



The Association of Professional
Engineers and Geoscientists of Alberta

APEGA DISCIPLINE COMMITTEE DECISION

Date(s) of Hearing: May 17 & 18, 2023
Date of Decision: July 26, 2024
APEGA Discipline Case Number: 21-011-FH

**IN THE MATTER OF A HEARING OF THE DISCIPLINE
COMMITTEE OF THE ASSOCIATION OF PROFESSIONAL
ENGINEERS AND GEOSCIENTISTS OF ALBERTA**
Pursuant to the *Engineering and Geoscience Professions Act*,
being Chapter E-11 of the Revised Statutes of Alberta 2000

Regarding the Conduct of Dr. Lian Zhao, P.ENG.

INTRODUCTION

The hearing took place on May 17 and 18, 2023, virtually via video conferencing.

Appearances

The members of the Hearing Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of Alberta (“APEGA”):

Johanne Poirier Mouallem, P.Eng., Discipline Committee Panel Chair
Ken Liu, P.Eng., Discipline Committee Panel Member
Robert Swift, P.Eng., Discipline Committee Panel Member

Katrina Haymond, KC, and Alisha Hurley, Legal Counsel for the Investigative Committee of APEGA (the “Investigative Committee”)

Ashley Reid, Independent Legal Counsel for the Hearing Panel

Several members of APEGA staff attended to provide administrative support for the hearing.

OPENING OF THE HEARING

1. Dr. Zhao is a professional engineer regulated by APEGA. The Charges before the Hearing Panel against Dr. Zhao are as follows:

1. On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the Alberta Energy Regulator (“AER”) in connection with the alleged remediation of well sites that failed to meet the AER’s requirements, resulting in cancellation of the certificates following field visits to the well sites by the AER, particulars of which include one or more of the following:

[Particulars a. – q. reproduced in Appendix “A”]

2. On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the AER in connection with the alleged remediation of well sites that failed to meet the AER’s requirements, resulting in cancellation of the certificates following a technical desktop review by the AER, particulars of which include one or more of the following:

[Particulars a. – o. reproduced in Appendix “A”]

3. On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the AER in connection with the alleged remediation of well sites that failed to meet the AER’s requirements, resulting in cancellation of the certificates following a focused review by the AER, particulars of which include one or more of the following:

[Particulars a. – d. reproduced in Appendix “A”]

IT IS FURTHER ALLEGED that the above-referenced conduct constitutes unprofessional conduct as set out in Section 44(1) of the *Engineering and Geoscience Professions Act*, and contravenes one or more of Rules of Conduct 1, 2, 3, and 4 of APEGA’s *Code of Ethics*, and/or is inconsistent with APEGA’s Practice Standard for Authenticating Professional Documents.¹

2. The hearing opened on May 17, 2023. Dr. Zhao was not present at the hearing. The Investigative Committee had no objections to the Hearing Panel’s constitution or jurisdiction.

Preliminary Matters

3. The Hearing Panel considered whether it should proceed with the hearing in Dr. Zhao’s absence. Section 61(3) of the *Engineering and Geoscience Professions Act* (the “EGP Act”)

¹ At the hearing, Ms. Haymond noted minor amendments to Charges 1, 2, and 3. The Hearing Panel agreed that the amendments were editorial in nature and appropriate.

allows the Hearing Panel to proceed with a hearing in the absence of Dr. Zhao, upon proof that she was served with the Notice of Hearing.

4. Ms. Haymond entered three packages of correspondence as exhibits. The Hearing Panel has summarized the sequence of events as shown in in Exhibits 1, 2, and 3.

5. [REDACTED]

6. The hearing was rescheduled for May 17 and 18, 2023. The Director, Enforcement sent the Notice of Hearing to Dr. Zhao's email address on February 7, 2023. Dr. Zhao responded to the email chain on February 17 and 18, 2023 using the same email address.

7. [REDACTED]

8. The Investigative Committee considered whether a further adjournment of the May 17 and 18, 2023, hearing dates was necessary. Ms. Haymond informed the Hearing Panel that Dr. Zhao's registration was suspended pending the completion of the discipline proceedings. The interim suspension ensured that the public was protected while the hearing was ongoing.

9. [REDACTED]

10. Ms. Haymond recommended that the Hearing Panel should consider APEGA's duty to protect the public and the duty of fairness owed to Dr. Zhao. She described several options and recommended that the Hearing Panel hear the Investigative Committee's evidence.

Decision of the Hearing Panel on May 18, 2023

11. The Hearing Panel considered, first, whether Dr. Zhao received notice of the hearing, and second, whether it would be appropriate to proceed in the circumstances.

12. The Hearing Panel finds that Dr. Zhao received the Notice of Hearing on February 7, 2023, which listed the hearing dates. The Director, Enforcement sent the Notice of Hearing to Dr. Zhao's email address, and Dr. Zhao later responded to the email chain from the same email address. Dr. Zhao also received letters from Ms. Hurley via email. The letters, which are dated April 28 and May 3, 2023, refer to the May hearing dates. Dr. Zhao responded via email.

13. The Hearing Panel considered whether the hearing should proceed. To do so, the Hearing Panel weighed APEGA's public protection mandate and the fairness owed to Dr. Zhao. Professional discipline processes serve APEGA's mandate by protecting the public, regulating the profession, and preserving public confidence in the profession. They engage many interests, including the public's interests and the member's interests. The Hearing Panel recognized that lengthy delay can impact the public's confidence in the profession.

14. Within professional discipline, the Hearing Panel has a statutory obligation to hold a hearing forthwith and to render a written decision. The Hearing Panel considered that ongoing discipline matters can be a source of stress for regulated members like Dr. Zhao.

15. The Hearing Panel also owes a duty of fairness to Dr. Zhao, which requires that Dr. Zhao have an opportunity to meaningfully participate in the hearing. The Charges are serious, and the Hearing Panel's decision could have a significant impact on Dr. Zhao.

16. [REDACTED]

17. [REDACTED]

18. The Hearing Panel considered the fairness owed to Dr. Zhao and APEGA's obligations to protect the public. [REDACTED]

[REDACTED] The Hearing Panel was conscious of the risks associated with an indefinite adjournment. A lengthy delay could affect the evidence necessary to render a decision on the Charges. Delay could also affect the public's confidence in the profession and in APEGA's role to regulate the profession in the public interest. The Hearing Panel acknowledged that the discipline process engages more than the member's interests.

19. The Hearing Panel determined that in the circumstances it would be appropriate to proceed with the hearing in Dr. Zhao's absence. The Hearing Panel decided that the Investigative Committee could present its evidence and closing arguments in Dr. Zhao's absence. The Hearing Panel directed that, after the Investigative Committee's evidence and closing arguments, the hearing would be adjourned for 12 months. The adjournment would not be indefinite, given the serious nature of the Charges and the importance of maintaining public confidence in APEGA's regulatory role.

20. The Hearing Panel directed that either party could apply to reopen the hearing during the 12-month period, and if Dr. Zhao wished, she could present evidence or arguments. If neither party applied to reopen the hearing, the Hearing Panel could make a decision on the Charges based on the Investigative Committee's evidence and closing arguments.

21. Based on the Hearing Panel's decision, the hearing proceeded in Dr. Zhao's absence. The Investigative Committee presented their evidence and closing arguments, following which, the hearing was adjourned.

22. In June 2023, the Hearing Panel sent a letter to Dr. Zhao advising her of its decision on the preliminary matter.

Decision of the Hearing Panel on May 21, 2024

23. Neither party applied to reopen the hearing within the 12-month period. The Hearing Panel met on May 21, 2024, to consider whether it should make a decision on the Charges.

24. [REDACTED]
[REDACTED] The Hearing Panel determined that in the absence of any new information, the public interest weighed in favour of making a written decision on the Charges. The Charges were serious and a continued delay could undermine public confidence in APEGA's discipline process. The Hearing Panel was also cognizant of the risk that it could lose quorum if the adjournment continued.

25. The Hearing Panel made its decision on the Charges based on the Investigative Committee's evidence and submissions at the hearing on May 17 and 18, 2023.

SUMMARY OF EVIDENCE AND SUBMISSIONS

Opening Statement of the Investigative Committee

26. Ms. Haymond provided the Investigative Committee's opening statement on May 17, 2023. She advised that APEGA was contacted by the media following a warning letter issued to Dr. Zhao and her company, CEPro Energy & Environmental Services Inc. ("CEPro"). CEPro is an APEGA permit holder. The registrar initiated a complaint, which was investigated and referred for a hearing.

27. The Charges relate to cancelled reclamation certificates. Ms. Haymond advised that the AER cancelled the reclamation certificates after reviewing the certificates through different processes. She indicated that the Investigative Committee planned to call three witnesses: Frank Boehres, Corey Zadko, and Tracy Kupchenko. Ms. Haymond described the evidence that she expected each witness to give.

28. Lastly, Ms. Haymond described the Hearing Panel's role. The Hearing Panel would determine whether the Charges are factually proven, and whether Dr. Zhao's conduct is unprofessional conduct under the EGP Act.

Evidence Presented at the Hearing

29. The Hearing Panel heard evidence from the following witnesses at the hearing:

- a. Frank Boehres, APEGA Investigator
- b. Corey Zadko, P.Ag., AER Manager, Enterprise Reclamation
- c. Tracy Kupchenko, P.Ag., former AER, Reclamation Assessor

30. The Investigative Committee entered the following Exhibits at the hearing:

- Exhibit 1: Package of correspondence dated June 13, 2022 – January 4, 2023 (24 tabs)
- Exhibit 2: Package of correspondence dated January 4, 2023 – May 7, 2023 (60 tabs)
- Exhibit 3: Package of correspondence dated January 3, 2023 – May 5, 2023 (21 tabs)
- Exhibit 4: Letter from Ms. Hurley to the Hearing Panel dated May 9, 2023
- Exhibit 5: Hearing documents index
- Exhibit 6: Hearing documents (Tabs 1 – 300)
- Exhibit 7: Hearing documents (Tabs 301 – 610)
- Exhibit 8: Table of Cancelled Reclamation Certificates
- Exhibit 9: Amended Charges

Standard of Proof

31. The Hearing Panel considered the evidence of the witnesses presented and reviewed the documents entered as Exhibits. Below, the Hearing Panel has summarized the evidence related to each of the Charges.

32. In coming to its decision, the Hearing Panel recognizes that the onus is on the Investigative Committee to prove the factual particulars of the Charges contained in the amended Notice of Hearing to satisfy the “balance of probabilities” standard of proof. This standard of proof requires that any particular be proven as more probable than not. If some or all the particulars are proven, the Hearing Panel may consider whether the proven particulars constitute unprofessional conduct or unskilled practice.

33. This decision will therefore review each Charge and consider whether the evidence establishes it is more probable than not that the conduct or facts alleged in each Charge is proven. If the conduct alleged in the Charge is proven, the Hearing Panel will then consider whether the proven conduct constitutes unprofessional conduct or unskilled practice.

DECISION ON WHETHER THE CONDUCT IS PROVEN

Background

34. The AER is responsible for orderly energy development and conservation in Alberta relating to oil, gas, and coal. The AER issues licenses for new developments, enforces compliance during project operations, and oversees the closure of projects.

35. Mr. Zadko summarized the regulatory requirements for well sites in Alberta. He explained that the oil company obtains a license from the AER to drill and operate wells. When oil companies drill and operate wells, the wells are usually located on third-party properties. The oil company leases the land from landowners for the well.

36. The oil company must close, remediate, and reclaim the well site once they finish drilling and operating the well. Reclamation involves addressing any potential contamination before recontouring and ensuring the site is integrated with surrounding land use. The soil texture, land structure, and land use should be the same as the surrounding area.

37. After reclamation, the oil company applies to the AER for a reclamation certificate. A reclamation certificate allows an oil company to cancel their lease with the landowner. Mr. Zadko advised it is standard practice for oil companies to hire environmental consultants to submit reclamation certificate applications on their behalf.

38. Consultants submit reclamation certificate applications through the online OneStop program. A regulated member of an approved professional body, such as APEGA, must sign off on the application to confirm that the information is true and accurate and that the reclamation meets the AER's requirements. The AER then issues the reclamation certificate.

39. Applications are submitted for one of two types of review. A "baseline" or "routine" review is used for applications that are of low complexity and low environmental risk. Mr. Zadko explained that there is no human review of an application submitted through the baseline review process; the AER relies on professional engineers' submissions and declarations. If certain conditions are met, the application will trigger a "non-routine" review. For non-routine reviews, an AER reclamation assessor reviews the application to ensure criteria are met.

40. The reclamation certificate application involves a standard form. Mr. Zadko described the different parts of the standard form and the purpose of each section. He explained that the form requires the consultant to determine whether a Phase 1, 2, or 3 assessment and related environmental report is necessary. A Phase 1 assessment is a paper review highlighting the operating history of the well site. When certain environmental conditions are present, a Phase

2 assessment is required. A Phase 2 assessment involves collecting soil samples from the site for laboratory analysis. If there is contamination, a Phase 3 assessment is required. Phase 3 requires remediation and confirmatory soil samples to show the contamination is addressed.

41. Section 4.4 “Interview” of the standard form requires an applicant to record any of the landowner’s or other land occupant’s concerns. During her testimony, Ms. Kupchenko explained that if there are concerns, the application is escalated to a non-routine review.

42. Mr. Zadko also testified that the reclamation certificate application involves supporting documentation. He described the required documents, including:

- A Detailed Site Assessment, with details about the site, such as topsoil depths, colour, structure, drainage, and vegetation. The Detailed Site Assessment involves comparing these details at the well site and at an off-site location.
- A declaration form, signed by a licensee representative (“Licensee Declaration”).
- A Land Titles Certificate.
- Photographs showing the well site from various angles. The photographs are intended to give an understanding of the contour of the land at the well site.
- A professional declaration, signed by a person from an approved professional body, such as APEGA (the “Professional Declaration”). An individual must have five years of experience to complete the Professional Declaration.
- A survey plan that shows the original disturbance of the well site.

43. The AER issued *Specified Enactment Directive 002: Application Submission Requirements and Guidance for Reclamation Certificates for Well Sites and Associated Facilities* (“SED002”), which prescribes requirements for reclamation certificate applications.

44. When an oil company or their consultant submits a reclamation certificate application to the AER, they must provide an exact copy of the application and a document called a “Statement of Concern” (together, the “Landowner Package”) to the landowner and any occupants of the land. The Statement of Concern invites landowners or occupants to contact the AER with any concerns within 30 days. If the AER does not receive any Statements of Concern, the AER issues the Reclamation Certificate.

45. Mr. Zadko testified that he became aware of Dr. Zhao and CEPro when the AER received an email from a CEPro employee. The employee asked questions which, in Mr. Zadko’s opinion, seemed elementary for someone practicing reclamation. After Mr. Zadko’s correspondence with the CEPro employee, AER staff audited several reclamation certificate

applications that CEPro submitted on behalf of four licensees. They identified deficiencies in the applications that led to the AER cancelling several reclamation certificates.

46. On July 31, 2017, AER staff had a mandatory meeting with Dr. Zhao and other CEPro staff to discuss the deficiencies in the applications and the AER's requirements. Mr. Zadko testified that the meeting was intended to educate CEPro staff on various requirements.

47. After July 31, 2017, CEPro submitted additional applications for reclamation certificates and for exemptions from reclamation certificate requirements on behalf of Company A for a baseline review (the "Applications"). Mr. Zadko described three ways that AER staff reviewed the Applications: first, they conducted a focused audit to determine whether the Applications were complete and included all required documents; second, Tracy Kupchenko conducted a technical desktop audit which involved a detailed review and assessment of CEPro's Applications and the information provided; and third, Ms. Kupchenko visited well sites that were the subject of complaints.

48. Following the audits, the AER cancelled a number of reclamation certificates issued to Company A (the "Reclamation Certificates"). The AER sent a letter dated January 3, 2019, to Company A detailing reasons for the cancellation of the Reclamation Certificates (the "Global Refer Letter"). The Global Refer Letter was before the Hearing Panel at Exhibit 6, Tab 25.

Charges 1, 2, and 3: On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the Alberta AER in connection with the alleged remediation of well sites that failed to meet the AER's requirements, resulting in cancellation of the certificates [...]

49. The Hearing Panel first considered whether the evidence established that between June 20, 2018 and October 11, 2018, Dr. Zhao submitted or permitted others to submit applications on behalf of Company A to the AER related to well site remediation.

50. The Global Refer Letter noted that the CEPro Applications in Exhibits 6 and 7 were submitted between June 20 and October 11, 2018. The Applications for reclamation certificates listed Company A as the "Applicant" and CEPro as the "Consultant." Dr. Zhao was usually listed as the CEPro contact.² Dr. Zhao also completed a Professional Declaration for the CEPro Applications for reclamation certificates. Her Professional Declarations included the following statements:

4. To the best of my knowledge and the best of my professional ability, recognizing the standard of care expected of a reasonable professional doing this work, it is my professional opinion that all the information contained in the [reclamation certificate

² Applications 402878, 402583, 412686, and 412736 listed CEPro as the "Consultant" but left the "Contact Name" blank.

application]³ is accurate and complete, and contains all the relevant information for the purposes of this Application.

6. The [reclamation certificate application], including all attachments, data and supplemental information, were prepared by me, or under my direct supervision, or was prepared by a third party(ies) and has been reviewed and accepted by me; and was prepared in accordance with an appropriate quality assurance/quality control system that ensured qualified personnel properly gathered and evaluated all the information contained in and underlying the [reclamation certificate application]. All the information submitted is, to the best of my knowledge, true, accurate and complete.

[Emphasis added]

51. A representative of Company A completed the Licensee Declaration for each CEPro Application. The Licensee Declaration included the following statements:

This application was prepared and completed under my direction. Based on my inquiries of the person or persons who managed the application components required to complete this application, the information is, to the best of my knowledge and belief, true, accurate, and complete:

- We contacted the landowner/occupant and inquired about any outstanding concerns with the site and documented their response in the application;
- We conducted a detailed site assessment (DSA) of the site and all requirements described in the appropriate reclamation certification criteria have been met; [...]
- We carried out a Phase 1, and/or Phase 2 Environmental Site Assessment (copy attached);
- An up to date Record of Site Condition has been submitted with Phase 2 Environmental Site Assessments;
- We identified and remediated all contamination resulting from the use of this site to meet Alberta Environment and Park's requirements and there are no soil chemical or physical conditions that resulted from our use of this land that may adversely affect soil, vegetation, or groundwater on or off the site described in this application package;
- We provided the landowner(s)/occupant(s) a complete copy of this application package at least 30 days prior to making this submission;

³ Each Professional Declaration related to a "Professional Report." At the end of the Professional Declaration, the "Professional Report" was defined as either the reclamation application or as a document supporting the applications.

- We included the listing of people who performed the reclamation and remediation assessments and their professional designation, if any. For any work completed after January 1, 2008, we included the Alberta Environment and Parks Professional Declaration Form(s), completed and signed by the professional members who conducted or supervised the work;
- I confirm that no existing sites or linear features, whether held by the Reclamation Certificate applicant or another party, will be left without access or dead ending as a result of this Reclamation Certificate application. Action has been taken to resolve any potential access or dead ending issues prior to submission of this application.

52. CEPro's Applications corresponded to Reclamation Certificates in Exhibits 6 or 7. The Reclamation Certificates bore a "CANCELLED" stamp. The Global Refer Letter also identified CEPro Applications and Reclamation Certificates by identification number. The Global Refer Letter stated that the Reclamation Certificates were cancelled by the AER.

53. Based on the above, the Hearing Panel finds that between June 20 and October 11, 2018, Dr. Zhao submitted or permitted others at CEPro to submit Applications on behalf of Company A to the AER. The Applications related to the remediation of well sites that failed to meet the AER's requirements. The Hearing Panel considered the particulars of the Charges.

Charge 1 – [...] resulting in cancellation of the certificates following field visits to the well sites by the AER, particulars of which include one or more of the following: [Particulars a. – q. reproduced in Appendix "A"]

54. Charge 1 relates to the remediation of well sites identified in CEPro's Applications 379690, 379575, 379475, and 380104, for which the AER issued Reclamation Certificates 338166, 334723, 331159 and 354778, respectively. For each Application, AER staff conducted an initial focused review, a technical desktop audit, and a field visit. The well sites are in the Special Areas 2 municipality in Alberta.

55. Dr. Zhao completed a Professional Declaration for each of the four Applications. The Professional Declaration included the statements listed in paragraph 50 of this written decision. To complete the Professional Declaration, Dr. Zhao declared that the CEPro Applications were to the best of her knowledge and belief "true, accurate, and complete."

56. Each Application also included a Licensee Declaration. The Licensee Declarations included the statements reproduced in paragraph 51 of this written decision.

57. Ms. Kupchenko conducted a technical desktop audit and reviewed all the documents submitted in support of each of the four Applications. She also reviewed the Landowner Packages that CEPro had provided to landowners and occupants of the relevant lands. Ms. Kupchenko testified to her observations at the hearing, which she also recorded in "Technical Desktop Audit Checklists" before the Hearing Panel in Exhibits 6 and 7.

58. The Hearing Panel considered the particulars of Charge 1 in light of the Applications, the documents submitted in support of the Applications, the Technical Desktop Audit Checklists, and Ms. Kupchenko's testimony. The Hearing Panel particularly noted:

- The landowner of the well site for Application 379575 did not receive a Landowner Package for review. The landowners of Application 379690 and 379475 did not receive the Statement of Concern in their Landowner Packages;
- CEPro Application 380104 indicated that Dr. Zhao spoke to the landowner on July 3, 2017, and that there were no concerns. However, the landowner expressed to Ms. Kupchenko that they had questions and concerns that CEPro did not address. Ms. Kupchenko described the landowner as feeling that CEPro "brushed him off";
- There was infrastructure left at all four well sites, including a cattle guard, a fence, risers, an access road, and observation wells. The photographs that CEPro provided did not accurately show the infrastructure that remained on site. Further, CEPro had not obtained releases from landowners for infrastructure to remain in place. Ms. Kupchenko noted that the landowner of the well site of Application 379475 could not farm at well centre due to a fence that was left in place;
- The CEPro Applications relied on a different company's Phase 1 assessments for the same well sites, which were completed in 2013. The other company's Phase 1 assessments recommended that Phase 2 assessments be completed. The CEPro Applications acknowledged conditions that would trigger Phase 2 assessments, such as the historic use of potassium chloride muds. However, CEPro concluded that Phase 2 assessments were not required. Ms. Kupchenko testified that CEPro's reasons for not performing Phase 2 assessments were not clear or acceptable;
- Ms. Kupchenko had concerns with confirmatory samples that CEPro took at the well site of Application 380104. She testified that CEPro sampled incorrectly, as the depths were too large. Further, CEPro only used three samples taken from a remediated area. There should have been discrete samples and salinity samples;
- CEPro Applications 379690 and 380104 incorrectly described the relevant asset. Application 379690 incorrectly described the construction method, while CEPro Application 380104 incorrectly marked the lands as private lands;
- The occupant of the lands for Application 379575 had concerns that the area at well centre was slumping, and that there were weeds and bare areas. CEPro's Application did not record these concerns;
- CEPro did not properly complete the survey plan information in Applications 379690, 334723, and 379475. The survey plan was improperly outlined in red;

- There was a second company that planned to work at the well site of Application 379690. CEPro did not request an overlap exemption for the site, which would allow the second company to use the infrastructure left onsite;
- There were issues with CEPro's Detailed Site Assessments, including:
 - The infrastructure should have been removed from site before CEPro completed any Detailed Site Assessments. Ms. Kupchenko testified that for that reason, the Detailed Site Assessments should be disregarded;
 - The Detailed Site Assessment for Application 379690 relates to the incorrect well site, as the photographs are not of the correct well site. The vegetation species composition list and classification list are also incorrect;
 - The Detailed Site Assessment for Application 379575 included photographs of yellow flowers, which Ms. Kupchenko identified as sweet clover or gumweed. These plants were not noted in the Detailed Site Assessment. Further, the Detailed Site Assessment failed to include photographs of the cattleguard that remained in place. The photographs that were included show a raised ditch. When Ms. Kupchenko visited the well site, she did not see a raised ditch;
 - The Detailed Site Assessment for Application 379475 did not include photographs of the fence left onsite. There were no photographs of the bare ground or the weeds inside the fence;
 - The Detailed Site Assessment for Application 380104 used the incorrect criteria and failed to mention reseeding on a disturbed portion of the well site. There were no photographs of the observation wells that remained on site, and there were no photographs of well centre. Ms. Kupchenko emphasized the importance of submitting photographs of well centre to accurately demonstrate reclamation criteria were met. The photographs also fail to show slumping, berms, a "dead spot" at well centre, and a low spot with weeds.

59. After completing the technical desktop audits and field visits, Ms. Kupchenko recommended that the AER cancel Reclamation Certificates 338166, 331159, 334723 and 354778. The AER sent the Global Refer Letter to Company A on January 3, 2019, to explain why Reclamation Certificates 338166, 331159, 334723, and 354778 were cancelled.

60. The Global Refer Letter described how the CEPro Applications and the remediation of well sites related to those Applications failed to meet the AER's requirements. For the CEPro Applications relevant to Charge 1, the Global Refer Letter stated:

Infrastructure/Features Left in Place on Well Sites

- Section 12(1) of the *Conservation and Reclamation Regulation* states: “An application for a reclamation certificate must ... (b) contain the following information in respect of the specified land ... (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.”
- SED002 Section 7.4.7 Facilities/Features to Remain in Place states: “If facilities or features are remaining in place as an improvement, the application must be accompanied by a written acceptance signed by the appropriate parties acknowledging that they agree to the facilities or features remaining in place on site. If a landowner or land manager does not want the facilities or features left in place, the site must be completely reclaimed and any facilities must be removed.”

61. The AER also explained how the remediation of each well site or each Application failed to meet the AER’s requirements. The Global Refer Letter states:

Reclamation Certificate	Reasons for Cancellation
354778	<ul style="list-style-type: none"> • Infrastructure left onsite; • Inadequate Phase 2; • Inadequate Confirmatory Sampling; • Slumping south of well center; • Incorrect Overlap Exemption Request.
334723	<ul style="list-style-type: none"> • No Release from Special Areas for cattle guard; • Inadequate Phase 1; • No application package sent to landowner (Special Areas).
331159	<ul style="list-style-type: none"> • Infrastructure left onsite, left site inoperable; • [Detailed Site Assessment] incomplete.
338166	<ul style="list-style-type: none"> • Infrastructure left onsite; • Inadequate Phase 1; • No Overlap Exemption request for risers left onsite.

62. Based on all the above evidence, the Hearing Panel finds that Charge 1 is proven on a balance of probabilities. Dr. Zhao submitted or permitted others at CEPro to submit applications on behalf of Company A, after which the AER issued Reclamation Certificates 338166, 331159, 334723, and 354778. Following Ms. Kupchenko’s field visits, the Reclamation Certificates were cancelled as CEPro’s Applications or the remediation of the related well sites failed to meet the AER’s requirements.

**Charge 2 – [...] resulting in cancellation of the certificates following a technical desktop review by the AER, particulars of which include one or more of the following:
[Particulars a. – o. reproduced in Appendix “A”]**

63. Charge 2 relates to well sites located in the Special Areas 2 municipality. The well sites were identified in the below CEPro Applications and related Reclamation Certificates listed in the Global Refer Letter:

Application ID	Reclamation Certificate	Application ID	Reclamation Certificate
379448	330697	379457	330889
379449	330881	379483	331342
379571	334719	379496	331757
379450	330882	379580	334738
379573	334721	379523	333074
379574	334722	379524	333075
379583	334741		

64. For each of the above Applications, AER staff conducted an initial focused review and a technical desktop audit. The AER cancelled the Reclamation Certificates on January 3, 2019.

65. Dr. Zhao completed a Professional Declaration for the Applications. The Professional Declaration included the statements listed in paragraph 50 of this written decision. To complete the Professional Declaration, Dr. Zhao declared that the CEPro Applications were to the best of her knowledge and belief “true, accurate, and complete.”

66. Each of the CEPro Applications also included a Licensee Declaration. Each Licensee Declaration included the statements reproduced in paragraph 51 of this written decision.

67. Ms. Kupchenko conducted a technical desktop audit and reviewed all the documents submitted in support of each of the Applications related to Charge 2. She also reviewed the Landowner Packages that CEPro had provided to landowners and occupants of the relevant lands. Ms. Kupchenko recorded her observations in the Technical Desktop Audit Checklists.

68. The Hearing Panel considered the particulars of Charge 2 in light of the documentary evidence and Ms. Kupchenko’s testimony. The Hearing Panel observed:

- CEPro did not provide a Landowner Package to some of the landowners or occupants for review, including the landowners or occupants of Applications 379496, 379580, and 379523. Some landowners and occupants received Landowner Packages that were incomplete, such as the landowners and occupants for Applications 379457, 379580, and 379448. The Landowner Packages were incomplete as they were missing the Statement of Concern;
- The landowners or occupants of the lands related to Applications 379571 and 379448 had questions and concerns that CEPro did not address. The landowner for

Application 379571 had concerns with the Detailed Site Assessment, and the landowner for Application 379448 had concerns about the bare areas near the well centre. Both of CEPro's Applications noted in Section 4.2.2 "No concerns/work acceptable" next to the landowners' names;

- The Landowner Package for Application 379583 contained an outdated Land Title Certificate. The Certificate is dated September 25, 2013;
- There were issues with the survey plan information that CEPro provided, including:
 - Some Applications, such as Application 379448, failed to highlight access roads. The same Application failed to identify the access road on the survey plan as an alternative access to the well site;
 - The survey information in Application 379523 did not correctly certify the total area and failed to account for dead-ending facilities.
- There were issues with CEPro's Detailed Site Assessments. For example:
 - The Detailed Site Assessment for Application 379448 used photographs for a different well site. The photographs showed a power line and road across the site, but the well site is in the middle of a prairie field. The photographs showed vegetation that is not noted in the Detailed Site Assessment. The photographs also failed to show slumping and bare areas at well centre. The Detailed Site Assessment also used incorrect ratings;
 - The Detailed Site Assessment for Application 379449 used incorrect reclamation criteria;
 - The Detailed Site Assessment for Application 379496 used vegetation species composition that were unacceptable in Special Areas;
 - The Detailed Site Assessment for Application 379523 assessed the wrong location;
 - The Detailed Site Assessment for Application 379524 included photographs of vegetation species that were not in the Detailed Site Assessment.
- There were issues with some of CEPro's drilling waste reports. For example, Applications 379457 and 379523 attached drilling waste reports or provided drilling waste information for an incorrect well site;
- There were issues with CEPro's Phase 1 or 2 assessments, including:
 - Application 379523 conducted a Phase 1 assessment for an incorrect well site, or attached the incorrect Phase 1 assessment;

- Several of CEPro's Phase 1 assessments concluded that no further investigation was required, such as for Applications 379523, 379574, and 379580. However, there were conditions present that would trigger Phase 2 assessments, such as the historic use of potassium chloride muds. The Technical Audit Checklists indicated that Phase 2 assessments should have been completed;
- CEPro failed to perform required Phase 2 assessments, as a result of incorrect Phase 1 conclusions that Phase 2 assessments were not required.
- There were issues with the Professional Declaration, including:
 - The Professional Declaration submitted in support of Application 379523 related to the wrong well site;
 - Dr. Zhao and another individual completed Professional Declarations for Application 379483. They did not indicate who completed what type of review.

69. The AER advised Company A that Reclamation Certificates related to the above Applications were cancelled for the following reasons, described in the Global Refer Letter:

Incomplete and/or Incorrect Detailed Site Assessments

- SED002 Section 8 states: "Landscape, vegetation, and soil assessment results must be entered as part of the online application. The Record of Observation data sheets are to be uploaded. For information on the data requirements, see the reclamation criteria for well sites and associated facilities.
- The 2010 Reclamation Criteria for Wellsites and Associated Facilities for Native Grasslands provides assessment parameters as follows:
 - 1) Landscape Assessment (pp. 21 – 26)
 - 2) Vegetation Assessment (pp. 27 – 38)
 - 3) Soil Assessment (pp. 39 – 45)

Inadequate Incomplete/Unacceptable Phase 1 Conclusion

SED002 Section 10, Phase 1 ESA states: "For sites that were constructed using minimum disturbance practices on grasslands and native prairie, and no drilling waste was disposed on site, a Phase 1 ESA should be conducted following abandonment prior to final reclamation. The goal of the Phase 1 ESA is to have a sufficient amount of information to estimate the likelihood that contamination may be present and whether a Phase 2 ESA is required. If there is insufficient information to complete the Phase 1 ESA and determine if contamination is present, a Phase 2 ESA is required.

No Phase 2 (on certain sites)

SED002 Section 11.2, When to Provide a Phase 2 ESA states:

- There was insufficient information to determine the likelihood of contamination from the results of the Phase 1 ESA.
- The Phase 1 ESA indicated that there was a likelihood of contamination at the site.

The conclusions of the Phase 1 assessment provided within [CEPro's] application(s) are inadequate to determine if a Phase 2 is required.

70. The Global Refer Letter indicates that the Reclamation Certificates relevant to Charge 2 were specifically cancelled for the following reasons:

Application ID	Reclamation Certificate	Reasons for Cancellation
379448	330697	• Incomplete [Detailed Site Assessment]
379449	330881	• Incorrect reclamation criteria used
379571	334719	• Incorrect reclamation criteria used
379450	330882	• Insufficient [Detailed Site Assessment] – vegetation; • Landowner complaints on access road
379573	334721	• Inadequate Phase 1 conclusions; • Inadequate [Detailed Site Assessment]; • Photos missing
379574	334722	• Incorrect criteria used; • [Detailed Site Assessment] photos do not appear to be at well centre; • Inadequate Phase 1 conclusions
379457	330889	• Incorrect Drilling Waste report; • Inadequate [Detailed Site Assessment] – vegetation
379483	331342	• Inadequate [Detailed Site Assessment] – photos, vegetation
379496	331757	• Inadequate [Detailed Site Assessment] – vegetation
379580	334738	• Inadequate Phase 1 conclusions
379523	333074	• Inadequate [Detailed Site Assessment] – vegetation; • No release for access trail
379524	333075	• Incomplete [Detailed Site Assessment] vegetation
379583	334741	• Inadequate Phase 1 conclusions; • Outdated Land Title search (2013)

71. The Hearing Panel finds that Charge 2 is proven by the documents in Exhibits 6 and 7 and Ms. Kupchenko's testimony. Dr. Zhao submitted or permitted others at CEPro to submit applications on behalf of Company A relating to the remediation of well sites. The AER issued Reclamation Certificates for the well sites, which were cancelled following Ms. Kupchenko's technical desktop audits, as CEPro's Applications or the site remediation failed to meet requirements.

Charge 3 – [...] resulting in cancellation of the certificates following a focused review by the AER, particulars of which include one or more of the following: [Particulars a. – d. reproduced in Appendix “A”]

72. Charge 3 relates to the remediation of well sites identified in the Applications and Reclamation Certificates listed in Appendix “B” of this written decision. CEPro submitted the listed Applications on Company A’s behalf. AER staff conducted an initial focused review for each Application.

73. For the Applications relevant to Charge 3, Dr. Zhao completed a Professional Declaration. The Professional Declaration included the statements listed in paragraph 50 of this written decision. To complete the Professional Declaration, Dr. Zhao declared that the CEPro Applications were to the best of her knowledge and belief “true, accurate, and complete.”

74. The CEPro Applications included Licensee Declarations. Each Licensee Declaration included the statements reproduced in paragraph 51 of this written decision.

75. Ms. Kupchenko reviewed the Landowner Packages that CEPro provided to the landowners and occupants for the Applications. She testified that all the Landowner Packages were inadequate in some way. She particularly noted that most Landowner Packages did not contain the required Statement of Concern. Some Landowner Packages were also inadequate because they had old surveys, outdated Land Title searches and fuzzy photographs. Some of the Landowner Packages lacked Phase 2 assessment reports.

76. Ms. Kupchenko advised that all the Reclamation Certificates listed in Appendix “A” of the Global Refer Letter were cancelled. The AER sent the Global Refer Letter on January 3, 2019, to inform Company A of the cancellation. The AER indicated that the CEPro Applications relevant to Charge 3 were generally cancelled for the following reasons:

Incomplete Application to Landowner/Occupants

SED002 Section 6.2.3 Landowner Contact states: “Operators must ensure that all landowners, interest holders, and occupants have been sent an identical copy of the application package (including the highlighted survey plan) the same day the application is submitted to the AER...Within the application package, operators must provide all affected parties with a copy of the following documents:

- EnerFAQ’s Expressing Your Concern – How to File a Statement of Concern about an Energy Resource Project,
- The Statement of Concern about an Energy Resource Project Form, and
- A copy of the public notice of application from the AER website.”

Outdated Land Titles

SED002 Section 6.2.1, Landowner states: "Land titles should be current and dated within the last 60 days of the date of submission of application to the AER."

77. The AER gave specific reasons for cancelling the Reclamation Certificates relevant to Charge 3: "Incomplete Landowner Package; No opportunity to submit Statement of Concern."

78. After considering the evidence, the Hearing Panel finds that Charge 3 is proven on a balance of probabilities. Dr. Zhao submitted or permitted others at CEPro to submit the Applications on behalf of Company A relating to the remediation of well sites. The Applications or the remediation of the related sites ultimately failed to meet the AER's requirements and the AER cancelled the Reclamation Certificates, following a focused audit by AER staff.

DECISION ON UNSKILLED PRACTICE AND UNPROFESSIONAL CONDUCT

79. The Hearing Panel considered whether Dr. Zhao's conduct in Charges 1, 2, and 3 was unprofessional conduct or unskilled practice under Section 44 of the EGP Act.

80. The Hearing Panel finds that Dr. Zhao's conduct is unprofessional conduct and unskilled practice, as it is conduct that demonstrates a lack of knowledge of or lack of skill or judgment in the practice of the profession or in the carrying out of any duty or obligation undertaken in the practice of the profession.

81. The CEPro Applications contained basic errors, clear and obvious deficiencies, and inaccurate information. When Dr. Zhao accepted the CEPro Applications, declared that they were true and accurate, and submitted or allowed others to submit the CEPro Applications to the AER with such substantial and obvious deficiencies, she showed a lack of knowledge, skill, and professional judgment that is serious enough to constitute unprofessional conduct and unskilled practice. Her conduct is compounded by the fact that even after the AER made Dr. Zhao and CEPro aware of concerns on July 31, 2017, Dr. Zhao continued to submit or allowed others at CEPro to submit the Applications with serious and significant deficiencies.

82. A regulator such as the AER must be able to rely upon the professionalism and competence of professional engineers who submit reclamation certificate applications on their clients' behalf. Dr. Zhao's conduct showed a severe lack of knowledge and skill and a lack of professionalism when she failed to address the problems in the CEPro Applications and when she continued to sign severely deficient and inaccurate documents.

83. The Hearing Panel also finds that Dr. Zhao contravened the Code of Ethics, and specifically Rules of Conduct 1, 3, and 4:

1 Professional engineers and geoscientists shall, in their areas of practice, hold paramount the health, safety, and welfare of the public and have regard for the environment.

3 Professional engineers and geoscientists shall conduct themselves with integrity, honesty, fairness, and objectivity in their professional activities.

4 Professional engineers and geoscientists shall comply with applicable statutes, regulations, and bylaws in their professional practices.

84. Dr. Zhao failed to hold paramount the health, safety, and welfare of the public and failed to have regard for the environment. The errors in the CEPro Applications translate to real issues with the remediation of the related well sites.

85. Dr. Zhao also failed to conduct herself with integrity, honesty, and objectivity. A regulated member acting with integrity must do their due diligence before making a professional declaration that information is accurate or that certain steps have been taken. The regulated member must ensure that they agree with the statements they will declare. Dr. Zhao declared that information in the CEPro Applications, including in the Licensee Declaration, was true and accurate. However, the information in the CEPro Applications was evidently not true nor accurate, and it would have taken minor efforts to confirm that the information was inaccurate.

86. The Applications misrepresented the state of the sites, for example, through the use of improper photographs. The Applications also indicated that Dr. Zhao and others at CEPro interviewed landowners and occupants, and there were no concerns. However, as Ms. Kupchenko testified, the landowners had serious concerns, and had not been interviewed.

87. The Hearing Panel also reviewed the Global Refer Letter, which stated:

Due to [Company A]'s contraventions of ss. 137(2) and 138(1) of EPEA,⁴ s. 12(1)(a) of the *Conservation and Reclamation Regulation*,⁵ and SED002, the AER is imposing

⁴ *Environmental Protection and Enhancement Act*, RSA 2000, c E-12, in force on January 3, 2019:

Duty to reclaim

137(2) Where this Act requires that specified land must be conserved and reclaimed, the conservation and reclamation must be carried out in accordance with

- (a) the terms and conditions in any applicable approval or code of practice,
- (b) the terms and conditions of any environmental protection order regarding conservation and reclamation that is issued under this Part,
- (c) the directions of an inspector or the Director, and
- (d) this Act.

Issuance of reclamation certificate

138(1) An application for a reclamation certificate must be made by the operator to the Director or an inspector in the form and manner and within the time provided for in the regulations.

⁵ *Conservation and Reclamation Regulation*, Alta Reg 115/1993, in force on January 3, 2019:

Application for reclamation certificate

Global Refer status on [Company A] pursuant to s. 22 of the *Oil and Gas Conservation Act*.

88. Based on the AER's finding that Company A breached legislation, the Hearing Panel finds that Dr. Zhao failed to comply with Rule of Conduct 4. The Global Refer Letter described how the CEPro Applications and the remediation of well sites related to those Applications failed to meet requirements. As described previously, the Global Refer Letter explained how:

- a. the CEPro Applications relevant to Charge 1 and the remediation of related well sites failed to comply with the *Conservation and Reclamation Regulation*, Section 12(1) and the SED002, Section 7.4.7;
- b. the CEPro Applications related to Charge 2 and the remediation of related sites failed to comply with the SED002 sections 8, 10, and 11.2, and the 2010 Reclamation Criteria for Wellsites and Associated Facilities for Native Grasslands; and
- c. the CEPro Applications related to Charge 3 and the remediation of related sites failed to meet the requirements of SED002.

89. Based on the above conclusions, the Hearing Panel finds that Dr. Zhao's conduct under Charges 1, 2, and 3 is unprofessional conduct and unskilled practice.

Conclusion

90. For the reasons set out in this decision, the Hearing Panel finds Charges 1, 2, and 3 in the Notice of Hearing (as amended) are proven on a balance of probabilities and that the proven Charges constitute unprofessional conduct and unskilled practice.

91. The Hearing Panel is prepared to receive submissions from the Investigative Committee and Dr. Zhao respecting next steps and, if appropriate, about what orders, if any, should be made in respect of the Hearing Panel's findings of unprofessional conduct and unskilled practice. [REDACTED]

92. The Hearing Panel directs the parties to provide written submissions on any procedural matters and any possible orders to hearings@apega.ca:

- a. The Investigative Committee will provide submissions on sanctions and costs orders, if any, within two weeks of receipt of this written decision;

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. Dr. Zhao will provide submissions on sanctions and costs orders, if any, within two weeks of the Investigative Committee’s submissions;
- c. The Investigative Committee may provide a written reply to Dr. Zhao’s submissions on sanctions and costs within one week of Dr. Zhao’s submissions;
- d. The parties may submit a request to hearings@apega.ca to vary the above timelines or to make submissions before the Hearing Panel via video conference.

93. If Dr. Zhao does not provide a response to the Investigative Committee’s submissions within the time directed, the Hearing Panel may choose to proceed and make its decision on sanctions and costs based on the Investigative Committee’s submissions.

Dated this 26 day of July, 2024

On behalf of the Hearing Panel of the APEGA Discipline Committee

Johanne Poirier Mouallem
Signed with ConsignO Cloud (2024/07/29)
Verify with verifio.com or Adobe Reader.



Joanne Poirier Mouallem, P. Eng., Discipline
Committee Panel Chair

Robert Swift
Signed with ConsignO Cloud (2024/07/30)
Verify with verifio.com or Adobe Reader.



Robert Swift, P. Eng., Discipline
Committee Panel Member

Ken Liu

Signed with ConsignO Cloud (2024/07/30)
Verify with verifio.com or Adobe Reader.



Ken Liu, P. Eng., Discipline Committee Panel
Member

Appendix "A"

Charges in the Amended Notice of Hearing

1. On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the Alberta Energy Regulator ("AER") in connection with the alleged remediation of well sites that failed to meet the AER's requirements, resulting in cancellation of the certificates following field visits to the well sites by the AER, particulars of which include one or more of the following:
 - a. Failed to provide a complete copy of the application package and statement of concern to the landowner;
 - b. Failed to accurately document landowner or occupant concerns in the application;
 - c. Failed to provide documentation of and justification for infrastructure left on the reclaimed land and written acceptance of the infrastructure;
 - d. Failed to obtain releases for infrastructure remaining onsite including one or more of the following:
 - i. Failed to request a release from special areas for cattle guard from a landowner;
 - ii. Failed to request a release from landowner to leave access road in place;
 - e. Failed to provide requisite Phase I Environmental Reports or conclusions, or failed to provide adequate Phase I Environmental Reports or conclusions;
 - f. Failed to provide requisite Phase II Environmental Reports or conclusions, or failed to provide adequate Phase II Environmental Reports or conclusions;
 - g. Failed to perform confirmatory sampling, or failed to provide adequate results of confirmatory sampling;
 - h. Failed to properly describe the asset in the application, including by failing to note the appropriate construction method;
 - i. Failed to note well-center slumping;
 - j. Failed to properly complete survey plan information;
 - k. Failed to provide or providing incorrect drilling waste reports;
 - l. Failed to submit or submitted improper overlap exemption requests;
 - m. Failed to perform or adequately complete a detailed site assessment (DSA), or completed the DSA in a manner that did not accord with the conditions observed at the field visit, including by one or more of the following:

- i. Provided incorrect ratings;
 - ii. Failed to appropriately describe the current vegetation status;
 - iii. Failed to meet vegetation parameters;
 - iv. Provided incorrect soil depths; or
 - v. Performed the DSA on the incorrect site;
- n. Failed to provide proper site photographs including one or more of the following:
- i. Failed to provide photographs of the correct site;
 - ii. Failed to provide photographs that reflect information provided in the applications;
 - iii. Failed to provide photographs of all facilities;
 - iv. Failed to provide photographs to document items of concern;
- o. Declared that all of the applications were to the best of her knowledge and belief “true, accurate, and complete”;
- p. Inaccurately Declared that all of the information in the application was accurate and included a complete representation of all of the information required to be submitted in the Application for Reclamation Certificate;
- q. Inaccurately declared that:
- i. A detailed reclamation assessment (DSA) was performed and all requirements described in the appropriate reclamation certification criteria have been met;
 - ii. A Phase I and/or Phase II Environmental Site Assessment was carried out and attached;
 - iii. An up to date Record of Site Condition had been submitted with Phase II Environmental Site Assessments;
 - iv. All contamination resulting from the use of the Site had been identified and remediated to meet Alberta Environment and Sustainable Resource Developments requirements;
 - v. Landowners were provided with a complete copy of the application package at least 30 days prior to making the submission.
2. On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the Alberta Energy Regulator (“AER”) in connection with the alleged remediation of well sites that failed to meet the AER’s requirements, resulting in cancellation of the certificates following a technical desktop review by the AER, particulars of which include one or more of the following:

- a. Failed to provide a complete copy of the application package and statement of concern to the landowner;
- b. Failed to accurately document landowner or occupant concerns in the application;
- c. Used duplicate information for multiple sites and applications;
- d. Failed to provide an up-to-date land title document;
- e. Failed to properly complete the survey plan information, including by one or more of the following:
 - i. Failed to highlight access roads;
 - ii. Failed to properly certify total area;
 - iii. Failed to indicate alternative access;
 - iv. Failed to account for possible dead-ending;
- f. Failed to provide proper site photographs including by one or more of the following:
 - i. Failed to provide photographs of the correct site;
 - ii. Failed to provide photographs that reflect information provided in the applications;
 - iii. Failed to provide photographs of all facilities;
 - iv. Failed to provide photographs to document items of concern;
- g. Failed to use correct reclamation criteria or failed to meet reclamation criteria;
- h. Failed to perform or adequately complete a DSA, including by one or more of the following:
 - i. Provided incorrect ratings;
 - ii. Failed to appropriately describe the current vegetation status;
 - iii. Failed to meet vegetation parameters;
 - iv. Provided incorrect soil depths;
- i. Failed to provide or provided incorrect drilling waste reports;
- j. Failed to provide requisite Phase I Environmental Reports or conclusions, or failed to provide adequate Phase I Environmental Reports or conclusions;
- k. Failed to provide requisite Phase II Environmental Reports or conclusions, or failed

- to provide adequate Phase II Environmental Reports or conclusions;
- I. Failed to properly complete the Application Declaration, including by failing to indicate the professional who completed the area of review;
 - m. Declared that the application was to the best of her knowledge and belief “true, accurate, and complete”;
 - n. Inaccurately declared that all of the information in the application was accurate and included a complete representation of all of the information required to be submitted in the Application for Reclamation Certificate;
 - o. Inaccurately declared that:
 - i. A detailed reclamation assessment was performed and all requirements described in the appropriate reclamation certification criteria have been met;
 - ii. A Phase I and/or Phase II Environmental Site Assessment was carried out and attached;
 - iii. An up-to-date Record of Site Condition had been submitted with Phase II Environmental Site Assessments;
 - iv. All contamination resulting from the use of the Site had been identified and remediated to meet Alberta Environment and Sustainable Resource Developments requirements;
 - v. Landowners were provided with a complete copy of the application package at least 30 days prior to making the submission;
 - vi. No existing lines or features would be left without access or dead ending;
 - vii. A listing of all people who performed the reclamation and remediation assessments and their professional designation, if any.
3. On or about June 20, 2018 – October 11, 2018, Lian Zhao submitted or permitted others to submit applications on behalf of [Company A] to the Alberta Energy Regulator (“AER”) in connection with the alleged remediation of well sites that failed to meet the AER’s requirements, resulting in cancellation of the certificates following a focused review by the AER, particulars of which include one or more of the following:
- a. Failed to provide a complete copy of the application package and statement of concern to the landowner or landowner representative;
 - b. Declared that all of the applications were to the best of her knowledge and belief “true, accurate, and complete”;
 - c. Inaccurately declared that all of the information in the application was accurate and included a complete representation of all of the information required to be submitted in the Application for Reclamation Certificate;

- d. Inaccurately declared that Landowners were provided with a complete copy of the application package at least 30 days prior to making the submission.

IT IS FURTHER ALLEGED that the above-referenced conduct constitutes unprofessional conduct as set out in Section 44(1) of the *Engineering and Geoscience Professions Act*, and contravenes one or more of Rules of Conduct 1, 2, 3 and 4 of APEGA's Code of Ethics, and/or is inconsistent with APEGA's practice standard for *Authenticating Professional Work Products*.

Appendix “B”
Charge 3: Applications and Reclamation Certificates

Application ID	Reclamation Certificate	Reasons for Cancellation
379433	330297	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379572	334720	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379451	330883	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379452	330884	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379453	330885	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379454	330886	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379456	330888	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379461	330897	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379576	334730	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379577	334735	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379458	330890	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379459	330891	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379460	330896	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379476	331181	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379479	331240	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379578	334736	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379482	331338	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379691	338167	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379486	331645	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379579	334737	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379488	331653	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC

379490	331674	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379494	331729	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379495	331737	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379522	333073	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379581	334739	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379525	333079	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379582	334740	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379526	333080	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379527	333083	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379529	333085	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379530	333086	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379531	333087	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379532	333089	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379533	333141	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379534	333142	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
379535	333143	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC
412735	412736	<ul style="list-style-type: none"> • Incomplete landowner package; • No opportunity to submit SOC (no forms included)