

Operations Regulatory Compliance

Closed Report - CV1920-159 - 9 January 2020

Event Type

Field
Inspection

CV Event Number

CV1920-159

Project Companies

- Trans Mountain Pipeline ULC

Name of the Operating Company

Trans Mountain
Pipeline ULC

Rationale, Scope, and Additional Description

Environmental Inspection of TMEP Spread 1 to assess pre-construction preparedness including biosecurity protocol compliance, survey and staking identification of sensitive areas and resources, heritage resources and traditional land use sites.

Selected Province/Territory

- Alberta

Start Date

2019-10-28

End Date

2019-10-30

Inspection Officer Number

- 2275
- 2864

Selected Disciplines

- Environmental Protection
- IAMC Observation

Tool Used:

- Corrected Non-compliance (CNC) (2)
- Information Request (IR) (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 Environmental Protection Plan (EPP)
 - Pipeline Environmental Protection Plan for the Trans Mountain Expansion Project - NEB Condition 72 - Revision 6 - A6Y2H2

Selected Regulatory Instrument Numbers

- OC-065

Facility Details

Facility Types

Pipeline

- Pipeline right of way (ROW)

Life-cycle Phases

- Pre-Construction

Additional Information

Survey work underway and observed at time of inspection.

Selected Facilities

- TRANS MOUNTAIN EXPANSION PROJECT (Pipeline)
-

Observations (No follow-up required)

General Right of Way (RoW) Observations

Date

2019-10-29

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Biosecurity
- Vegetation
 - Invasive Plant Management
- Socio-economic
 - Traditional Land and Resource Use

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

- Level 3 biosecurity cleaning completed for CER rental truck, with bleach solution applied to tires for 15 minutes contact time following wash as per EPP requirements. Cleaning record generated for CER vehicle as per biosecurity protocols. No issues noted.
- Wetlands observed to be identified and survey staked with no issues noted. Trans Mountain personnel indicated wetland riparian areas identified and staked with team consisting of Resource Specialists, Environmental Inspectors and survey crew.

- Right of Way (RoW) limits and temporary workspace boundaries appeared to be appropriately delineated in all locations visited.
- Buffers and sensitive environmental features identified by survey staking with no issues noted at locations visited.
- Staking for weed buffers at infestation locations observed at KP18+850 and KP27+700. No issues noted.
- Paleontological feature staking observed at Paleo-02 near KP27+700. No issues noted.
- Old historical waste (pails, scrap wood and concrete) observed in areas of Mill Creek and Blackmud Creek crossings. CER IOs note the wastes to appear old and weathered, and not related to TMX project construction which has not yet commenced at the time of this inspection.
- Inspection Team met with contractor Survey Crew and verified compliance with TMX EPP biosecurity protocols. CER IOs confirmed survey personnel understood biosecurity requirements and protocols, and were familiar with procedures to be followed. Survey crew vehicles and ATVs were clean, and bleach solution was available and stored on survey crew truck. No issues noted.
- Traditional Land Use (TLU) sites visited; observed survey staked on RoW. TLU 1a and 1b were visited during this inspection. Trans Mountain personnel confirmed mitigation applied will be as indicated in the filing for Condition 100. University of Alberta and Enoch Cree Nation crew was on site at TLU 1b conducting subsurface radar sweeps. The crew indicated that it had discovered graves outside of the fenced perimeter of the cemetery at TLU-1b. This crew also indicated that this cemetery has a long history, with sites that may date to pre-contact timeframe. Trans Mountain was not aware of this crew working on site at the time of the inspection and indicated it would be following with involved Enoch Cree Nation to ensure that any information obtained from these sweeps is appropriately integrated into TMEP mitigations. Trans Mountain personnel indicated this site will be drilled via Horizontal Directional Bore.
- IAMC IM requested confirmation that appropriate communities would be notified in the event that a discovery was made at the TLU-1a site. Trans Mountain personnel confirmed that this would be done and that its Indigenous Liaison team would ensure this communication.
- North Saskatchewan River crossing currently not staked as EPCOR is conducting an HDD conduit replacement project at the time of the inspection. The site is unavailable for access without traversing the EPCOR project. Accordingly the Inspection Team made the decision not to visit this crossing at this time, as there are no TMEP works to inspect at present time.

Tool Used

No Tool Used

Indigenous Monitor Observations

Date

2019-11-01

Discipline

IAMC

Observation

Categories

- General
 - General

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

Canadian Energy Regulator – IAMC-TMX Field Inspection

October 28-30, 2019

Spread 1 of the Trans Mountain Expansion Project (TMEP)

Overall Observation of the inspection focus, was to verify compliance to the Environmental Protection Plan (Rev, March 2018).

During the inspection:

Opening meeting with Trans Mountain Staff at Laydown yard in Enoch.

- Laydown Yard site inspection, Spill kits were not present in machinery, Fire Extinguisher were not up to date and no inspection date. Corrected non-compliance. (CNC) Trans Mountain sent relevant information on these issues by the end of the inspection
- Waste Management storage containers were labeled, I found this very good practice.
- Storage Containers (Seacan) were inspected, no issues from my inspection

Right of Way Inspection:

- Washing the vehicles before going out on to the RoW, Great practice to be followed so early before construction. Learning the 3 levels of Biosecurity was something new to me.
- Walking the RoW to go see numerous wetlands, marking sure stakes were properly marking the wetlands. Also seeing what survey has done with marking out the RoW, Temporary work space, Extra work space and the defining of the RoW. Staking out site specific areas, such as Historic Resource site and invasive weeds.
- Traditional Land Use Sites, TLU site 1-A. That this site is not a confidential site. It is a public site and confirmed with Trans Mountain that they would be notified if anything significant was identified. Great information to know and was happy with the response that was given.
- TLU site 1-B Cemetery, (Enoch Cree Nation) At this site we observed and made contact with the workers working around the Cemetery, UofA students and a member of Enoch Cree Nation were doing a subsurface radar sweep. Very interesting to me when they mentioned that some of the site were located out of the fenced area, determined that this site will be a bore site or HDD.

Tool Used

No

Tool Used

Indigenous Monitor Observations

Date

2019-10-30

Discipline

IAMC

Observation

Categories

- General
 - General

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

It was a blessing to be part of this inspection as an Indigenous Monitor (I.M). Not only was a great inspection done, but it was great communication between one another. The main focus of the

inspection were ground disturbances, though none had occurred on spread one to that point, and surveying and staking work which was ongoing before and during the inspection.

Biosecurity protocols were followed properly by Trans Mountain work crews. Some items of interest were flagged for not having up to date certification, but company personnel understood the issues and followed through with the appropriate procedures. It was a great experience to see that commitment from Trans Mountain, not only for the work on the spread, but for the relationship they have with the indigenous peoples.

It was great to see signage and buffers in place as mitigation across the spread. TLU-1B was subject to ongoing work performed by University of Alberta (UofA) students who were locating graves outside the fence line of a cemetery. Trans Mountain was not notified about the crew working but I was aware they intended to follow up with the activity being performed and that the student's research is part of the project and they are working with Enoch Cree Nation.

Other than that it was just great being out there on the Right-of-way.

Tool Used

No

Tool Used

Enoch Yard

Date

2019-10-28

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Chemical Spills/Releases
- Housekeeping
 - Waste Management
- Training and Documentation
 - Documentation Available/Up to Date

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

- Waste management area inspected. Waste segregation and labelling of waste streams appropriate. No issues noted.
- Seacan storage container inspected. Small quantities of hazardous liquids appropriately stored in secondary containment. No issues noted.
- CER IOs spot checked biosecurity cleaning records for various heavy equipment on site. IOs requested, received and reviewed cleaning records with no issues noted.
- **Drip catcher in crew pickup truck observed with drip catcher valve for diesel slip tank, however valve on drip catcher was observed in open position, with staining observed on wooden planks of truck bed.** No staining or spill was observed on ground beneath the truck however this was brought to the attention of Trans Mountain personnel, who closed the valve on the drip catcher. CER IOs do not consider this to be a non-compliance but remind

Trans Mountain to implement installed mitigations appropriately to prevent and mitigate potential hazards from spills.

- **Fire extinguishers with expired inspection tags observed on all equipment inspected including crew pickup trucks, skid steer, grader and light generator tower. Please refer to CNC #1.**
- Fuel cell (Transcube) for light generator tower near site entrance confirmed to be designed with integrated secondary containment.
- **Spill kits missing in crew truck and grader on site at time of inspection.** Contractor personnel on site indicated that mice have been destroying spill kits left in vehicles and equipment, so they have been removing these when vehicles are not in use. CER IOs reviewed requirements with Trans Mountain personnel, and requested clarification on whether or not spill kits are required to be maintained in all project vehicles at all times. Trans Mountain indicated that although its EPP does not require this, its contractor did make this commitment so it would adopt the more stringent requirement. Accordingly, spill kits were replaced in vehicles and equipment at the Enoch Yard. Please refer to CNC #2.

Tool Used

No

Tool Used

Compliance Summary

Corrected Non-Compliance (CNC) #1 - Expired tags on fire extinguishers at Enoch yard

Date

2019-10-28

Discipline

Environmental Protection

Categories

- Training and Documentation
 - Documentation Available/Up to Date
 - Inspections

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

CER IOs observed fire extinguishers with expired inspection tags observed on all equipment inspected including crew pickup trucks, skid steer, grader and light generator tower.

Tool Used

Corrected

Non-compliance (CNC)

Legislative Requirement

Pipeline

Environmental Protection Plan for the Trans Mountain Expansion Project - NEB Condition 72 - Revision 6 - A6Y2H2

Applicable Wording from Legislative Document

2.0 FIRE CONTINGENCY PLAN The Prime Contractor(s) will develop a Fire Contingency Plan and a Fire Prevention Plan as part of their Emergency Response Plan (ERP) that will include, at a minimum, the guidelines

provided in the TMEP Health and Safety Management Program and associated Emergency Management Program. Fire Prevention Measures The following standard measures will be adhered to during construction of the Project: • Prior to commencement of construction, the Contractor(s) will designate a Fire Boss. The Fire Boss will be familiar with fire suppression techniques, equipment and procedures. • All vehicles will carry firefighting equipment (e.g., Pulaski axes, shovels and backpack pumps) in sufficient quantities so that each worker has access to, at minimum, one hand tool with which to carry out fire suppression work. All motorized equipment must carry a fully charged fire extinguisher. The Fire Boss will ensure that fire extinguishers are present and meet requirements. The Fire Boss will also ensure compliance under the Alberta Forest and Prairie Protection (Ministerial) Regulation as it relates to firefighting equipment.

Company Action Required

Trans Mountain will replace the expired extinguishers with fully charged and inspected extinguishers, or inspect extinguishers in place and update inspection tags accordingly.

Due Date

2019-10-30

Corrected Non-Compliance (CNC) #2 - Spill kits missing on equipment at Enoch yard

Date

2019-10-28

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Chemical Spills/Releases

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

CER IOs observed spill kits missing in crew truck and grader at the Enoch yard site at time of inspection. Contractor personnel on site indicated that mice have been destroying spill kits left in vehicles and equipment, so they have been removing these when vehicles are not in use. CER IOs reviewed requirements with Trans Mountain personnel, and requested clarification on whether or not spill kits are required to be maintained in all project vehicles at all times. Trans Mountain indicated that although its EPP does not require this, its contractor did make this commitment so it would adopt this more stringent requirement at this site.

Tool Used

Corrected
Non-compliance (CNC)

Legislative Requirement

National
Energy Board Onshore Pipeline Regulations (OPR)

Sections Of The Act

National Energy Board Onshore Pipeline Regulations (OPR)

19. A company shall, during the construction of a pipeline, take all reasonable steps to ensure that

- ✓ (a) the construction activities do not create a hazard to the public or the environment; and

Company Action Required

Trans Mountain will replace the missing spill kits on equipment where these were observed to be missing.

Due Date

2019-10-30

Information Request (IR) #1 - Underground radar crew at TLU-1b site

Date

2019-10-30

Discipline

Environmental Protection

Categories

- Socio-economic
 - Traditional Land and Resource Use
 - Heritage Resources

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

As the inspection team arrived at the TLU-1b site, an underground radar crew consisting of members from the University of Alberta and Enoch Cree Nation was conducting work adjacent to the cemetery in this area. Trans Mountain personnel were not aware that this work was planned or ongoing at the time of the inspection. During discussion with the crew, CER IOs were provided with preliminary information that there appeared to be grave sites located outside of the fenced perimeter of the cemetery.

CER IOs note that although survey work had occurred in this area, no ground disturbance was observed. In addition, the staked RoW was off of the fenced perimeter of the cemetery, however the crew was conducting radar sweeps within the staked RoW area. Trans Mountain indicated this area was planned to be traversed using a horizontal directional bore.

Tool Used

Information
Request (IR)

Legislative Requirement

Pipeline
Environmental Protection Plan for the Trans Mountain Expansion Project - NEB
Condition 72 - Revision 6 - A6Y2H2

**Applicable Wording from Legislative Document**

25. Implement the contingency measures identified in the TLU Sites Discovery Contingency Plan (see Appendix B) in the event TLU sites not previously identified are found during pipeline construction. Notify an Environmental Inspector who will collaborate with an Indigenous Monitor for appropriate mitigations, where warranted

Company Action Required

Trans Mountain will provide confirmation that information and data gathered from the work being conducted at the site is being appropriately integrated and contemplated for TMEP project mitigations. Trans Mountain will provide a response describing how this will occur and clarify communications channels in place to maintain ongoing communication between Enoch Cree Nation and University of Alberta regarding heritage resource and traditional land use sites traversed by the project.

Due Date

2019-12-03