



## VARIANCE OF INSPECTION OFFICER ORDER NO. PRY – 002 – 2023

### ORDER TO BE VARIED

As per section 69 (2) of the Canadian Energy Regulator Act (CER Act) [REDACTED], designated as a CER Inspection Officer under subsection 102(1) of the CER Act is varying order PRY – 002 – 2023, and superseding it with this order (VAR – 001 – PRY – 002 – 2023).

IN THE MATTER OF THE CANADIAN ENERGY REGULATOR ACT,  
AN ORDER UNDER SECTIONS 69 (2) and 109

### NAME OF COMPANY/PERSON TO WHOM THIS ORDER IS DIRECTED

**Trans-Northern Pipeline Inc.** is a Company operating a pipeline near 1565 Thornton Road North, Oshawa, Ontario (the Site).

On or about 29 August 2023 at 10:00 am the undersigned Canada Energy Regulator Inspection Officer conducted a field follow-up of a reported alleged contraventions of the Damage Preventions Regulations - Authorizations (DPR2023-232).

### RELEVANT FACTS

I, [REDACTED], designated as a CER Inspection Officer under subsection 102(1) of the *Canadian Energy Regulator Act* (CER Act), believe the following are the relevant facts relating to the issuance of this Order:

Trans-Northern Pipeline Inc (TNPI). is a company operating a pipeline that was subject to the operation of mobile heavy equipment and ground disturbance activities conducted by a third party near 1565 Thornton Road North, Oshawa, Ontario (the Site).

On or about **29 August 2023** at 10:00 am the undersigned Canada Energy Regulator (CER) Inspection Officer was conducting a field follow-up of a reported potential unauthorized activity (DPR2023-232) by a third party at 1565 Thornton Road North, Oshawa, Ontario (the Site). Upon arrival at the Site, CER Inspection Officers confirmed that there was evidence of recent third-party activity within the prescribed area and pipeline right-of-way that included topsoil removal and ground disturbance without TNPI supervision, potentially impacting the in-service pipeline.

CER Inspection Officers confirmed the third party to be Blue Tec Construction Inc. CER Inspection Officers obtained, from the third party, 3 different pipeline location reports dated August 12, 2022, June 1, 2023, and August 24, 2023. Upon examination, it was evident that on

the August 24, 2023, revision, the location and orientation of the pipeline on the sketch had changed and the pipeline was now depicted as protruding into Blue Tec Construction Inc.'s delineated worksite, as authorized by TNPI on the June 1st locate report. On the June 1st locate report the pipeline was shown to run in a straight line outside of the delineated worksite, as authorized by TNPI.

Further, the activity at the Site had been ongoing for a period approaching two months, during which time neither the TNPI's aerial patrol nor ground patrol identified it as unauthorized activity. TNPI reported the activity to the CER on 24 August 2023, the day the original locate sketches were revised.

CER Inspection Officer conducted a follow-up visit to the Site and determined that the ground disturbance activity resulted in significant removal of earth cover directly over the pipe whereas approximately 6 inches of earth cover was left in some areas following the activity.

### **PROVISIONS OF ACT OR REGULATIONS THAT ARE ALLEGED TO BE CONTRAVENED - AND ARE CONTINUING - OR ARE LIKELY TO BE CONTRAVENED**

The following provisions of the Act and/or Regulations that are alleged to have been contravened:

#### **Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies 6 (1)(a),(b) and (c)**

### **MEASURES TO BE TAKEN**

Based on the facts referenced herein, where the Inspection Officer has reasonable grounds to believe that there is or is likely to be a contravention of Parts 2 to 5 or section 335 of the CER Act, or for a purpose referred to in subsection 102(2) CER Act, the Inspection Officer may, by order, direct a person to

- a. stop doing something that is in contravention of Parts 2 to 5 or section 335 or cause it to be stopped;
- b. take any measure that is necessary in order to comply with Parts 2 to 5 or section 335 or mitigate the effects of non-compliance;
- c. stop doing something that may cause a hazard to the safety or security of persons, or damage to property or the environment or cause it to be stopped; or
- d. take any measure that is necessary to prevent or mitigate the hazard to the safety or security of persons or damage to property or the environment.

**Trans-Northern Pipelines Inc.** is ORDERED pursuant to subsections 109(1) and 109(2) of the CER Act to:

- Take measures specified below under Specified Measures as per paragraphs (b) and (d) above
- Stop doing something as specified below under Specified Measures as per paragraphs (a) and (c) above
- Suspend work associated with a facility, including a regulated facility, abandoned facility or ground disturbance, until the hazardous or detrimental situation has been remedied to the satisfaction of an Inspection Officer or until this order is stayed or rescinded.

## **SPECIFIED MEASURES**

TNPI shall take the following actions:

1. TNPI shall ensure that all third-party entry and work within the 15 m restricted zone from the centerline of the pipe remains suspended per PRY – 001 – 2023 until the hazardous or detrimental situation has been remedied to the satisfaction of an inspection officer.
2. An examination of the impacted pipeline shall be undertaken by TNPI, and any observed damage to the pipe and markers will be corrected.
3. TNPI shall provide the monitoring and mitigation measures implemented moving forward to protect the pipeline from any external conditions resulting from the ground disturbance activities at the working area.
4. TNPI shall explain whether it has implemented any local pressure reduction below the operating pressure at this location or demonstrate that such pressure reduction was not required.
5. TNPI shall provide Blue Tec Construction Inc. with a new locate form that meets the Damage Prevention Regulation requirements and advise Blue Tec Construction Inc. that the previous locate forms do not contain valid information and are not to be used. TNPI shall ensure that Blue Tec Construction Inc. understands the locate markings and all safety measures specified on the locate drawing.
6. Trans-Northern shall identify all its buried facilities in the work area and confirm with CER IO that maps of the site have been updated.
7. Until all measures have been satisfied, TNPI must have an inspector on-site at all times (full-time supervision) for all work done within the prescribed area of the subject pipeline and make field observations as per the DPR-O.
8. Submit to the CER evidence that specified measures 1-6 are complete as PRY – 001 – 2023 shall remain in effect until such time as specified measures 1-6 of PRY – 002 – 2023 are satisfied.



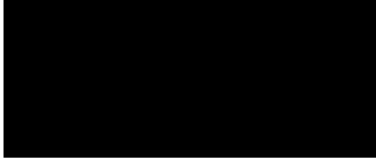
9. Submit for approval by the undersigned CER IO:
  - a. An investigation report, including a root cause analysis and corrective and preventive action plan (CAPA) by 6 October 2023.
  - b. Implement the CAPA plan identified in measure 9(a) and provide the Inspection Officer with written updates every month commencing on 30, Oct 2023 until the CAPA plan has been completed.

**EFFECTIVE DATE OF THE ORDER**

This Inspection Officer Order takes effect immediately on 30 August 2023 at the time of delivery of this Order to the person to whom it is directed. Nothing in this Order shall be construed as reducing, increasing, or otherwise affecting what may be required of the person to whom it is directed to comply with all applicable legislative or legal requirements.

**COMPLIANCE WITH THIS INSPECTION OFFICER ORDER IS MANDATORY**

Failure to comply with an Inspection Officer Order issued under section 109 of the CER Act is an offence under section 112 of the CER Act.

<b>Inspection Officer</b>	28 September 2023	
	<b>Date</b>	<b>Name</b>
		
	<b>IO Designation Number</b>	<b>Signature</b>
	210-517 10 Ave SW, Calgary AB T2R 0A8	

*Please note that:*

1. *In compliance with the CER's Enforcement Policy, this Order will be posted on the CER's website.*
2. *All submissions to the CER in response to the order are to be provided within the CER Operations Regulatory Compliance Application (ORCA) quoting the associated CVA #, Inspection Officer Order #, and any specific measure with which the submission is associated. The Company is requested to send a copy of any response provided in the OERS to the Inspection Officer via email.*