H	11.1.2.1 (8), 14.5.1 (21)	Failure to keep all affected persons and the media informed of the status of an emergency.
H	12.1 (1)	Failure to ensure that on-site supervisory personnel are aware of the size of the EPZ.
H	12.3.1	Failure to attempt to evacuate residents from the IIZ if safe to do so.
L	13.1 (1)	Failure to carry out public and local authority notification and consultation for situations outlined in Table 8.
H	14.1 (1)	Failure to have an up-to-date copy of the site-specific ERP (hard copy or electronic) available at a response location in their area of operations..
H	14.3.1 (5), (6)	Failure to carry out the notification requirements within the EPZ.
H	14.3.1 (7)	Failure to advise the public within the EPZ of the appropriate public protection measures.
Risk level	Section (number)	Noncompliance event
H	14.3.3 (8)	Failure to assess and act on the need to expand the evacuation area based on the monitored levels of H ₂ S (Appendix 6) and as dictated by the specifics of the incident.

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H	14.3.6.1 (9) 14.3.6.2 (11)	Failure to comply with ignition criteria outlined in section 14.
H	14.3.6.2 (10)	Failure to take into account the specified factors when making the decision to ignite.
H	14.3.7 (12)	Failure to ensure that manned roadblocks are in place.
H	14.3.8.1 (13)	Failure to meet the air quality monitoring requirements for critical sour wells.
H	14.3.8.1 (14)	Failure to meet the air quality monitoring requirements for noncritical sour wells.
H	14.3.8.2 (15)	Failure to investigate the source of a release or send out air quality monitoring units upon confirmation of the release location.
H	14.4 (16)	Failure to ensure that the equipment identified in the ERP is available and located where specified in the ERP for any testing or workover operation.
H	14.4 (17)	Failure to ensure that company equipment is operational and the appropriate documentation is available to verify testing and calibration requirements.
H	14.6 (22)	Failure to demonstrate that the plan management system ensures that the ERPs are up-to-date as changes are identified.
H	14.6 (23)	Failure to provide a copy of the public information package to all identified residences in the EPZ every two years and/or conduct a public awareness program with members of the public through personal consultative processes.
H	14.6 (24)	Failure to distribute changes in information that are instrumental to implementing the ERP to all required plan holders.
H	14.6 (25)	Failure to correct errors identified in the ERP by the ERCB, licensee, or other party.
L	14.8 (26)	Failure to activate a reception centre located at a safe distance from the release source or meet and register evacuees at the reception centre.
H	14.9 (27)	Failure to provide training sessions to ensure that response personnel are competent in emergency response procedures.
H	14.10 (28)	Failure to test the sour operation, HVP pipeline, or cavern storage facility ERP through tabletop and major exercises.
L	14.10 (29)	Failure to notify the ERCB Field Centre about a major exercise and/or to invite the local authority, RHA, or any other government agency to participate or observe.
L	14.11 (30)	Failure to have a process for recording the information for the activities in Section 14.11.

Risk level	Section (number)	Noncompliance event
H	14.12 (31)	Failure of the new licensee to contact the EPA Section within 30 days of the transfer of a licence to discuss a timeframe for submitting a new ERP.
H	14.12 (32)	Failure to ensure that the emergency response procedures in place will not be compromised prior to approval of the new ERP.
H	15.1 (1)	Failure to conduct a meeting within 96 hours prior to entering the first sour zone.
H	15.1 (2)	Failure to conduct a critical sour meeting prior to entering the critical sour zone.
L	15.1 (3)	Failure to advise the appropriate ERCB Field Centre 24 hours in advance of a presour meeting and at least 4 business days in advance of a critical sour meeting.
L	15.1 (4)	Failure to provide at least 4 business days' prior notice to the local authority, RHA, and other applicable government departments and agencies of the critical sour zone meeting.
H	15.2.1 (5)	Failure to ensure that the critical sour well drilling operations equipment identified in the ERP is located where specified in the ERP prior to entering the critical sour zone.
H	15.2.1 (6)	Failure to ensure that the equipment identified in the ERP is located where specified in the ERP prior to conducting the critical sour well completion, well servicing, or workover operation.
L	16.1.1 (1)	Failure of a member of an oil spill cooperative to attend a training exercise or complete a spill responder course.
L	16.1.1 (2), 16.2.1 (6)	Failure to notify the appropriate ERCB Field Centre in writing of a spill equipment deployment training exercise or a tabletop exercise.
L	16.1.2 (3), 16.2.2 (7)	Failure to complete the training exercise report within 30 days following an exercise or to make it available to the ERCB upon request.
L	16.2.1 (4)	Failure of a nonmember of an oil spill cooperative to conduct an exercise in the area where its operations are located.
H	16.2.1 (5)	Failure of a nonmember of an oil spill cooperative to demonstrate the same competencies as an oil spill cooperative member.