



April 18, 2016

Ms. Chantal Briand
Regulatory Approaches
National Energy Board
517 Tenth Avenue SW
Calgary, AB T2R 0A8

Filed By E-mail

Dear Ms. Briand:

**Re: Union Gas Limited (“Union”)
Comments on Proposed Regulations for Pipeline Damage Prevention in Canada Gazette Part I
File Ad-GA-ActsLeg-Fed-NEBA-RRG-DPR 02 01**

Union writes in response to the March 18, 2016 notification by the National Energy Board (“NEB” or the “Board”) for comments on the proposed regulations for damage prevention.

Union is a major Canadian natural gas storage, transmission and distribution company based in Chatham, Ontario. The Union distribution system consists of approximately 69,000 kilometres of main and service pipelines. Distribution pipelines carry or control the supply of natural gas from the point of local supply to end use customers. The distribution business serves about 1.4 million residential, commercial and industrial customers in more than 400 communities across northern, southwestern and eastern Ontario. Union shares the Board’s commitment to public safety, environmental protection, and respecting the rights of those that may be affected by pipeline operations.

Union would be impacted by the proposed regulations including:

- *National Energy Board Damage Prevention Regulations - Authorizations;*
- *National Energy Board Damage Prevention Regulations – Obligations of Pipeline Companies;*
- *National Energy Board Onshore Pipeline Regulations; and*
- *National Energy Board Administrative Monetary Penalties Regulations*

Union understands that changes to the damage prevention regulatory framework are required due to changes to the *National Energy Board Act* resulting from the *Pipeline Safety Act*. Union also understands that other changes are being proposed to clarify the requirements to safely carry on construction, ground disturbance and crossing of pipelines. Union appreciates the opportunity to comment on the proposed regulations and provides the comments noted below:

1. Union agrees that pipeline damage prevention is a *shared* responsibility between anyone who plans to conduct an activity near a pipeline and the pipeline company.

2. Incorporating the specific management system requirements as part of a Pipeline Damage Prevention Program provides a consistent and comprehensive framework in support of continual improvement and a strong safety culture.
3. Union supports the new reference to “ground disturbance”, which better reflects the potential activities that could impair pipeline safety and security. A suggestion, however, to clarify what constitutes ground disturbance, would be to include by way of regulation or guidance reference to the definition of the same term used in CSA Z247-15.
4. The new definition for “facility” no longer includes the placement of a structure on the pipeline right-of-way, only construction of a structure. This will lead to confusion for the public and landowners as to whether structures that are placed rather than constructed on the site are prohibited. Union strongly recommends the retention of the prohibition against placement of facilities within the right-of-way. Further guidance for companies and landowners, either in the form of regulation or guidelines, is needed to clarify the types of facilities that require authorization under the regulations.
5. The proposed regulations do not define “vehicle or mobile equipment”. This leaves open the question of whether pipeline companies would be required under the proposed regulations to permit crossings by ATVs, snowmobiles and other personal use vehicles such as cars/pick-up trucks. Unlike large agricultural vehicles, which are exempt from the authorization requirements, personal use vehicles pose little threat to buried pipelines and permitting/monitoring their use is not practical or necessary from a safety perspective.
6. Union fully supports the requirement for NEB regulated pipeline companies to be members of a one-call locate centre as well as the requirement for anyone planning construction or excavation activities near a pipeline to contact a one-call centre. In Ontario, utilities are required to respond to locate requests within 5 days as opposed to the NEB proposed 3 day response requirement. Union respectfully requests that the Board consider amending the NEB requirement to align with the existing provincial requirements.

In closing, Union would like to thank the Board for the opportunity to comment on the proposed regulations and looks forward to the opportunity to comment on the draft guidance notes the NEB has stated will be prepared in conjunction with the finalization of the regulations.

Yours truly,

[Original signed by]

Kevin Bowers, Manager Plant Damage Prevention, Union Gas Limited