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ALBERTA REGULATION 253/2007
Alberta Utilities Commission Act
SECURITY MANAGEMENT REGULATION

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Definitions

1 In this Regulation,

- (a) “appropriate regulating body” means
 - (i) the Alberta Utilities Commission, with respect to a critical facility that is a gas utility pipeline, hydro development, power plant, transmission line or electric distribution system, and
 - (ii) the Energy Resources Conservation Board, with respect to a critical facility other than one referred to in subclause (i);
- (b) “critical facility” means an oil sands mine, a facility for gas processing or for oil sands processing, a transmission line, an electric distribution system, a hydro development, a power plant, a pipeline or related facility, a gas utility pipeline or related facility, a petrochemical plant or a refinery named in the critical infrastructure list;
- (c) “critical infrastructure list” means the critical infrastructure list established under the Plan;
- (d) “gas utility pipeline” means a gas utility pipeline as defined in the *Gas Utilities Act*;
- (e) “Guide 71” means Guide 71, Emergency Preparedness and Response Requirements for the Upstream Petroleum

Industry, as published by the Energy Resources Conservation Board, as amended from time to time;

- (f) “hydro development”, “power plant”, “transmission line” and “electric distribution system” mean a hydro development, power plant, transmission line and electric distribution system as defined in the *Hydro and Electric Energy Act*;
- (g) “in situ operation”, “mining operation” and “processing plant” mean an in situ operation, a mining operation and a processing plant as defined in the *Oil Sands Conservation Act*;
- (h) “mine” and “coal processing plant” mean a mine and coal processing plant as defined in the *Coal Conservation Act*;
- (i) “pipeline” means a pipeline as defined in the *Pipeline Act*;
- (j) “Plan” means the Alberta Counter-Terrorism Crisis Management Plan established under the *Emergency Management Act*;
- (k) “security measures” means threat response plans relating to a threat of terrorist activity or terrorist activity against a critical facility in accordance with the Plan.

Security measures to be established for a critical facility

(1) A licensee or approval holder of a critical facility must establish security measures relating to the critical facility in accordance with the recommended practices outlined in the Plan to enable the licensee or approval holder to respond to the various levels of threat of terrorist activity that may be declared under the Plan.

(2) In the event that the Security and Information Unit of the Department of Solicitor General and Public Security informs a licensee or approval holder of a critical facility that the facility has been threatened and the level of the threat, the licensee or approval holder must implement security measures in accordance with the recommended practices outlined in the Plan related to the level of threat that has been declared.

(3) If the appropriate regulating body is of the view that the licensee or approval holder of a critical facility has failed to implement security measures in accordance with subsection (2), the appropriate regulating body may

- (a) order the licensee or approval holder to implement security measures in accordance with the recommended practices outlined in the Plan related to the level of threat that has been declared, or
- (b) take whatever action is necessary to implement security measures in accordance with the recommended practices outlined in the Plan related to the level of threat that has been declared and recover the costs that may be incurred in implementing those security measures from the licensee or approval holder as a debt owed to the appropriate regulating body.

(4) The appropriate regulating body may audit the security measures of a licensee or approval holder in respect of a critical facility and the capacity of the licensee or approval holder to implement those security measures.

(5) Any information acquired by the appropriate regulating body in relation to the security measures of a critical facility is confidential in accordance with section 78(4) of the *Alberta Utilities Commission Act* or section 50(4) of the *Energy Resources Conservation Act*, as the case may be.

Corporate emergency response plan required

3(1) A licensee or approval holder of a critical facility, other than a facility defined in the *Oil and Gas Conservation Act* to which Guide 71 applies, must

- (a) at a minimum, prepare a corporate emergency response plan for the critical facility in accordance with Guide 71,
- (b) update the corporate emergency response plan as required by Guide 71, and
- (c) implement the corporate emergency response plan in the event of an emergency.

(2) The appropriate regulating body may, in accordance with Guide 71, audit the corporate emergency response plan of a licensee or approval holder of a critical facility referred to in subsection (1) and the licensee's or approval holder's capacity to implement the plan.

Threat of terrorist activity

4(1) Where the appropriate regulating body has been informed of the existence of a threat of terrorist activity against a well or facility, pipeline, gas utility pipeline, in situ operation, mining operation or processing plant, mine or coal processing plant, hydro

development, power plant, transmission line or electric distribution system, the appropriate regulating body shall

- (a) inform the licensee or approval holder of the threat of terrorist activity and the level of threat, and
- (b) request the licensee or approval holder to provide information about the manner in which the licensee or approval holder will address the threat.

(2) Where the threat of terrorist activity is high or imminent against a well, facility, pipeline, gas utility pipeline, in situ operation, mining operation, processing plant, mine, coal processing plant, hydro development, power plant, transmission line or electric distribution system, and the appropriate regulating body is of the view after consultation with the licensee or approval holder that the licensee or approval holder is unwilling or unable to take measures to address the threat, the appropriate regulating body may

- (a) order the licensee or approval holder to shut in the well or shut down the facility, pipeline, gas utility pipeline, in situ operation, mining operation, processing plant, mine, coal processing plant, hydro development, power plant, transmission line or electric distribution system and set out the terms under which the order may cease, or
- (b) take the necessary action to shut in the well or shut down the facility, pipeline, gas utility pipeline, in situ operation, mining operation, processing plant, mine, coal processing plant, hydro development, power plant, transmission line or electric distribution system and recover the costs incurred by the appropriate regulating body to take action from the licensee or approval holder as a debt owed to the appropriate regulating body.

Application and repeal

5(1) This Regulation ceases to apply in respect of a matter in respect of which a regulation made by

- (a) the Alberta Utilities Commission under section 78 of the Act applies, on the coming into force of that regulation, or
- (b) the Energy Resources Conservation Board under section 50 of the *Energy Resources Conservation Act* applies, on the coming into force of that regulation.

(2) This Regulation is repealed on the earlier of

- (a) the coming into force of the later of a regulation referred to in subsection (1)(a) and (b), and
- (b) the occurrence of an event referred to in section 80(10) of the Act.

Coming into force

6 This Regulation comes into force on the coming into force of the *Alberta Utilities Commission Act*.