

A final copy of the compliance verification report for CV2021-392 is included at the end of this message. A response to requested information or non-compliance stated in the report must be submitted by the specified due date. You can use the "Submit Applications and Regulatory Documents" feature of the CER's website to file documents (in PDF or JPG format) electronically or send them directly to the officer via email. If this activity is a Field Inspection or Emergency Exercise Evaluation, the CER may post the results of the activity on its external website.

Identified non-compliances to company plans or procedures are non-compliances either to:

- the condition of an authorization document that requires implementation of that plan or procedure; or
- to the relevant section of the regulations that requires implementation of that plan or procedure including those sections that require implementation of plans or procedures as part of a Program.

Event Type

Implementation
Assessment Meeting

CV Event Number

CV2021-392

Selected Related Events

- CV2021-416

Project Companies

- Trans Mountain Pipeline ULC

Name of the Operating Company

Trans Mountain
Pipeline ULC

Rationale, Scope, and Additional Description

Resolution of public complaints per Burnaby Mountain traffic concerns; Discussion of Condition 73: Traffic Control Plans for Public Roadways (including Traffic Management Plans); Controls specific to vehicle idling, noise and dust; Public Information Plan (PIP), as relates to traffic safety and community disruptions;

Selected Province/Territory

- British Columbia

Landowner Complaint File Number

Not specified

Start Date

2020-04-02

End Date

2020-05-05

Inspection Officer Number**Selected Disciplines**

- Safety Management
- IAMC Observation

Tool Used:

- Corrected Non-compliance (CNC) (1)

This inspection was undertaken to verify compliance with the following legislative requirements:

- National Energy Board Act (NEBA)
 - National Energy Board Onshore Pipeline Regulations (OPR)
- Canadian Energy Regulator Act (CERA)
 - Canadian Energy Regulator Act (CERA)
- Plans And Procedures
 - Project-specific plan or procedure
 - Traffic Management Plan
 - Project-specific plan or procedure
 - Traffic Control Plan for Public Roadways
 - Project-specific plan or procedure
 - Public Information Plan

Selected Regulatory Instrument Numbers

Not Selected

Additional Project-specific Requirements or Conditions

Not specified

Facility Details

- Facility Types
 - Pipeline
 - • Terminal
- Life-cycle Phases
 - • Construction

Additional Information

Selected Facilities

- BURNABY (Facility)

Observations (No follow-up required)

Response to public complaints in regard to traffic safety concerns on public roads adjacent to Burnaby Terminal

Date

2020-05-05

Discipline

Administrative

Categories

- Regulatory Instrument
 - Condition

Facility

- BURNABY

Latitude

Not specified

Longitude

Not specified

Observations

Trans Mountain Corp. (TMC) was requested to outline their response to public complaints occurring from project activities on or around January 2020, which allegedly impacted safety on streets adjacent to the Burnaby Mountain Terminal.

- While some complaints may be received by Trans Mountain via a publicly available phone number, if a complaint does not come through that mechanism or other designated process, they may not know about an issue. On one alleged matter, traffic safety complaints had been shared by members of the public on social media and not through the formal TMC process (which requires documentation and follow-up); therefore, TMC declared they may not be notified of all possible or potential complaints including those posted on the internet.

- Specific to complaints about dump trucks causing disruption on adjacent public roads, TMC received some complaints via their publicly available channels and responded with the following actions:

1. TMC constructed a larger and fenced marshaling area for vehicles arriving to the terminal site, alleviating the potential for vehicles having to wait outside the site gate, or on local public roads.
2. Potential and alternate exits/entrances into the terminal site remain in discussion, which may alleviate the duties of the one main gate
3. TMC sent a *Traffic Safety Advisor* onto public roads and streets to perform safety observations of their service providers, regarding driver behaviors and equipment operation, and submitted to the CER a summary of those activities
4. TMC submitted a copy of the KLTP Contractors Vehicle Safety and Driver Responsibilities document

Tool Used

No Tool
Used

Traffic Management Plan development**Date**

2020-05-05

Discipline

Administrative

Categories

- Regulatory Instrument
 - Condition

Facility**Latitude**

Not specified

Longitude

Not specified

Observations

Trans Mountain was questioned if a Traffic Management Plan(TMP) was in place or had been developed for Spread 7?

- At the time of the May 5, 2020 call with TMC, a TMP was not yet active but was in development.

- A TMP is a required document that will often accompany permit applications to conduct project work **on** public roads and streets; the permit is typically applied for through the relevant jurisdiction (Province of BC or Municipality of Burnaby).

At the time of this CVA, TMC declared there were no planned activities on or near public roads that required permit application, and therefore the accompanying TMP was not required.

Tool Used

No
Tool Used

Vehicle idling, dust and noise control and monitoring**Date**

2020-05-05

Discipline

Environmental Protection

Categories

- Air Quality
 - Emissions Control/Monitoring
 - Dust Control/Monitoring
- Noise
 - Noise Control/Monitoring
- Socio-economic
 - Effects on Communities (including indigenous)

Facility

- BURNABY

Latitude

Not specified

Longitude

Not specified

Observations

Trans Mountain Corp. was asked to outline basic mitigations regarding pollution controls specific to dust, noise and vehicle emissions that may be produced as result of project work on or near public roadways.

1. On vehicle idling - TMC stated idling restrictions are strictly enforced with a policy that mandates no vehicle idling for more than 3 minutes; where practicable in consideration of ambient temperature allowances such as extreme heat or cold.
2. On dust - TMC is committed to various legislative requirements that are already in place for dust management including occupational health and environmental monitoring purposes and has several controls in place from monitoring and controlling
 1. CER Safety Inspector has referenced several documents which TMC outlines dust management measures
3. On noise pollution - TMC maintains a noise pollution control program inclusive of CER/NEB Condition 72, Environmental Protection Plan; in addition to commitments required in other CER/NEB Conditions 74, 85 and 86 respectively.
 1. Basic controls included ambient noise monitoring in communities, erecting noise barrier walls, continued consultation with stakeholders and maintaining responses to any complaints.

Tool Used

No

Tool Used

Indigenous Monitor, Observations and Notes**Date**

2020-05-05

Discipline

IAMC Observation

Categories

- General
 - General

Facility

- BURNABY

Latitude

Not specified

Longitude

Not specified

Observations**Observations:**

- An CERs overview map is needed to accompany the area map of the discussion point, labelling the various areas i.e. marshalling area.
- Marshalling area for the dump trucks if they are on site or off site
- Vehicles idling and if any specific guidelines or policies in place to address idle time, does weather temperature affect the idle time policy, in regards to warming or cooling of the worker?
- In residential monitoring vehicle traffic and how often are they monitored, random or on going.
- Are the complaints coming from areas that are being monitored?
- How is the data received from the traffic monitors being analyzed, to create recommendations to strengthen the TCP.
- Noise levels of congested dump trucks in the marshaling area waiting to be admitted.
- Process time to admit a dump truck to access the site.
- Are dump trucks being staggered to negate the lineup of dump trucks in the marshalling area?
- Zero idling policy was mentioned.
- Engine retarders are not allowed in residential area.
- A traffic person is on site during peak hours of operation.

- Unsure if complaints were new or if the complaints were being rehashed. Complaints need to properly tracked and analyzed and addressed and the complainant responded to.
- Marshalling area introduced to take dump trucks off the public roads to give an area for waiting dump trucks to go through the entrance procedure on site.

Tool Used

No

Tool Used

Indigenous Monitor, Observations and Notes**Date**

2020-05-05

Discipline

IAMC Observation

Categories

- General
 - General

Facility

- BURNABY

Latitude

Not specified

Longitude

Not specified

Observations

Define who receives traffic orientation and when?

TM stated that every driver will receive a site orientation and review of the TMP upon first visit to every facility or worksite.

Process for reviewing TACMP, TMP, when new projects or events that impact the project?

TM stated that there is no set timeline, rather continued review and communication with local governments and stakeholders to ensure effect and recent mitigations or needs for public safety.

Observations:

TM has a very complex and rigorous traffic safety program which requires many considerations in the development to be an efficient and effective program. My

only concern as an Indigenous monitor is the importance of improving documentation review to be as close to the current date as possible and continued review that all traffic and Public information plan implementations are effective.

Tool Used

No

Tool Used

Compliance Summary

Traffic Control Plan, specific to Burnaby Mountain Terminal and the adjacent public roadways

Date

2020-03-12

Discipline

Administrative

Categories

- Regulatory Instrument
 - Condition

Facility

- BURNABY

Latitude

49.26463000

Longitude

-122.92756900

Observations

1. March 11, 2020, CER Safety Inspector sent an Information Request to Trans Mountain Corp (TMC) requesting copies of the available Traffic Management Plan (TMP) and or Traffic Control Plan (TCP) specific to public roadways and access points adjacent to the TMC Burnaby Mountain Terminal.
2. March 12, 2020 a phone call occurred between the CER and TMC representatives to clarify the nature and purpose and information requested; it was at this time TMC representatives declared a TCP was not available for public roadways immediately adjacent to the Burnaby Mountain Terminal.

3. March 16, 2020 TMC submitted to the CER via email several documents including a Traffic Control Plan developed by Kiewit Ledcor; the TCP (Rev.A) is dated March 12, 2020.

In summary, the CER Safety Inspector has concluded that either the TCP was not available for use, or an awareness of its existence was not known by the Trans Mountain representative during the call that occurred on March 12. The fact the TCP was not readily available upon request by the CER is a contravention and non-compliance to ***CER/NEB Condition 73, Traffic Control Plans for Public Roadways.***

Tool Used

Corrected
Non-compliance (CNC)

Legislative Requirement

Traffic
Control Plan for Public Roadways

Applicable Wording from Legislative Document

"Trans Mountain must file with the NEB, at least 3 months prior to commencing construction of the pipeline and at least 2 months prior to commencing construction at each terminal and pump station, traffic control plans for the use of public roadways for the Project."

Company Action Required

Submit to the CER a Traffic Control Plan for public roadways and project access points immediately adjacent to the TMC Burnaby Mountain Terminal.

Due Date

2020-03-16

Inspector Analysis

March 16, 2020 - Trans Mountain submitted a Traffic Control Plan (and other documents) specific to public roadways and project access points adjacent to Burnaby Mountain Terminal. Upon review the TCP as submitted contains the required information as prescribed in the Trans Mountain, Traffic Access Control Management Plan (TACMP).

*NOTE: the TCP as submitted has not been signed by a Trans Mountain representative and appears to be the sole production of the Contractor, Kiewit Ledcor.

Date Action Taken

2020-03-16

Date Confirmation Submitted to CER

2020-03-16

Reason ClosedRequirement
met

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