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VIA EMAIL

National Energy Board
517 Tenth Avenue SW
Calgary, AB, T2R 0A8
Email: damagepreventionregs@neb-one.gc.ca

Attention: Chantal Briand, Regulatory Approaches

Dear Ms. Briand:

Re: Enbridge Comments on Proposed Regulations for Pipeline Damage Prevention

Enbridge wishes to thank the National Energy Board (“NEB”) for the opportunity to provide input with respect to the Proposed Regulations for Pipeline Damage Prevention published in the *Canada Gazette*, Part I, on March 19, 2016 (the “Proposed Regulations”).

Enbridge is a member of the Canadian Energy Pipeline Association (“CEPA”), and has been engaged with CEPA on the review of the Proposed Regulations. Enbridge supports CEPA’s comments, and offers additional comments below.

In regard to the proposed *National Energy Board Pipeline Damage Prevention Regulations – Authorizations*:

- **Section 2:** Enbridge supports CEPA’s comments regarding the proposed wording in this section. Enbridge’s top priority is protecting the safety of the public and the environment and we are concerned that the proposed definition of “prescribed area” increases the potential for damage, and thus risk, to pipelines during ground disturbance. Currently, the “safety zone” extends 30 m from the edge of the right-of-way, and stakeholders have been educated for decades on the importance of maintaining safety within this zone. In the Proposed Regulations, the prescribed area is defined as extending 30 m from the centreline of the pipe; this change would result in damage prevention requirements applying to a significantly smaller area than the current regulations. Ground disturbance activities could take place closer to the pipeline without the requirement for permissions and appropriate controls such as locating and marking of pipelines.

Consistent with CEPA’s submissions, Enbridge urges the NEB to consider retaining the same spatial boundaries that have historically been applied.

Enbridge also supports CEPA’s statement that the term “safety zone” carries a positive connotation and is widely engrained. Enbridge is of the opinion that changing this terminology would lead to stakeholder confusion and could increase the likelihood that a

precautionary approach is not applied. Enbridge feels strongly that the current area, as defined by the term “safety zone,” incents and promotes broader use of notification centres.

In regard to the proposed *National Energy Board Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*:

- **Subsection 3(1):** In addition to supporting the 21 day timeframe requested by CEPA, Enbridge requests that the NEB consider including the phrase, “or any longer period agreed to by the pipeline company and that person.” This addition would provide the same flexibility to requests for consent as that provided in section 6 for requests to locate pipes.
- **Paragraph 7(b):** This paragraph requires the pipeline company to notify, in writing, specified individuals that the operation of vehicles or mobile equipment across a pipeline at specific locations for the purposes of performing agricultural activities could impair the pipeline’s safety or security. However, pipeline companies are not always aware of all persons who may fall within the scope of paragraph (b), while individual landowners will be. Enbridge suggests removing paragraph 7(b).

In regard to the proposed *Regulations Amending the National Energy Board Onshore Pipeline Regulations*:

- Enbridge’s Public Awareness Program materials refer to requirements of the current regulations including the 30 m safety zone. Enbridge requests that the NEB incorporate a transition period to allow Public Awareness Program materials to be updated to meet the requirements of the final version of the Proposed Regulations.

As a general comment, Enbridge requests clarity regarding the applicability of the Proposed Regulations to decommissioned and abandoned pipelines.

Thank you for the opportunity to review the Proposed Regulations and for your consideration of Enbridge’s comments. If you have any questions or concerns regarding this submission please do not hesitate to contact me at 403-231-5952 or via email at abby.dorval@enbridge.com, or Shane Cleet at 780-392-4166 or via email at shane.cleet@enbridge.com.

Sincerely,



Abby Dorval
Director Regulatory Affairs