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Ms. Sheri Young
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National Energy Board
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20 October 2014

Dear Ms. Young,

Re: 30 Day Comment Period on Proposed Amendments to Regulations for Pipeline Damage Prevention (File –GA-ActsLeg-Fed-NEBA-RRG-DPR 02 01)

The Canadian Energy Pipeline Association (CEPA) respectfully submits this letter of comment regarding the *Proposed Amendments to Regulations for Pipeline Damage Prevention* issued September 18, 2014. CEPA member companies operate 115,000 kilometres of transmission pipelines in Canada. Our members transport 97 per cent of Canada's daily natural gas and onshore crude oil production from producing regions to markets throughout Canada and the US in a manner that emphasizes safety, pipeline integrity, and social and environmental stewardship.

These companies are focused, first and foremost, on pipeline safety, while constructing and operating a network of pipelines that serves the public interest including the support of Canada's economy. Our member companies work diligently to ensure their pipeline systems are safe and reliable. Through the sharing of best practices and technological improvements among members, Canadian transmission pipelines are safe and continue to become safer.

CEPA supports the National Energy Board's (NEB) efforts to provide further guidance for damage prevention in the pipeline sector. Our members are dedicated to continuing the development of a safe, socially and environmentally sustainable energy pipeline industry for all Canadians. Our Integrity First® program provides a forum for members to act deliberately to improve pipeline integrity, damage prevention and emergency response through transparency, collaboration and continuous improvement.

We appreciate the National Energy Board allowing comments on the amendments and propose a meeting in advance of the comment submission date, so that our members have the opportunity to comment on proposed amendments.

Requests for Amendments

Following the meeting with the National Energy Board, CEPA requests the following sections of the amended regulations be revised. In the **National Energy Board Pipeline Damage Prevention Regulations, Part 1 (DPR Part 1)** CEPA has the following comments:



Section 3(1) (a) - CEPA member companies believe in strong damage prevention regulation and that all companies should be held to the highest standard and in relation to this CEPA believes pipeline companies working within their own right of way should not be exempt from making an attempt to notify adjacent or buried facilities that could be located within the dig zone. CEPA is requesting the NEB to require companies to make use of a One Call service as notification every time any excavation occurs, even within their right of way. This is not an added burden on pipeline companies; in fact CEPA member companies are currently using this as a best practice for damage prevention.

Section 3.2(b) - CEPA is requesting the wording of this section be changed to follow all instructions and direction of the facility owner, including all requirements indicated in permissions granted for the activity.

Section 7.1(1)- CEPA requests the NEB remove the reference to "sod operations" from this section. The act of driving the equipment over pipelines during this activity is not at issue however, the actual removal of the sod by definition contradicts Section 7.1 (1) "that disturbs less than 30cm of the ground below the initial grade and does not reduce the total cover over the pipe."

In the **National Energy Board Pipeline Damage Prevention Regulations, Part 2 (DPR Part 2)** CEPA has the following comments:

Section 4. (e)- CEPA is requesting that in lieu of the word "standards" the phrase "pipeline companies program for locating" be used or other options including, "standards, processes or procedures."

Recommendations

DPR Part 2, Section 4(b) - CEPA requests that the phrase "land on which a pipeline is located" to be changed to "land where a pipeline is located" The phrase as written is unclear. CEPA has the following rationale for the revision:

- The current wording suggests that the pipeline is lying on the ground.
- The phrase could also be interpreted to mean that the whole of private lands owned by a single landowner may be affected by a pipeline which only impacts a portion of those lands (e.g. owns 17 parcels, but pipe only affects one parcel)

The NEB is in a unique position to provide leadership necessary among regulators of buried pipeline infrastructure in Canada in respect to the development and implementation of a damage prevention framework. Thank you for this opportunity to provide comments. CEPA and its member companies look forward to continuing our dialogue on regulatory and



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operational matters as the NEB moves forward with development of the damage prevention regulations.

Sincerely,

Elaine Pacheco, BSc, PE
Director, Safety