



Ms. Sheri Young
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13 March 2017

Re: Comments on Proposed Changes to Emergency Management Filing Requirements in the Board's *Filing Manual*

Dear Ms. Young,

The Canadian Energy Pipeline Association (CEPA) respectfully submits this letter of comment on the Proposed Changes to Emergency Management Filing Requirements in the Board's *Filing Manual* issued by the National Energy Board (NEB) on 11 January 2017. CEPA member companies operate 119,000 kilometers of transmission pipelines in Canada, 66,600 of which fall under the jurisdiction of the NEB. 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 United States in a manner that emphasizes safety, pipeline integrity, and social and environmental stewardship.

CEPA members believe changes to the *Filing Manual* have the potential to improve public confidence and transparency in the pipeline industry. In order to ensure that this goal is met we have provided the following comments, organized by the corresponding sections in the *Filing Manual*.

1.5 Confidential Filing

With respect to the proposed change "*that Emergency Procedures Manuals will not be filed confidentially*" (p.6), CEPA submits that the unredacted versions filed under the circumstances specified should still be subject to the *Security Organization and Administration Standard*. Similarly, unredacted versions filed should still be eligible for application under Section 16.1 or 16.2 of the NEB Act in the following circumstances:

- in the course of a regulatory proceeding;
- during condition compliance where the condition is a 'for approval' condition of the Board; or,
- during any other matter where there is significant third party interest.

Currently the proposed changes are not clear with respect to the inclusion of Emergency Procedures Manuals in applications at time of submittal, and if these versions are to be redacted copies (i.e. are they the same versions posted for public viewing?). The unredacted manuals should not be filed in their entirety due to security and confidentiality concerns. Information such as response times,



response equipment locations, and customer notification data and contacts should not be part of the public record.

3.3 Management Systems and Programs under the OPR

With respect to the expectation for an applicant to provide "*a description of any necessary modifications to its management system should the applied-for project be approved and built*" (p.9), CEPA would note that not all necessary modifications to management system processes, procedures and standards will be known at the time of filing an application. For example, a commitment made through the regulatory process that requires a modification to a specification would not be known at the time of application. It is already a requirement of the *National Energy Board Onshore Pipeline Regulations* to keep management systems up to date. It is unnecessary to duplicate those requirements in the *Filing Manual*. Accordingly, CEPA requests that this proposed requirement be removed.

3.4 Consultation

CEPA requests clarity on the Board's expectation that companies are to "*conduct effective public consultation activities during the construction and operation phases of a project*" (p.12) as a requirement under the *Filing Manual*, since this would already be part of a Public Awareness program when the pipeline is operational.

3.4.2 Designing Project-Specific Consultation Activities

Further guidance is required on how applicants should "*be responsive to the needs, input and concerns of potentially affected persons or groups, and demonstrate how this informed the proposed design and operation of the Project*" (p.13). CEPA suggests adding a qualifier (i.e. relevant/credible) to avoid an expectation that all concerns by all interested parties, regardless of relevance, are addressed. In addition, guidance on how "*responsive*" is defined in this context and the expectations of the Board should be developed.

With respect to the addition of the section entitled, *Consultation Regarding Emergency Management* (p.15), CEPA requests that the Board clarifies whether these changes will have any impact on the requirements for Public Awareness programs. For example, will Public Awareness program guidelines be revised to include the need to update first responders on upcoming projects?

A.2.6.1 Identification and Analysis of Effects

In regards to the level of detail on potential effects of accidents and malfunctions that is required, CEPA requests clarity on the "*the level of interest and concern expressed by those potentially affected by the project regarding emergency management planning and emergency response*" (p.29) as an additional consideration since this is open to interpretation (i.e. how are the different levels of interest and concern determined?). CEPA recommends that the level of detail provided regarding the potential effects of accidents and malfunctions should reflect the scientific or socio-economic setting of the project and should be determined by the applicant based on a risk-informed analysis.



CEPA also recommends that the last three bullet points listed as requirements for how an applicant should consider "*potential effects regarding malfunctions and accidents associated with the project*" (p.29) be amended. CEPA suggests that information should be provided on the tools that would be used to inform the assessment, rather than the outputs. This approach is preferred because information on modeling and assessments may not be available during consultation or at the time of application due to the design stage of the project. In addition, environmental fate and behavior assessment outputs are sensitive in nature, difficult to quantify, and require specialized technical knowledge to fully interpret the results.

A.2.6.2 Mitigation Measures

In the event that a URL address is provided to an applicant's publically available website for the information requested (p.34), CEPA requests that the Board clarifies whether this information needs to also be submitted with the application. Furthermore, if a URL can be used for this purpose, it should also be permitted for other sections such as A.2 so that this information is not duplicated in the application process.

Guide AA – Post Certificate or Order Requirements

CEPA has concern with the proposed change in timing from two weeks to two months for the submission of emergency procedures manuals prior to the start of operations (p.36) for the following reasons:

- This timing would result in non-operational assets being included in emergency response plans. In the event of a response, information on non-operational assets could create confusion for first responders;
- As-built information is required before certain updates can be made to emergency response plans. Typically this information would not be available two months in advance of the start of operations; and,
- Projects frequently experience changes to in-service dates. Managing updates to emergency procedures manuals to a targeted in-service date this far in advance would create additional complexity.

CONCLUSION

Thank you for this opportunity to provide comments on the proposed changes to the Board's *Filing Manual*. CEPA and its member companies look forward to continuing our dialogue on emergency preparedness and response matters with the NEB, other stakeholders, interested persons and indigenous peoples. Please contact Patrick Smyth, Vice President of Safety & Engineering, at psmyth@cepa.com if you have any questions or concerns regarding the above input.

Sincerely,

Chris Bloomer
President & CEO