

New Regulations for Pipeline Damage Prevention Now in Force

The National Energy Board's (NEB) *Pipeline Damage Prevention Regulations* came into force on June 19, 2016. The purpose of the regulations is to ensure that those conducting activities in the vicinity of pipelines and pipeline owners have a role in ensuring pipelines are not damaged.

The NEB has revised the regulations to align with changes to other legislation made in 2015. Much of the revised regulations are unchanged, including the requirement that anyone (including municipalities) undertaking a ground disturbance or building a facility within 30 metres of an NEB-regulated pipeline be required to obtain written consent from the pipeline owner, file a locate request, and not commence work until the owner has provided them with certain information.

New aspects of the regulations include requirements that owners of NEB-regulated pipelines join one-call centres operating in the jurisdiction in which the pipeline is located, as well as minimum standards for damage prevention programs that pipeline owners must develop. These requirements will ensure that information about pipelines, including safety procedures, is consistent, and will also streamline the locate request process.

The regulations also contain exemptions for the agriculture industry. This includes the allowance of cultivation to a depth of 45cm within the prescribed area before the activity is considered a "ground disturbance" (compared to 30cm for other activities), as well as an exemption that allows agricultural vehicles and equipment (meeting certain conditions) to travel across buried pipelines without receiving written permission from the pipeline owner (other vehicles must obtain written permission). The last time the regulations were reviewed, in 2014, a **major issue for the AAMDC** was the administrative burden that complying with the regulations may cause for the agriculture industry, so it is encouraging that these concerns have been addressed in the new regulations.

Despite a request made in the AAMDC's most recent submission to the National Energy Board earlier in 2016 (see attachment), the regulations do not change the actions required to be taken by municipalities conducting work within the vicinity of a pipeline.

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