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Signed Original Via Messenger

November 13, 2015

Ms. Sheri Young
Secretary of the Board
National Energy Board
444 Seventh Avenue SW
Calgary, Alberta T2P 0X8

Dear Ms. Young:

**Re: Update to the NEB's Damage Prevention Regulatory Framework
Submission of Comments – NEB File Ad-GA-ActsLeg-Fed-NEBA-RRG-DPR 0201**

Alliance is taking this opportunity to comment on the Damage Prevention Regulatory Framework Update that the Board issued on October 20, 2015.

The catalyst for this update has been the passage of the *Pipeline Safety Act* and the associated amendments that will statutorily take effect for the *National Energy Board Act* in June of next year. This timing implication is positive, in that it will finally bring closure to a regulatory initiative that has been many years in the making.

Consistent with past Board correspondence on this matter, the framework contemplates amendments to the following set of regulations: (i) the *NEB Pipeline Crossing Regulations, Part I*; (ii) the *NEB Pipeline Crossing Regulations, Part II*; (iii) the *NEB Onshore Pipeline Regulations*; and (iv) the *NEB Administrative Monetary Penalties Regulations*.

Alliance is a member of the Canadian Energy Pipeline Association (CEPA) and participated in the development of the submission that CEPA filed with the Board earlier today regarding the framework update. To confirm, Alliance supports the detailed comments that have been filed by CEPA.

In this connection, Alliance wishes to echo certain key themes expressed in the CEPA letter:

- ❖ **Retention of Safety Zone Boundaries** – Up to now, section 112 of the *National Energy Board Act* has provided for a 30-metre safety zone measured from either side of the pipeline easement. Through the *Pipeline Safety Act*, this 30-metre reference is being replaced by a general reference to a “prescribed area” to be defined through regulations. In this connection, Alliance would implore the Board to specify the same 30-metre safety zone in its regulations, again measured from either side of the pipeline easement (and not from the edge or centre of the buried pipe). In Alliance’s respectful submission, any truncation of the safety zone would lessen safety, and lead to confusion among the vast array of stakeholders who have been educated over the course of decades on this subject. Furthermore, Alliance would urge the Board to retain the “safety zone” terminology in its regulations, as it is widely engrained and carries the right positive connotation.

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- ❖ **Management System Requirement** – Alliance supports the Board’s proposal to fold a damage prevention program requirement into the *Onshore Pipeline Regulations* within a management system context. This would essentially reflect the status quo, as the Board has already been applying management system audit protocols for pipeline crossings and public awareness programs. For the sake of efficiency, Alliance would suggest that a single audit protocol be developed under the banner of damage prevention (in place of the current separate protocols). Likewise, Alliance would suggest that the Board issue all-embracing audit reports on damage prevention, rather than artificially and inefficiently issuing separate audit reports on pipeline crossings and public awareness programs with highly redundant and overlapping contents.

- ❖ **Request for Precise Draft Regulatory Text** – Alliance notes that certain of the proposals contained in the update are described in a high-level way only (modernizing of regulatory language, defining of a “prescribed area”, etc.). In Alliance’s respectful submission, the consultation process would be made that much more meaningful if stakeholders were given an opportunity to comment on the full precise regulatory text prior to any publication in the *Canada Gazette Part I*. In Alliance’s view, this would be best accomplished through the compilation and release of a comprehensive update to the set of proposed regulatory amendments that the Board previously released for comment on September 18, 2014.

In closing, Alliance wishes to thank the Board for having extended this opportunity to comment on the regulatory framework update. Should the Board have any questions relating to this submission, please contact the undersigned.

Sincerely,

[Original Signed]

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