



ORDER XG-N081-005-2019

IN THE MATTER OF the *National Energy Board Act* (NEB Act) and the regulations made thereunder; and

IN THE MATTER OF an application made by NOVA Gas Transmission Ltd. (NGTL), pursuant to Part III (section 58 and subsections 48(2.1) and 48(2.2)) of the *National Energy Board Act* (the NEB Act) and section 17 of the *National Energy Board Onshore Pipeline Regulations* (NEB OPR), dated 12 February 2018, filed with the National Energy Board (Board) under File OF-Fac-Gas-N081-2018-01 01.

BEFORE the Board on 11 April 2019.

WHEREAS the Board received an application from NGTL, pursuant to section 58 of the NEB Act, dated 12 February 2018 to construct and operate the West Path Delivery Project (the Project);

AND WHEREAS the application, as applied for by NGTL, includes exemption requests from the provisions of paragraph 30(1)(a) and section 31 of the NEB Act in respect of the Project, and from the provisions of paragraph 30(1)(b) and subsection 47(1) of the NEB Act to obtain partial Leave to Open for installing certain valve assemblies and tie-in assemblies for the Project;

AND WHEREAS the application, as applied for by NGTL, also includes an exemption request from the 100% non-destructive examination (NDE) requirement in section 17 of the NEB OPR pursuant to subsections 48(2.1) and 48(2.2) of the NEB Act for certain low-pressure piping systems associated with the Project;

AND WHEREAS the Project includes the construction and operation of one pipeline: the Western Alberta System Mainline Loop (Rocky View Section), comprised of approximately 21.5 kilometres of 1,067 millimetres (NPS 42) outside diameter pipeline, as well as the installation of two compressor station unit additions at the existing Turner Valley Compressor Station and at the existing Burton Creek Compressor Station, and related facilities, as set out in Schedule A attached to, and forming part of, this Order;

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AND WHEREAS the Board held a public hearing in respect of the Project, pursuant to Hearing Order GH-002-2018, as amended by way of procedural updates and rulings, during which the Board heard from NGTL and the participants in the proceeding;

AND WHEREAS the Board has had regard to all considerations that are directly related to the Project and relevant, including environmental matters, pursuant to Part III of the NEB Act;

AND WHEREAS the Board has examined the application and related submissions from NGTL and participants in the proceeding and finds that the Project is in the public interest;

IT IS ORDERED that, pursuant to section 58 of the NEB Act, the applied-for Project, as specified in Schedule A, is exempt from the provisions of paragraph 30(1)(a) and section 31 of the NEB Act. The effect of this exemption order is to approve the Project subject to the following conditions:

General

1. Condition Compliance

NGTL must comply with all of the conditions contained in this Order unless the Board otherwise directs.

2. Design, Location, Construction, and Operation

Subject to condition 16, NGTL must cause the approved Project to be constructed and operated in accordance with the specifications, standards and other information referred to in its application or as otherwise agreed to during questioning or in its related submissions.

3. Environmental Protection

NGTL must implement or cause to be implemented all of the policies, practices, programs, commitments, mitigation measures, recommendations and procedures for the protection of the environment included in, or referred to in its Application,¹ or as otherwise agreed to during questioning or in its related submissions.

Prior to Construction

4. Construction Schedule

NGTL must file with the Board, **at least 14 days prior to the commencement of construction of each approved Project Component**,² a detailed construction schedule identifying major construction activities for that component and must notify the Board of any

¹ Application: NGTL's application for the West Path Delivery Project dated 12 February 2018, pursuant to section 58 of the *National Energy Board Act* (NEB Act).

² Project Component(s): The distinct parts of the Project – Turner Valley Compressor Station Unit Addition, Burton Creek Compressor Station Unit Addition and the Rocky View Section Pipeline.

modifications to the schedule or schedules as they occur. NGTL must provide a copy of the construction schedule(s) to those Indigenous communities who expressed interest in receiving those **no later than 3 days after filing the schedule(s) with the Board**. NGTL must file with the Board, **prior to commencing construction**,³ confirmation that it did so.

5. Programs and Manuals - Safety

NGTL must file with the Board, **at least 14 days prior to commencing construction**, a Construction Safety Manual pursuant to section 20 of the NEB OPR.

6. Environmental Protection Plans (EPPs) – Turner Valley Compressor Station and Burton Creek Compressor Station

NGTL must file with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving these, **at least 30 days prior to construction of the Turner Valley Compressor Station and the Burton Creek Compressor Station**, updated Project specific EPPs which NGTL must implement for construction of the Turner Valley Compressor Station and the Burton Creek Compressor Station. The EPPs must describe all environmental protection procedures, and mitigation and monitoring commitments, as set out in NGTL's Application or as otherwise agreed to during questioning or in its related submissions.

7. EPP – Rocky View Section

NGTL must file with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving the EPP, **at least 30 days prior to construction of the Rocky View Section**, an updated Project specific EPP which NGTL must implement for construction of the Rocky View Section. The EPP must describe all environmental protection procedures, and mitigation and monitoring commitments, as set out in NGTL's Application or as otherwise agreed to during questioning or in its related submissions.

8. Breeding Bird Survey and Protection

In the event of vegetation clearing or topsoil removal during restricted activity periods for non-migratory birds protected under provincial jurisdiction and for migratory birds, NGTL must retain a qualified avian biologist to carry out a survey prior to these activities to identify any birds and active nests in areas immediately surrounding the Project Components. NGTL must file the following with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving this, **every 15 days when NGTL is actively surveying during the breeding bird restricted activity period**:

- a) the results of the survey;

³ Commencing Construction: the clearing of vegetation, ground-breaking and other forms of right-of-way (ROW) preparation that may have an impact on the environment (activities associated with normal surveying do not constitute commencing construction).

- b) mitigation, including monitoring, developed in consultation with Environment and Climate Change Canada and the appropriate provincial government authorities, to protect any identified migratory and non-migratory birds and their nests;
- c) mitigation, including monitoring, developed in consultation with Environment and Climate Change Canada to protect any identified Species at Risk Act birds and their nests; and
- d) evidence to confirm that the appropriate provincial and federal government authorities were consulted, on the proposed methodology for the survey, the results from the survey and the mitigation and monitoring to be used, and a description of any outstanding concerns they may have.

9. Archaeological and Heritage Resource Permits and Clearances

NGTL must file with the Board, and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving this, **at least 30 days prior to commencing construction**:

- a) confirmation that NGTL has obtained all of the required archaeological and heritage resource clearances and authorizations from Alberta Culture and Tourism;
- b) a description of how NGTL will meet conditions and respond to comments and recommendations contained in the clearances and authorizations referred to in a); and
- c) a description of how NGTL has incorporated additional mitigation measures as applicable into its EPP as a result of conditions or recommendations referred to in paragraph b).

10. Consultation with Indigenous Communities Report

NGTL must file with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving this, **at least 30 days prior to commencing construction**, an Indigenous consultation report summarizing NGTL's consultations with all potentially affected Indigenous communities identified by NGTL and the Board in the Application. This report must include, but is not limited to:

- a) the methods, dates, and locations of consultation and engagement activities;
- b) an update on the status and results of any outstanding site visits;
- c) a description of the comments and concerns expressed by Indigenous communities;
- d) a description of the response made regarding each of the concerns or comments;
- e) a description of any outstanding concerns;
- f) how input from Indigenous communities has influenced the design or operation of the Project; and
- g) a description of how NGTL intends to address any outstanding concerns, or an explanation of why no further steps will be taken.

11. Landowner, Government, and Municipalities Issue Report

NGTL must file with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving this report, **at least 14 days prior to**

construction and again no later than 30 days after the approved Project is placed in-service, as well as if an unsuccessful crossing attempt report is filed under Condition 14, a landowner and stakeholder issue monitoring report to summarize the impacts to land and land use. This report must include, but is not limited to:

- a) a detailed description of NGTL's program and approach to document, monitor, track, and resolve landowner, government agencies, and municipality concerns and impacts to their land and land use;
- b) a detailed description of how NGTL will, prior to construction, during construction and operation, engage and inform its landowners, government agencies, and municipalities; and
- c) an itemized table, sequenced by tract number or landowner identifier as appropriate. The table must include, but is not limited to the following information:
 - i) landowner, government agency, and municipality issues or concerns;
 - ii) commitments associated with the respective landowner requests or concerns;
 - iii) if not addressed by commitment(s), a description of how NGTL has addressed or intends to address the issues raised;
 - iv) a timeframe as to when NGTL expects to resolve or fulfill the commitment(s) and/or issue(s); or
 - v) an explanation why a concern will not be addressed or request not met by NGTL.

During Construction

12. Bow River Crossing Noise Management Plan

NGTL shall file with the Board, **at least 30 days prior to the start of the Horizontal Directional Drilling (HDD) activities proposed for the Bow River crossing,** a detailed noise management plan including but not limited to the following:

- a) a detailed description of the noise mitigation measures that will be applied for the Bow River crossing to ensure adherence to thresholds recommended by Health Canada, including locations and height of all temporary noise barriers along the entry and exit of temporary work area(s), and all acoustic enclosures for the mud pumps; and
- b) confirmation that locally impacted residents potentially affected by noise due to HDD operations have been consulted about the HDD operations and noise abatement strategies prior to the submission to the Board.

13. HDD and/or Direct Pipe Installation (DPI) Execution Plan

NGTL must file with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving this, **at least 30 days prior to performing a HDD and/or DPI,** detailed site-specific drilling execution plans, including the site-specific preventative and/or mitigative measures taken to minimize the risk of drilling failures.

14. HDD Unsuccessful Attempts Reports

NGTL must file a summary report with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving these, **within 5 days of classifying a trenchless crossing option as “unsuccessful”**, as referenced in the Final HDD Feasibility Reports filed during the Application process with the Board. The summary must include, but not be limited to:

- a) problematic cause(s) for the unsuccessful attempt;
- b) lessons learned from the unsuccessful attempt; and
- c) a description of changes or modifications for a next attempt and an explanation why they could avoid the problematic cause(s) identified in a); or
- d) NGTL must confirm, **within 30 days of commencing operations**, that there were no unsuccessful HDD attempts.

15. Contingency HDD or DPI Crossing Method Feasibility Report

In the event that NGTL identifies the need to employ a contingency watercourse crossing method for the Bow River or Springbank Reservoir, NGTL must file a final version of the feasibility study for the contingency HDD or DPI crossing method with the Board and provide notice of filing to Indigenous communities, Alberta Department of Energy, Alberta Transportation and any other government ministries that have expressed an interest to NGTL in receiving this, **30 days prior to commencing the contingency crossing method**. The report must include, but not be limited to:

- a) a summary risk assessment for the proposed HDD or DPI construction including, but not limited to, the following:
 - i) identified potential hazards/risks;
 - ii) proposed prevention and/or mitigation measure(s) for each identified hazard/risk in i);
 - iii) a description of how the probability, consequence and risk ratings or categories are derived, including the response(s) required for each risk category; and
 - iv) risk assessment results before and after the proposed prevention and/or mitigation in ii), including probability, consequence and risk;
- b) a design summary including design parameters and design drawing that shows the drill profile, entry and exit points and angles, and the soil profile in accordance with the available information;
- c) annular pressure modeling and curve(s);
- d) HDD pipe installation and pipe pullback stress analyses and results, if applicable;
- e) HDD pullback drawings, if applicable; and
- f) geotechnical review and associated geotechnical investigation.

16. Technical Specifications Updates

NGTL must file, with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving these, any technical specification updates for the Turner Valley Compressor Station and Burton Creek Compressor Station listed in the

Project Application concurrently with its **final Leave to Open application for the respective Project Components**. Technical specification updates are limited to differences in pipe length, diameter, wall thickness, grade or material that do not impact any other aspect of the Project as approved.

Post-Construction and Operations

17. Indigenous Employment, Contracting, and Procurement Report

NGTL must file with the Board, **within 6 months of the date that the final Leave to Open is issued**, a report on employment, contracting, and procurement for the Project during the construction phase, that must include but not be limited to:

- a) a summary of any Indigenous employment, contracting, and procurement for the Project; and
- b) a comparison of the contracting and procurement described in a) in relation to NGTL's submissions in its Application (e.g. NGTL response to NEB information request 1.5, NGTL reply evidence to Káíñai First Nation and Piikani First Nation recommendation 70, etc.) related to employment, contracting, and procurement of Indigenous communities, businesses, and individuals for the construction of the Project.

18. Post-Construction Monitoring Report

On or before 31 January following each of the first, third, and fifth complete growing seasons after completing final clean-up, NGTL must file the post-construction environmental monitoring reports with the Board and provide notice of filing to Indigenous communities that have expressed an interest to NGTL in receiving the reports. Each post-construction environmental monitoring report must address issues, progress and success of the measures implemented, including those pertaining to soils, weeds, agricultural productivity, watercourse crossings, riparian habitat, wetlands, rare plants, vegetation re-establishment, wildlife and wildlife habitat, species at risk and any identified traditional use sites or areas of cultural value for all areas of the Project footprint, including temporary work areas. Each post-construction environmental monitoring report must:

- a) include environmental as-built information, and identification of any subsequent specialized mitigation measures employed, that are not already identified in the EPP or that may be deviations from those planned;
- b) identify on a map or diagram any environmental issues to be monitored, including but not limited to unexpected issues that arose during construction;
- c) describe the methodology used for monitoring, the accuracy of the data collected, the criteria established for evaluating success and the results found;
- d) provide an assessment of the effectiveness of the mitigation measures (planned or corrective) applied against the criteria for success;
- e) provide an assessment to verify the accuracy of the environmental assessment of the Project;
- f) describe the current status of the issues identified (resolved or unresolved);

- g) include details of monitoring outcomes and consultation undertaken with appropriate government authorities, and any potentially affected Indigenous communities, landowners and stakeholders, including any issues or concerns raised and how NGTL has addressed or responded to them, and if not, why not; and
- h) provide proposed measures and the schedule that NGTL will implement to address any ongoing issues or concerns, and if not, why not.

19. Pipeline Geographic Information System (GIS) Data

NGTL must provide the Board, **within one year of the date NGTL files with the Board the confirmation letter required pursuant to Condition 20**, as-built GIS data in the form of Esri® shapefiles. This must include:

- a) a file that contains pipeline segment centre lines identified by pipeline name, where each segment has a unique outside diameter, wall thickness, maximum operating pressure, external coating, field-applied girth weld coating, pipe manufacturing specification and depth of cover. If the above values of the pipeline change at any point along the length of the pipeline, the pipeline should be segmented at that point in the shapefile. This file must include details on the degree of accuracy of the GIS data; and
- b) a file that depicts point locations and names of compressor stations, terminals, custody transfer meters, and block valves, as applicable.

The datum must be NAD83 and projection must be geographic (latitudes and longitudes). The filing required by this condition must include a statement confirming that the signatory to the filing is the Accountable Officer of NGTL pursuant to section 6.2 of the NEB OPR.

20. Emergency Response Exercise

NGTL must, **within 18 months of the start of the operation of the pipeline**:

- a) conduct a full-scale emergency response exercise. The objective of the emergency response exercises must be to test the effectiveness and adequacy of the:
 - i) Emergency Procedures Manual;
 - ii) training of company personnel;
 - iii) communications systems;
 - iv) coordination of emergency response activities with responders, mutual aid partners and other agencies;
 - v) response equipment;
 - vi) safety procedures; and
 - vii) exercise debrief process.
- b) notify the Board in writing, **at least 45 days prior to the date of the emergency response exercise referred to in a)**, of the following:
 - i) location of the exercise;
 - ii) exercise coordinator;
 - iii) date of the exercise;
 - iv) duration of the exercise;

- v) the name and organization of each individual invited to participate in the exercise; and
- vi) the goals (for example, focus of exercise, scope, scale, extent of play, format, evaluation method), and how success is measured.
- c) file with the Board, **within 90 days of completion of the emergency response exercise referred to in a)**, a report that documents the results of the exercise including:
 - i) how the exercise achieved the stated goals;
 - ii) participant feedback and areas for improvement; and
 - iii) a corrective action plan to address the findings from the exercise.

21. Condition Compliance by the Accountable Officer

Within 30 days of the date that the approved Project is placed in service, NGTL must file with the Board a confirmation that the approved Project was completed and constructed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, NGTL must file with the Board details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is the accountable officer of NGTL, appointed as Accountable Officer pursuant to section 6.2 of the NEB OPR.

22. Sunset Clause

This Order will expire on **11 April 2022** unless construction in respect of the Project has commenced by that date.

IT IS FURTHER ORDERED that the applied-for Project, as specified in Schedule A, is exempt from the provisions of paragraph 30(1)(b) and subsection 47(1) of the NEB Act to obtain partial Leave to Open for installing certain tie-in assemblies and valve assemblies;

IT IS FURTHER ORDERED that NGTL must apply for Leave to Open for all remaining facilities of the Project in accordance with the requirements of paragraph 30(1)(b) and subsection 47(1) of the NEB Act; and

IT IS FURTHER ORDERED that, pursuant to subsections 48(2.1) and 48(2.2) of the NEB Act, NGTL is exempt, for the purposes of the Turner Valley Compressor Station Unit Addition and the Burton Creek Compressor Station Unit Addition, from the requirement of section 17 of the NEB OPR to conduct 100 per cent NDE for the instrument air, glycol/water heat medium, potable water, lube oil, and venting auxiliary piping systems.

NATIONAL ENERGY BOARD

Original signed by L. George for

Sheri Young
Secretary of the Board

SCHEDULE A
National Energy Board XG-N081-005-2019

NOVA Gas Transmission Ltd.
Application dated 12 February 2018
 assessed pursuant to section 58 of the *National Energy Board Act*

West Path Delivery Project
File OF-Fac-Gas-N081-2018-01 01

Pipeline Specifications - Western Alberta System Mainline Loop (Rocky View Section)

Project Type	New construction
Location (endpoints)	From NE 16-26-04 W5M to NE 10-24-04 W5M
Approximate Length	21.5 km
Outside Diameter	1,067 mm (NPS 42)
Wall Thickness	Line Pipe – Heavy Wall (Class 1, 2, and 3 General, Class 1 Roads): 11.5 mm Line Pipe – Extra Heavy Wall (Class 4 General, Class 1, 2, and 3 Road Crossings): 14.6 mm Major Crossings - HDD, Class 4 Road and Rail Crossings: 22 mm
Pipe Material	Carbon steel
Pipe Material Standard	CSA Z245.1 Category II
Pipe Grade	Grade 483 MPa
Coating Type	<ul style="list-style-type: none"> • External coating for line pipe: Fusion Bond Epoxy (System 1A or 2B) • Internal coating for line pipe and heavy wall pipe: Epoxy Paint
Maximum Operating Pressure (MOP)	5 825 kPa
Product	Non-sour natural gas

SCHEDULE A (continued)
National Energy Board Order XG-N081-005-2019

Facilities Specifications - Turner Valley Compressor Station

Project Type	New Construction – Unit Addition
Facility Type	Compressor station
Location	SE 15-20-03 W5M, Alberta
Description	<ul style="list-style-type: none"> • One new 30 MW turbo-compressor • Associated buildings and skids • Associated piping, valves, appurtenances, utilities, electrical and controls • Inlet and outlet design pressure: 6 410 kPa • MOP: 5 826 kPa
Product	Non-sour natural gas

Facilities Specifications - Burton Creek Compressor Station

Project Type	New Construction – Unit Addition
Facility Type	Compressor station
Location	NW 06-12-01 W5M, Alberta
Description	<ul style="list-style-type: none"> • One new 30 MW turbo-compressor • Associated buildings and skids • Associated piping, valves, appurtenances, utilities, electrical and controls • Inlet and outlet design pressure: 7 100 kPa • MOP: 5 826 kPa
Product	Non-sour natural gas