



National
Energy Board

Office national
de l'énergie

Canada

Operations Regulatory Compliance

[Home](#) > [CV Event](#) > [View Draft Report in English](#)

Closed Report - CV1819-527

Event Type: Field Inspection

CV Event Number
CV1819-527

Name of the Regulated Company for this Event
Trans Mountain Pipeline ULC

Name of the Operating Company
Trans
Mountain Pipeline ULC

Rationale, Scope, and Additional Description

Environmental inspection of TMPU cessation activities. On 30 August 2018, the Federal Court of Appeal nullified the certificate authorizing construction and operation of the Trans Mountain Expansion Project, thereby halting additional work. This inspection focused on environmental protection measures implemented along spread 2 where clearing activities had begun (<2km), Burnaby Mountain Terminal and Westridge Marine Terminal to assess the state in which TMPU will leave construction work.

Selected Province/Territory

- Alberta
- British Columbia

Start Date
2018-11-05

End Date
2018-11-07

Inspection Officer Number

- 2275

Selected Disciplines

- Environmental Protection
- IAMC Observation

Compliance Tool Used:

- Information Request (IR) (4)
- Notice of Non-compliance (NNC) (2)
- 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 Act (NEBA) 2016-06-19
 - National Energy Board Onshore Pipeline Regulations (OPR)
- Standards
 - CSA Z662 - Oil and Gas Pipeline Systems

Selected Regulatory Instrument Numbers

Not Selected

Facility Details

Facility Types

Pipeline

- Pipeline right of way (ROW)
- Terminal

Life-cycle Phases

- Construction
- Operations

Additional Information

Selected Facilities

- TRANS MOUNTAIN EXPANSION PROJECT (Pipeline)
- BURNABY (Facility)
- WESTRIDGE [Westridge Delivery Line] (Facility)

Observations (No follow-up required)

Cessation of Clearing activities on Spread 2, KP 270.

Date

2018-11-05

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Erosion Control
 - Restoration
- Surface Water Management
 - Containment and Drainage Structures

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

Inspection Officers (IOs) and IAMC Indigenous Monitor (IM) walked the RoW where clearing occurred in September. Snow (10-15 cm) was covering the ground, but condition of the RoW was still evident.

- Boundaries appeared to have been respected
- Merchantable timber was removed from the site
- Sediment fence was installed but not likely required
- Very little erosion potential was found on that section of the RoW

- The company committed to monitor/inspect this site as conditions change (heavy rain or snow melt) and ensure potential erosion or other issues arising are properly mitigated (see Information Request #1).

A sump site was also inspected at Gallaway road. The site was reclaimed and no issues were observed.

Compliance Tool Used

No

Compliance Tool Used

Burnaby Mountain Terminal - Environment

Date

2018-11-06

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Erosion Control
- Water Bodies - Non-Fish-bearing
 - Sedimentation/Turbidity
- Water Bodies - Fish-bearing
 - Sedimentation/Turbidity
- Vegetation
 - Vegetation Reclamation

Facility

- BURNABY

Observations

A large recent rain event created erosion on various parts of the site. TMPU indicated that all sedimented water was managed and treated on-site and that no sedimented water was released off site.

- The function of the water treatment unit was explained from intake to outfall.
- Hydro-seeding was observed on most exposed soil
- Properly installed silt fence was installed where needed
- Eagle Creek inlet remained largely undisturbed

The NEB was notified of a complaint regarding increased turbidity in Silver Creek on 3 November 2018. Water turbidity appeared normal at the time of the inspection. TMPU stated that they had conducted water sampling during the latest rain event and committed to share the results of the water sampling from 3 November 2018. (See IR#2). Silver Creek Tributary inlet to the property had sediment and native material from upstream wash onto the property. Sediment deposits along Silver Creek. As limited erosion present within the property, origin appears to be upstream of the Terminal.

Compliance Tool Used

No

Compliance Tool Used

RDIMS Documents**Westridge Marine Terminal - Environment****Date**

2018-11-07

Discipline

Environmental Protection

Categories

- Soils and Soil Productivity
 - Erosion Control
- Water Bodies - Fish-bearing
 - Erosion
 - Sedimentation/Turbidity
 - Disturbance
 - Chemical Spills/Releases
- Wildlife
 - Disturbance
- Noise
 - Noise Control/Monitoring

Facility

- WESTRIDGE [Westridge Delivery Line]

Observations

IOs and IM toured the foreshore areas and inspected the Derrick Barge Olympia. The following observation were made:

On the foreshore:

- Garbage were segregated appropriately and hazardous waste were appropriately stored
- Spill kits appeared to be properly stocked and the spill response trailer was in good order
- The smaller turbidity curtain was stranded on the shore at the eastern end and it reduced the effectiveness of the curtain. TPMU committed to redirect it further from shore to reduce the possibility of stranding. (See NNC#2)
- Sheet piling started with hydrophone in operations and two marine mammals observers in position.
- On the foreshore some unidentified piping was left in place after moving some infrastructure, TPMU committed to cap the pipes or to cut them at an appropriate depth below ground.

On the DB Olympia:

- IOs reviewed the hydrophone operations and discussed the exceedance protocol.
- IOs and IM talked to the marine mammals observers and she confident in her duties and knew the proper protocol in case of a sighting.

Compliance Tool Used

No

Compliance Tool Used

Westridge Marine Terminal - Environment

Date

2018-11-07

Discipline

Environmental Protection

Categories

- Housekeeping
 - Temporary Structures

Facility

- WESTRIDGE [Westridge Delivery Line]

Observations

On the foreshore some unidentified piping was left in place after moving some infrastructure, Tmpu committed to cap the pipes or to cut them at an appropriate depth below ground.

Compliance Tool Used

No Compliance Tool Used

IAMC Indigenous Monitors Observation

Date

2018-11-07

Discipline

IAMC

Observation

Categories

- General
 - General

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

- WESTRIDGE [Westridge Delivery Line]

Observations

Additional Observation recorded by IAMC Indigenous Monitors participating in the NEB Inspection. Any compliance related observations that require specific regulatory follow-up have been recorded above.

1. I was conducting a walkthrough of shoreline when I smelt Propane near the end of the foreshore. I was advised that there was other workers that had smelt Propane previously and an investigation was conducted. I had requested the findings of that inspection be sent to me for review as since I have now found the smell for myself that if something was to happen, I.E. explosion, that if I knew and didn't say anything that I may be at fault? Not legally, but morally, I want to see that it was investigated the findings were. And that it was closed out.
2. There was no MSDS in the chemical storage found on foreshore. They advised us that a copy of MSDS was in the safety trailer and that it was policy that a MSDS was taken to each job-site where chemicals were used. I asked to see where that was written in policy.
3. On the Barge there was discarded Fall Protection, shock absorbing lanyard pieces being re-purposed for tag lines. I asked if that was their intended purpose. I asked for their policy for destroying equipment that had failed inspection. I also asked what their tag out procedures were? Could I get a copy of that policy? I asked for a copy of their inspection policy. For fall protection and use of tag lines.
4. Also on barge there was Fall Protection harnesses hanging on the stair cases and on handles. I asked for policy on storage of Fall Protection equipment when not in use. Also fall protection inspection policy.
5. I was advised by security on my previous inspection that they were required to squat 50 pounds for 10 reps before they were hired. Some said they were required to do squats while on the job. I asked for that policy.
6. Also on previous inspection there was workers on barge passing floats down to workers in boats. I asked if they were required to wear Fall Protection? I was confronted and said no they were not required to wear it at all! This inspection that information was found to be false. I asked for policy for wearing Fall Protection when working near leading edge with chances of falling and striking against the boats under, of falling onto boats or anything under where people on barges are working above.
7. The use of containment of oily products in containers not intended for that purpose.

Compliance Tool Used

No

Compliance Tool Used

Compliance Summary

Cessation of Clearing activities on Spread 2, KP 270. (IR#1)

Date

2018-11-05

Discipline

Environmental Protection

Categories

- Training and Documentation
 - Inspections

Facility

- TRANS MOUNTAIN EXPANSION PROJECT

Observations

The company stated during the inspection that the monitoring/inspection plan for the site involved field visits as conditions change (heavy rain or snow melt) to ensure potential erosion or other issues arising are properly mitigated.

Compliance Tool Used

Information

Request (IR)

Legislative Requirement

National

Energy Board Onshore Pipeline Regulations (OPR)

Sections Of The Act**National Energy Board Onshore Pipeline Regulations (OPR)**

6.1 A company shall establish, implement and maintain a management system that

✓ (a) is systematic, explicit, comprehensive and proactive;

✓ (c) applies to all the company's activities involving the design, construction, operation or abandonment of a pipeline and to the programs referred to in section 55;

6.5 Management System Processes

(1) A company shall, as part of its management system and the programs referred to in section 55,

✓ (u) establish and implement a process for inspecting and monitoring the company's activities and facilities to evaluate the adequacy and effectiveness of the programs referred to in section 55 and for taking corrective and preventive actions if deficiencies are identified;

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

TMPU must submit the monitoring plan for all construction sites where activities ceased in September 2018 including a schedule for site visits and a description of roles and responsibilities of individual.

Due Date

2018-12-19

Burnaby Mountain Terminal - Environment (IR#2)**Date**

2018-11-06

Discipline

Environmental Protection

Categories

- Water Bodies - Fish-bearing
 - Erosion
 - Sedimentation/Turbidity

Facility

- BURNABY

Observations

A large recent rain event created erosion on various parts of the site. TMPU indicated that all sedimented water was managed and treated on-site and that no sedimented water was released off site. TMPU committed to share the results of the water sampling during the latest rain event (3 November 2018).

Compliance Tool Used

Information Request (IR)

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

Provide the results of all the water sampling conducted in response to the large rain event on 3 November 2018.

Due Date

2018-12-19

Burnaby Mountain Terminal - Emergency Exit gates locked with padlock (IR#3)

Date

2018-11-06

Discipline

Safety

Management

Categories

- Permanent Structures
 - Stairs, Fixed Ladders and Access/Egress

Facility

- BURNABY

Observations

NEB inspection Officers observed that the emergency exits on the external perimeter fence were locked with a chain. TMPU indicated that this was due to security concerns with the accessibility of the gates from outside the fence. TMPU also indicated that muster point warden all have the keys to the locks and would open it in case of emergency. In the group touring the facility, nobody had a key.

NEB IOs expressed concern with the practice and requested a confirmation that this practiced met all CSA requirement when personel are present on site.

Compliance Tool Used

Information
Request (IR)

Legislative Requirement

CSA
Z662 - Oil and Gas Pipeline Systems

Sections Of The Act

CSA Z662 - Oil and Gas Pipeline Systems

4. Design

4.14 Design of compressor stations over 750 kW and pump stations over 375 kW

4.14.1 General

✓ 4.14.1.4 Fences that can hamper or prevent escape of persons in an emergency from the vicinity of stations shall be provided with a minimum of two exits. Such exits shall be located for easy access and shall provide effective escape to a place of safety.

Company Action Required

TMPU shall provide details on how the Emergency Exits gates are kept operational while personel is on site in accordance to CSA.

Due Date

2018-12-19

Westridge Marine Terminal - Environment (NNC#2)

Date

2018-11-07

Discipline

Environmental Protection

Categories

- Water Bodies - Fish-bearing
 - Sedimentation/Turbidity

Facility

- WESTRIDGE [Westridge Delivery Line]

Observations

The smaller turbidity curtain was stranded on the shore at the eastern end which reduced the effectiveness of the curtain. TPMU committed to redirect it further from shore to reduce the possibility of stranding.

Compliance Tool Used

Notice of Non-compliance (NNC)

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

TMPU shall provide evidence that the turbidity curtain has been relocated to avoid stranding

Due Date

2018-12-19

Westridge Marine Terminal - Environment (NNC#3)

Date

2018-11-07

Discipline

Environmental Protection

Categories

- Water Bodies - Fish-bearing
 - Chemical Spills/Releases

Facility

- WESTRIDGE [Westridge Delivery Line]

Observations

On the DB Olympia:

- Some secondary containment required maintenance and some drums with potentially oily water were not stored with a secondary containment. The water was collected from the various secondary containments on the barge and normally goes into a proper container which was full. TMPU indicated that the barrel storage was a temporary solution to a large rain event and committed to rectify the situation. It also indicated that the barrels would be emptied with a pump into the proper container as soon as possible.

Compliance Tool Used

Notice
of Non-compliance (NNC)

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

TMPU shall provide evidence that :

1. the secondary containment on the barges have been maintained to ensure proper function
2. the barrels of potential oily water have been emptied safely and/or are stored with an appropriate secondary containment.

Due Date

2018-12-19

Westridge Marine Terminal (IR#4)

Date

2018-11-07

Discipline

Safety

Management

Categories

- Workplace Exposures and Protections
 - Labels and Documentation
 - Hazard Assessment

Facility

- WESTRIDGE [Westridge Delivery Line]

Observations

IOs and IM toured the foreshore areas and inspected the Derrick Barge Olympia. The following safety observation were made:

- A strong smell of propane was discovered near the eastern end of the property. TMPU explained that some propane lines were relocated and that some residual smell was left in the lines. TMPU indicated that proper detection equipment was used to ensure not propane was left in the pipping.

Compliance Tool Used
Information Request (IR)

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

TMPU shall conduct vapor monitoring to ensure there is no propane leak at the eastern end of the property. TMPU will provide the results to the NEB IOs.

Due Date
2019-01-31

Westridge Marine Terminal (CNC#1)

Date
2018-11-07
Discipline
Safety
Management
Categories

- Workplace Exposures and Protections
 - Personal Protective Equipment

Facility

- WESTRIDGE [Westridge Delivery Line]

Observations

IOs and IM toured the foreshore areas and inspected the Derrick Barge Olympia. The following safety observation were made:

- A worker who was maneuvering the pilling hammer was observed not wearing appropriate hearing protection (ear plugs and hear muffs) while the hammer was activated. TMPU immediately notified the worker and the situation was immediately corrected.

Compliance 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)

✓ 47. A company shall develop, implement and maintain a safety management program that anticipates, prevents, manages and mitigates potentially dangerous conditions and exposure to those conditions during all activities relating to construction, operation, maintenance, abandonment and emergency situations.