

## ERCB Field Operations Group and Emergency Planning and Assessment Section Voluntary Self-Disclosure Process—How to Use the Voluntary Self-Disclosure Form

### Introduction to Voluntary Self-Disclosure Process

*Directive 019: ERCB Compliance Assurance—Enforcement* outlines the Energy Resources Conservation Board (ERCB) voluntary self-disclosure process. To support this process, the ERCB Field Operations Group (formally known as the Field Surveillance Group) and the Emergency Planning and Assessment (EPA) Section have developed a voluntary self-disclosure form. This form is designed to

- serve as a communication tool between the licensee and the Field Centre or EPA,
- support the consistent management of voluntary self-disclosure information,
- capture the requisite information for appropriate decision-making, and
- provide the licensee with confirmation that the Field Centre or EPA has received and accepted the voluntary self-disclosure submission.

This new process does not prevent licensees from self-disclosing to the Field Centre or EPA by other means (e.g., phoning in a High Risk noncompliance event as the first party to contact the ERCB). However, the licensee will still be expected to use the voluntary self-disclosure form to document the self-disclosure. Licensees are encouraged to contact the Field Centre or EPA to discuss their voluntary self-disclosure submission.

The following summarizes the roles of the licensee and the ERCB in the voluntary self-disclosure process and offers instructions on how to use the form.

### Role of the Licensee

A voluntary self-disclosure must relate to a noncompliance under ERCB jurisdiction that has occurred or is occurring at the time the ERCB is notified. In accordance with *Directive 019*, in order for a licensee to self-disclose, it must be the first party to contact the ERCB and it must take appropriate steps to correct or address the noncompliance.

When self-disclosing a High Risk noncompliance event, the licensee must also immediately correct or address the noncompliance, including suspending operations, if warranted, to ensure that risk to the public or environment is mitigated. A written action plan, as defined in *Directive 019*, must be developed and implemented within 60 days of the High Risk noncompliance event (or in a time specified by the appropriate ERCB group). **Action plans are not required to be submitted to the ERCB group, but should be retained on file.**

*Directive 019* does not consider the following events to be self-disclosures:

- notification to the ERCB of a noncompliance during a required performance presentation,
- notification to the ERCB of a noncompliance in an application to restore compliance,
- notification to the ERCB of a noncompliance after the ERCB has started an audit, inspection, or investigation,

- notification to the ERCB of noncompliance in meeting a deadline required by an act, regulation, directive, or condition of an approval,
- notification to the ERCB of a noncompliance that should have been fixed,
- notification to the ERCB of a noncompliance when the licensee is not the first party to contact the ERCB,
- notification to the ERCB when appropriate steps have not been taken to address the noncompliance, and
- notification to the ERCB of a noncompliance that results in a competitive advantage to the licensee.

When self-disclosing a noncompliance to Field Operations or EPA, a licensee will e-mail its portion of the Voluntary Self-Disclosure Form in Excel format to the appropriate ERCB group.

When a voluntary self-disclosure is accepted by Field Operations or EPA, a deadline is set for the noncompliance to be corrected or addressed. Licensees are expected to notify the appropriate ERCB group on or before the deadline that the noncompliance has been corrected or addressed. This notification can be done via phone or e-mail to the appropriate ERCB group.

## Role of the ERCB

Upon receipt of a self-disclosure submission to Field Operations or EPA, the ERCB group will assess the information provided to determine if the submission meets the voluntary self-disclosure criteria set out in *Directive 019*. The ERCB group will accept or not accept the submission as a self-disclosure, fill out the ERCB Use Only portion of the form, and submit the completed form back to the licensee in PDF format. If needed, the ERCB group will guide the licensee on how to complete the form.

“Acceptance” of a voluntary self-disclosure does not signify “approval,” nor does it mean the ERCB group will not follow up with the licensee if circumstances warrant. “Acceptance” of a voluntary self-disclosure means that, based on the information provided, the ERCB group has determined that the voluntary self-disclosure criteria have been met and the information is being retained on file.

When a voluntary self-disclosure is accepted by the ERCB group, a deadline is set for the noncompliance to be corrected or addressed. Licensees are expected to notify the ERCB group on or before the deadline that the noncompliance has been corrected or addressed.

### *Closing Self-Disclosure Files*

For Low Risk self-disclosures, the ERCB group will close the self-disclosure file as of the deadline. If the same Low Risk noncompliance is discovered by the ERCB after the deadline, it will be considered an enforceable event.

For High Risk self-disclosures, the ERCB group will contact the licensee, by phone or e-mail, to confirm that the noncompliance has been corrected or addressed (if the licensee has not notified the ERCB group on or before the deadline) prior to closing the file. If it is discovered that the licensee did not correct or address the High Risk noncompliance, then the licensee will be warned that the self-disclosure time period is over and it is subject to possible inspection or investigation. If the same High Risk noncompliance is discovered by the ERCB after the deadline, it will be considered an enforceable event.

## How to Use the Voluntary Self-Disclosure Form

*Unless otherwise indicated below, the licensee is required to fill out all fields on the form. (Incomplete forms will be returned).*

**E-mail to:** Select from the drop-down box the e-mail address for the appropriate ERCB group (i.e., one of the Field Centres, EPA, or, for provincial self-disclosures, FSOB-BST-Inbox@ercb.ca). In the subject line of the e-mail, indicate that the e-mail is for a voluntary self-disclosure and include the licensee name.

**Date ERCB Notified:** Enter the date of original notification. This is the date the ERCB is first contacted about the self-disclosure, which may be by phone or e-mail (among other means), or the date the form was submitted to the ERCB group (if the Voluntary Self-Disclosure Form was the first point of contact with the ERCB group).

**ERCB Group:** Select the intended ERCB group from the drop-down box (i.e., one of the Field Centres, EPA, or, for provincial self-disclosures, Field Surveillance and Operations Branch Business Support). In accordance with *Directive 019*, an ERCB group is defined as the group responsible for the administration of specific or particular compliance categories and compliance assurance processes, including enforcement within these compliance categories. A list of the ERCB groups is located on the ERCB Web site [www.ercb.ca](http://www.ercb.ca) under About the ERCB : Contact Information.

**Licensee:** Enter the responsible duty holder. The term licensee is used to designate the responsible duty holder (e.g., licensee, operator, company, applicant, approval holder, or permit holder) as specified in legislation.

**Licensee Contact:** Enter a contact name. The ERCB will accept self-disclosures from a licensee-designated representative and from third parties that have been formally designated by the licensee through an agreement or contract.

**Telephone Number:** Enter licensee contact telephone number.

**Fax Number:** Enter licensee contact fax number (optional field if not submitting by fax).

**E-mail Address:** Enter licensee contact e-mail address.

**BA Code:** Enter the 4-digit business associate (BA) code issued to your company by the ERCB. Refer to the [Business Associate Codes \(ST104A\)](#) located on the ERCB Web site under Industry Zone : Industry Activity and Data : ERCB Reference Codes. If there are questions or the licensee cannot locate the BA code, phone or e-mail the Field Centres or EPA.

**Licence/Approval Type:** Select appropriate licence or approval type for where the noncompliance is occurring or has occurred. “ERP” refers to the emergency response plan reference number (after the plan has been approved), and “WM” refers to the waste management facility approval number.

**Licensed Substance:** If **Licence/Approval Type** is “Well” or “Facility,” use drop-down menu to select “Oil” or “Gas.” “N/A” is only for pipelines, waste management facilities, and emergency response plans.

**Licence/Approval No./ERP Ref. No.:** Enter the specific licence number, ERP reference number, or WM approval number where the noncompliance is occurring or has occurred.

**Pipeline/Installation:** If **Licence/Approval Type** is “Pipeline,” use drop-down menu to select “Line” for a pipeline segment or “Installation” for a pipeline installation. Select “N/A” for all other licence/approval types.

**Line No./Installation No.:** If **Licence/Approval Type** is “Pipeline,” enter the pipeline’s line number or installation number. Select “N/A” for all other licence/approval types.

**Location (LSD):** Enter legal survey location for where the noncompliance is occurring or has occurred. Format of the location should be legal subdivision (LSD), section, township, range, and meridian (e.g., 15-14-78-7W6M). This is not needed for blanket provincial self-disclosures unless they are for High Risk noncompliance events.

**Noncompliance Event:** Enter description of noncompliance event (e.g., staining around wellhead). To determine the noncompliance event, refer to the applicable inspection manuals and directives.<sup>1</sup> If there are questions regarding the noncompliance event, phone or e-mail the Field Centres or EPA.

**Actions to Correct/Address the Noncompliance Event:** Describe the actions taken or to be taken to address the noncompliance event (e.g., clean up with vacuum truck). **This information is not considered the action plan.** (Action plans are not required to be submitted to the Field Centres or EPA, but should be retained on file by the licensee.)

If the cell cannot hold all of the information, populate the next cell below. If substantial information needs to be provided, contact the ERCB group for further direction.

**Requested Deadline Date:** Enter a deadline to correct or address the noncompliance. Note that a 30-day deadline is standard for Low Risk noncompliances. High Risk noncompliances need to be mitigated immediately.

### **ERCB Use Only Sections**

These sections, shaded in grey, are for ERCB internal use only. Do not enter any information into them. ERCB staff will complete these sections and return the Voluntary Self-Disclosure Form back to the licensee contact.

**Date Accepted:** Enter the date the ERCB group accepted the self-disclosure. Acceptance may have been done prior to the licensee submitting a completed form (e.g., previous evening via telephone call with the licensee).

**Accepted by:** Enter the ERCB staff member who accepted the self-disclosure.

**Deadline Date:** Enter the date selected by the ERCB group by which the licensee must have corrected or addressed the noncompliance. The ERCB group will consider the information submitted by the licensee in determining this deadline. The deadline date will also become the date the ERCB group considers the self-disclosure period to be finished.

**Risk Level:** Select from the drop-down menu either “High” or “Low” for each self-disclosed item.

**Acceptance Decision:** Select from the drop-down menu the ERCB group’s decision regarding acceptance.

**Reason for Non-Acceptance:** Select from the drop-down menu the reason for the ERCB group’s non-acceptance.

**Comments:** Enter appropriate comments for the self-disclosure submission.

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<sup>1</sup> This may include *Directives 063: Requirements and Procedures for Oilfield Waste Management Facilities*, *064: Requirements and Procedures for Facilities*, *066: Requirements and Procedures for Pipelines*, and *071: Emergency Preparedness and Response Requirements for the Petroleum Industry*.