

A final copy of the compliance verification report for CV2021-183 is included at the end of this message. If non-compliances were identified during the compliance activity, the officer considers them to be resolved. No further follow-up is required. 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

CV2021-183

Selected Related Events

- CV1920-157
- CV1920-159
- CV1920-164

Project Companies

- Trans Mountain Pipeline ULC

Name of the Operating Company

Kinder Morgan Canada
Inc

Rationale, Scope, and Additional Description

Assessment of environmental conditions for construction of Spread 1. Follow on issues identified in previous inspections with a particular focus on spring break up mitigation and watercourse crossings.

Selected Province/Territory

- Alberta

Landowner Complaint File Number

Not specified

Start Date

2020-05-31

End Date

2020-06-30

Inspection Officer Number

- 2745

Selected Disciplines

- Environmental Protection
- IAMC Observation

Tool Used:

- Information Request (IR) (4)

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

- National Energy Board Act (NEBA)
 - National Energy Board Act (NEBA) 2016-06-19
 - National Energy Board Onshore Pipeline Regulations (OPR)
- Canadian Energy Regulator Act (CERA)
 - Canadian Energy Regulator Act (CERA)
- Plans And Procedures
 - Project-specific Environmental Protection Plan (EPP)
 - EPP, 1 October 2019 (REGDOCS A6Y2H2)

Selected Regulatory Instrument Numbers

- OC-065

Additional Project-specific Requirements or Conditions

Not specified

Facility Details

- Facility Types
 - Pipeline
 - • Pipeline right of way (ROW)
- Life-cycle Phases
 - • Construction

Additional Information

All facilities owned or operated by company

Observations (No follow-up required)

IA Meeting

Date

2020-06-30

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Soil Handling
 - Biosecurity
- Surface Water Management
 - Surface Water Management Plan
- Vegetation
 - Vegetation Control
 - Species of Concern
- Training and Documentation
 - Inspections
- Socio-economic
 - Traditional Land and Resource Use

Facility**Latitude**

Not specified

Longitude

Not specified

Observations

See meeting notes for discussion.

Tool Used

No Tool

Used

Compliance Summary**IR 1.1 Construction Progress Report****Discipline**

Environmental Protection

Categories

- Soils and Soil Productivity
 - Soil Handling
 - Biosecurity
- Surface Water Management
 - Surface Water Management Plan
- Water Bodies - Non-Fish-bearing
 - Chemical Spills/Releases
 - Sedimentation/Turbidity
- Vegetation

- Vegetation Control

Facility**Latitude**

Not specified

Longitude

Not specified

Observations

The Construction Progress Report dated 7 May 2020 (REGDOCS# C06199) indicates that there were 35 Environmental Deficiencies on Spread 1 in the month of April 2020.

Tool Used

Information
Request (IR)

Legislative Requirement

OC-065

Condition Requirement

106

Applicable Wording from Legislative Document

Trans

Mountain must file with the NEB monthly construction progress reports from commencing construction until after commencing operations. The reports must include information on the progress of activities carried out during the reporting period, including: a) safety, environmental and security issues or non-compliances that occurred during the reporting period; b) measures undertaken to resolve safety and environmental issues or non-compliances identified in a); c) confirmation that security issues identified in a) have been addressed; d) a description and the location of any change made to geohazard mitigation measures pursuant to Condition 51; and e) the location of any pressure tests carried out during the reporting period and a description of any unsuccessful pressure tests, including the reasons for the lack of success of each.

Information Requested

1. Provide more details regarding the Deficiencies are in the above-noted Construction Progress Report.
2. Upon submission of the Construction Progress Report for May, provide similar details of the Environmental Deficiencies identified in Spread 1 for May 2020.

Due Date

2020-06-15

Inspector Analysis

Documents provided.

Date Response Submitted

2020-06-19

Reason ClosedRequirement
met**IR 1.2 Site TLU 1B****Discipline**

IAMC Observation

Categories

- General
 - General

Facility**Latitude**

Not specified

Longitude

Not specified

Observations

During CV1920-159 it was noted that there was an archeological investigation underway at this site, and that there were finds outside of the previously-noted footprint.

Tool UsedInformation
Request (IR)**Legislative Requirement**

OC-065

Condition Requirement

100

Applicable Wording from Legislative Document

Trans
Mountain must file with the NEB at least thirty days prior to commencing construction of individual Project components as described in Condition

10(a): a) confirmation, signed by an officer of the company, that it has obtained all of the required archaeological and heritage resource permits and clearances from the Alberta Department of Culture and the British Columbia Ministry of Forests, Lands and Natural Resource Operations; b) confirmation that it has consulted with the British Columbia Ministry of Forests, Lands and Natural Resource Operations, and that the Ministry has reviewed and approved the mitigation measures for disturbance to impacted palaeontological sites within British Columbia; c) a description of how Trans Mountain will meet any conditions and respond to any comments and recommendations contained in the permits and clearances referred to in a) or obtained through the consultation referred to in b); d) a list of sacred and cultural sites identified in the OH-001-2014 proceeding, MH-05-2018 Reconsideration proceeding, or Phase III Crown consultations and not already captured under condition 97; e) a summary of any mitigation measures that Trans Mountain will implement to reduce or eliminate, to the extent possible, Project effects on sites listed in d), or a rationale for why mitigation was not required; f) confirmation that Trans Mountain will update the relevant Environmental Protection Plan(s) to include any relevant information from the conditions or recommendations referred to in c) or the mitigations referred to in e).

Information Requested

1. Provide an update on activity at TLU 1B site
 1. This update is to indicate if any additional finds were made regarding the extent of the cemetery at TLU 1B, or other resources in the area
 2. This update is to indicate what additional mitigation measures were undertaken to identify and protect heritage resources at this site or in the immediate area
2. Indicate what communities were contacted and when regarding additional finds at the location.

Due Date

2020-06-15

Inspector Analysis

Documents received.

Date Response Submitted

2020-06-19

Reason Closed

Requirement
met

IR 1.3 Vegetation Management

Discipline

Environmental Protection

Categories

- Vegetation
 - Vegetation Control
 - Invasive Plant Management
 - Destruction of Vegetation
 - Species of Concern

Facility**Latitude**

Not specified

Longitude

Not specified

Observations

Environmental Alignment Sheets show several areas in Spread 1 with high concentrations of weeds.

The Weed and Vegetation Management Plan indicates that several First Nations were concerned about weed control methods, and their potential impact on rare and culturally significant plants.

Tool Used

Information
Request (IR)

Legislative Requirement

OC-065

Condition Requirement

45

Applicable Wording from Legislative Document

Trans

Mountain must file with the NEB for approval, at least 4 months prior to commencing construction, an updated Weed and Vegetation Management Plan for the Project that includes: a) a summary of supplementary survey results, including pre-construction weed surveys, and a demonstration of the adequacy of such surveys; b) measurable goals; c) criteria describing when and where problem vegetation will be managed for each Project phase, including pre-construction, construction, post-construction, and operations; d) a description of potential adverse effects related to treatment measures; e) management procedures and a decision-making framework for selecting appropriate prevention and treatment measures, including a description of relevant specific habitats, land uses and land

management plans and how each will be considered and kept up-to-date in selecting prevention and treatment measures; f) the methods and schedule for short- and long-term vegetation monitoring; g) a summary of its consultations with Appropriate Government Authorities, invasive plant councils or committees, potentially affected Indigenous groups and affected landowners/tenants. In its summary, Trans Mountain must provide a description and justification for how Trans Mountain has incorporated the results of its consultation, including any recommendations from those consulted, into the plan; and h) confirmation that Trans Mountain will update the relevant Environmental Protection Plan(s) to include any relevant information from the Weed and Vegetation Management Plan

Information Requested

1. Provide an update as to if any new weed areas have been identified on Spread 1
2. Provide an update as to if any rare or culturally significant plants have been identified on Spread 1
3. Provide an update as to communication with First Nations on the identification and management of culturally significant and rare plants in Spread 1
4. Provide an update on vegetation management for Spread 1 in 2020
 - a) This update should include surveys planned and conducted, with particular reference to the areas identified in the Environmental Alignment Sheets as having "high density weeds"
 - b) This update is to include planned and applied weed control measures.

Due Date

2020-06-15

Inspector Analysis

Documents received.

Date Response Submitted

2020-06-19

Reason Closed

Requirement
met

IR 2.1 Time lag for addressing deficiencies

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Soil Handling

Facility**Latitude**

Not specified

Longitude

Not specified

Observations

The April Deficiencies Log noted on 25 April "Subsoil stored on topsoil," at KP 28. The correction (subsoil removed) is noted as occurring on 20 May. During the Implementation Assessment Meeting, Company representatives indicated that the delay of 25 days in addressing this was due to the requirement in the Crossing Agreement for ATCO staff to be present during any activity on their line, even in the absence of ground disturbance.

Tool Used

Information
Request (IR)

Legislative Requirement

EPP,
1 October 2019 (REGDOCS A6Y2H2)

Applicable Wording from Legislative Document

Drawing
instructions for soil handling: Adhere to all worksite restrictions and requirements as stated in crossing agreements or applicable regulatory requirements when working in the "Safe Work Zone" in proximity to third party utilities or TMPL. This drawing does not supersede any construction specifications or work requirements for working in proximity to third party utilities or TMPL

Information Requested

Provide a copy of the Crossing Agreement with ATCO in effect for KP 28.

Due Date

2020-07-08

Inspector Analysis

The Crossing Agreement was provided. Although it does not explicitly state that a representative of ATCO must be on site during all work, it does state that "The Work of Grantee shall be carried out under the supervision of and to the satisfaction of Grantee's field representative."

The Inspector has no further questions.

Date Response Submitted

2020-07-08

Reason Closed

Requirement
met

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