

**Submission to the National Energy Board:
INPUT ON PROPOSED AMENDMENTS TO
PIPELINE DAMAGE PREVENTION
REGULATIONS**

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Partners in Advocacy & Business

Prepared by the Alberta Association of Municipal Districts and Counties
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To:

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The Alberta Association of Municipal Districts and Counties (AAMDC) appreciates the opportunity to comment on the following regulations posted in the March 19, 2016 issue of *Canada Gazette*, Part 1:

- *National Energy Board Pipeline Damage Prevention Regulations – Authorizations*
- *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*

The AAMDC advocates on behalf of Alberta's sixty-four municipal districts and counties, as well as four specialized municipalities and the Special Areas Board. As AAMDC members are characterized by large geographic areas, many of Alberta's NEB-regulated pipelines travel through the jurisdiction of one or more rural municipalities.

With this in mind, the following comments on the NEB's proposed regulations have been developed with consideration of governance, economic and community development, administrative capacity, and resident safety issues for AAMDC members and rural Albertans.

Issue 1: The requirement for owners of all NEB-regulated pipelines to register with one-call centres and meet minimum standards when developing a damage prevention program

The AAMDC is pleased by both of these requirements on the part of pipeline owners. According to the "Rationale" section of the Regulatory Impact Analysis Statement, all NEB-regulated pipelines operating in jurisdictions with a one-call centre are already registered with a one-call centre, while all NEB-regulated pipeline owners already have damage prevention programs based on industry best practices. As such, this regulatory change is unlikely to significantly impact pipeline owners or stakeholders. However, it does establish future safety requirements in the event that new NEB-regulated pipelines are constructed. Also, standardizing pipeline damage prevention programs will assist stakeholders in easily accessing safety information, as the format and detail of the programs will be standardized.

Issue 2: Exemptions to ground disturbance and pipeline crossing requirements for the agriculture industry

The AAMDC appreciates the NEB's willingness to acknowledge the uniqueness of the agriculture industry, and possible administrative burden that requirements associated

with the regulations could have on agriculture producers with NEB-regulated pipelines running through their property. The allowance for cultivation to a depth of 45 centimetres before being considered a ground disturbance, and for most agricultural vehicles and equipment to cross buried pipelines without permission is important to the sustainability of the agriculture industry and rural communities. As producers may be cultivating and crossing in many areas within the vicinity of a pipeline at different times of the year, the permitting process could easily become complex and time consuming.

The AAMDC made similar comments when these regulations were reviewed in 2014, arguing that proposed requirements and permissions related to issues such as rutting and the removal of soil cover would be impossible for agriculture producers to predict, and would therefore have an unreasonable impact on the agriculture industry. The AAMDC is pleased that the latest proposed regulations take into consideration the uniqueness of the agriculture industry by removing onerous requirements and including these exemptions.

Issue 3: Municipalities and ground disturbances

Alberta's rural municipalities manage approximately 75% of the province's roads, some of which cross or are within the thirty metre prescribed area of NEB-regulated pipelines. This results in situations where municipal maintenance activities such as road grading or pothole repairs are defined as a ground disturbance, despite having no risk of actually damaging pipeline infrastructure.

An activity such as pothole repair is localized, although it may require digging beyond a 30 centimetre depth. If the specific location of a pipeline is already known through a previous locate request, it should not be necessary for a municipality to receive permission from the pipeline company and complete another locate request to address what, in some cases, may be a critical and urgent problem with municipal infrastructure, that despite being within the thirty metre prescribed area, may still be relatively distant from the actual pipeline.

An allowance for municipal activities that is similar to that allowed for cultivation (45 centimetre depth instead of 30 centimetre depth for other activities) would be appreciated, as well as exemptions for localized municipal infrastructure repairs within prescribed areas when locate requests have been made previously and the repair is not near the pipeline. This would lessen the administrative burden on municipalities, many of which have limited capacities to file multiple permission and locate requests while ensuring that municipal activities that carry a risk of damaging pipeline infrastructure continue to be protected by the regulations. It would also allow municipalities to respond quickly to urgent infrastructure repairs needed in the vicinity of pipelines.