

National Energy
Board



Office national
de l'énergie

File OF-Gen 04
14 June 2018

To: All Companies Holding an Authorization to Construct or Operate an Oil or a Gas Pipeline, or a Gas Processing Plant, Regulated by the National Energy Board Under the *National Energy Board Act*

Amended Order AO-001-MO-002-2017 Compelling Publication of Emergency Management Program Information on Company Websites

On 30 January 2017, the Board issued Order MO-002-2017 that compelled NEB-regulated companies to publish Emergency Management Program information on their or their affiliate's internet site for public viewing. Attached to Order MO-002-2017 was "Appendix A, Guidance for Online Publication of Pipeline Emergency Management Program Information" to provide guidance for the online publishing of EM Program information (Order guidance).

The Board has amended the Order guidance to Order MO-002-2017 to correct an erroneous reference to high consequences areas being defined in CSA Z 246.2. All references to high consequence areas have been deleted and a reference to sensitive areas as noted in Appendix A of the "Guidance Notes for the *National Energy Board Onshore Pipeline Regulations*" has been added.

The Board has also changed the bulleted list in the introductory comments of the Order guidance regarding consideration of regional-specific, site-specific, and situation-specific considerations to a table format for easier reference in the text following the table.

Please note there have been no changes made to the body of Order MO-002-2017, only to the Order guidance (Appendix A).

The Board recognizes that the Order guidance has been amended following the deadline of 31 July 2017 for compliance with the Order. If a company has concerns regarding the amended Order guidance and any effect it may have on the company's compliance with Amended Order AO-001-MO-002-2017, it may note such concerns in a letter to the Secretary of the Board.

If you have any questions please contact Kent Lien, Technical Leader of Emergency Management, at (403) 620-2348 or via email at kent.lien@neb-one.gc.ca.

Yours truly,

Original signed by

Sheri Young
Secretary of the Board

Enclosure



ORDER AO-001-MO-002-2017

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

IN THE MATTER OF the safety and security of pipelines regulated under the NEB Act,
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BEFORE the National Energy Board (Board) on 31 May 2018.

WHEREAS after a public consultation process, the Board issued Order MO-002-2017 requiring all companies that hold an authorization to construct and operate an oil or a gas pipeline, or a gas processing plant, regulated by the Board under the NEB Act to publish their emergency program information on their publicly available websites by 31 July 2017;

AND WHEREAS the Board has determined that it is necessary to vary Order MO-002-2017-Appendix A- Guidance for Online Publication of Pipeline Emergency Management Program Information (Appendix A) to correct mistaken references to high consequence areas as defined in CSA Z 246.2;

NOW THEREFORE the Board varies Order MO-002-2017-Appendix A pursuant to subsection 21(1) of the NEB Act, by revoking references to high consequence areas as defined in CSA Z 246.2 in Appendix A and replacing them with the following reference pursuant to paragraph 12(1)(b) and subsection 48(1.1) of the NEB Act:

Sensitive areas as defined in Annex A of the Guidance Notes for the *National Energy Board Onshore Pipeline Regulations* (OPR)

IT IS ORDERED THAT pursuant to paragraph 12(1)(b) and subsection 48(1.1) of the NEB Act:

1. All companies that hold an authorization to construct and operate an oil or a gas pipeline or a gas processing plant under the NEB Act must:

.../2

- a) publish EM Program information applicable to their NEB-regulated facilities on their or their affiliate's internet site for public viewing by **31 July 2017**, unless the Board otherwise directs. Companies may protect from publication, information:
 - i. about an identifiable individual, including his or her name, phone number, email address, mailing address and medical condition;
 - ii. where there is a real and substantial risk that its disclosure will impair the security of pipelines, power lines, buildings, structures or systems, including computer or communications systems or methods employed to protect them;
 - iii. that, if disclosed, could reasonably be expected to result in a material loss or gain to a person affected by publication of the EM Program information or that could prejudice the person's competitive position;
 - iv. about the location of species at risk and heritage resources;¹ and
 - v. about a person, such as a daycare, school, or hospital that the person requested be withheld from publication.
- b) publish EM Program information in accordance with the guidance provided in Appendix A;
- c) publish EM Program information in French and English if the company operates pipelines in the Province of Quebec or the Province of New Brunswick.
- d) electronically file a written confirmation from the company's accountable officer with the Secretary of the Board by 15 August 2017 at [Information Filings](#) unless the Board otherwise directs, that:
 - i. the company's EM Program information has been published in accordance with Clauses 1a, 1b, and 1c. of this Order and the company has provided a link to the EM Program information to the Board and to any interested person that has expressed to the company an interest in the published EM Program information; or
 - ii. the company is exempt from publishing EM Program information based on the criteria provided in section 3 of this Order.
- e) update the published EM Program information on an ongoing basis to reflect any changes or amendments made.

¹ Heritage resources includes cultural, historic, archaeological and paleontological resources

- f) electronically file a letter with the Secretary of the Board at [Information Filings](#), notifying the Board of any changes to the website link and provide the updated link within 2 weeks of any change to the link.
 - g) electronically file a written confirmation from the company's accountable officer with the Secretary of the Board by 30 April of each year at [Information Filings](#), confirming the status of the company's EM Program information considering clauses 1a. to 1f. of this Order as applicable.
2. All companies that receive an authorization to construct and operate an oil or a gas pipeline or a gas processing plant, under the NEB Act following issuance of this Order must comply with Clauses 1a. to 1f. of this Order, as applicable, within 6 months of commencing operation.
3. EM Program information is not required to be published for the following facilities:
- a) Gas pipeline systems less than or equal to 168.3 millimetres in outside nominal diameter that are located only in a class 1 location, as determined by the Canadian Standards Association (CSA) standard Z662;²
 - b) Oil pipeline systems less than or equal to 168.3 millimetres in outside nominal diameter that are less than 12 kilometres in length and located more than 500 metres from a water body³ or a drinking water source;
 - c) Deactivated, decommissioned and abandoned pipelines as defined in the OPR; and
 - d) Deactivated, decommissioned and abandoned processing plants as defined in the PPR.

Issued in Calgary, Alberta, on 14 June 2018

NATIONAL ENERGY BOARD

Original signed by

Sheri Young
Secretary of the Board

² Generally, a class 1 location is a location along a pipeline where there are 10 or fewer dwelling units in an assessment area 1.6 km in length and 200 metres on each side of the pipeline.

³ Water body means canal, reservoir, an ocean, and a wetland (swamp, marsh, bog, fen or other land that is covered by water during at least three consecutive months of the year), up to the high-water mark.

APPENDIX A
Order AO-001-MO-002-2017

**GUIDANCE FOR ONLINE PUBLICATION OF PIPELINE
EMERGENCY MANAGEMENT PROGRAM INFORMATION**

Background

The Board conducted a public consultation process in 2015 to solicit the views of Canadians about emergency management information that would be most useful to them. Canadians expressed concerns about the transparency of emergency management information. Concerns expressed included the clarity and consistency of Emergency Procedures Manuals required under the *National Energy Board Onshore Pipeline Regulations* (OPR), and regulatory practices used to verify that the public, municipalities, emergency responders, indigenous peoples and other stakeholders have the information they need, when they need it, for pipeline emergency response.

Many observations were received on what information would be useful for both preparing for emergency response and for responding. These observations have been posted and summarized on the NEB website. A significant amount of the information that was requested to be made public related to a pipeline companies' overall Emergency Management Program (EM Program) required under the OPR. The EM Program contains information that is not set out in the Emergency Procedures Manuals such as processes used to develop emergency preparedness and response procedures. Thus, the Board requires the online publishing of EM Program information to make such information readily available to interested persons.

Regulatory Requirements

Subsection 32(1) of the OPR requires a company to develop, implement, and maintain an EM Program that anticipates, prevents, manages and mitigates conditions during an emergency that could adversely affect property, the environment or the safety of workers or the public.

An EM Program or a safety program is based on the relevant policies and goals set by the company.

A company's management system applies to the EM Program. In order for an EM Program to be systematic, comprehensive, explicit, and proactive, it must include the management system processes referenced at section 6.5 of the OPR. This includes processes to identify hazards, manage risks, train and manage workers, communicate, manage records and documentation, monitor and evaluate progress and continually improve performance.

A company's management system provides coordination between the EM Program and the company's programs for safety, security, integrity and environmental protection.

The EM Program must meet the requirements of section 4, and sections 53 and 55 of the OPR. This includes the requirement to conduct regular internal audits of the EM Program, with a maximum interval of three years.

Annex A of the OPR provides further information on an EM Program, including hazard assessment, the emergency procedures manual, agency liaison, communications, continuing education, emergency response processes and capability, emergency response exercises and equipment.

Guidance for Publishing of EM Program Information

The purpose of this document is to provide guidance for the online publishing of EM Program information. The topics and objectives noted are key components for describing a NEB-regulated company EM Program to interested persons on the company's website. Information in the guidance document has been grouped by topics and elements of an expected EM Program required under the OPR. The guidance, while providing minimum required content, is not exhaustive. A company has flexibility in providing the required information with the guiding principle that sufficient information must be provided to allow the reader to understand the EM Program and how it informs appropriate emergency response planning. Annex A of the OPR should be referred to for additional guidance.

Of particular importance is the need for published information to address regional-specific, site-specific, and situation-specific considerations that may affect emergency response procedures and how these are considered within the EM Program. Examples of such considerations are provided in Table 1:

TABLE 1: Examples of Regional-, Site-, and Situation-Specific Considerations
<ul style="list-style-type: none"> • Residents living near the pipeline
<ul style="list-style-type: none"> • Indigenous communities
<ul style="list-style-type: none"> • Population density
<ul style="list-style-type: none"> • Potential for emergent volunteers
<ul style="list-style-type: none"> • Specific infrastructure that may be impacted in an emergency such as public institutions, transportation networks, and industrial facilities
<ul style="list-style-type: none"> • Drinking water, water intakes and agricultural water supplies
<ul style="list-style-type: none"> • Recreational areas
<ul style="list-style-type: none"> • Species at risk and other receptors of concern
<ul style="list-style-type: none"> • Protected areas
<ul style="list-style-type: none"> • Sensitive areas as defined in Annex A of the OPR Guidance Notes
<ul style="list-style-type: none"> • Physical and chemical characteristics of all products transported on the pipeline and their potential fate and behaviour
<ul style="list-style-type: none"> • Response limitations and access concerns due to factors such as remoteness of facilities, lack of roads, topography, and inclement weather and environmental conditions such as snowpack and rainfall
<ul style="list-style-type: none"> • Coordination of company emergency response plans with relevant federal, provincial, municipal and Indigenous community emergency response plans and regulatory requirements
<ul style="list-style-type: none"> • Level of training of first responders and other agencies and organizations potentially involved in an emergency response activity

Information on the following topics and elements as they relate to a company's EM Program should be published:

Introduction

Objective: High level summary of the company's commitment and ability to prepare for and respond to emergencies. Identify that an Emergency Management Program (EM Program) is subject to continual improvement and that the Emergency Procedures Manual (also known as Emergency Response Plan in CSA Z246.2) is a part of the overall EM Program. Identify that all hazards have been considered and mitigation is in place to address them and any potential effects arising from an emergency. Provide an overview of regulatory requirements.

Key Public Safety Information

Objective: Identify how the public, First Responders, municipalities, Indigenous communities and provincial and federal agencies are notified of an emergency, how the public can notify the company of an issue, and how the information is updated and kept current. Provide critical information for public protection (e.g. information on the products in the pipeline and associated hazards; actions to take in the event of an emergency; hot lines and/or websites set up to respond to inquiries during an emergency; air monitoring; and how water supplies will be protected and what happens in the event of a water supply becoming contaminated).

Emergency Procedures Manual

Objective: Provide an overview of the contents of the Emergency Procedures Manual(s). Identify that emergency response is guided by an Emergency Procedures Manual(s) and that it is available for viewing on the company public website. An explanation of why some information is redacted should be provided. Provide an overview of relevant supporting documents such as geographic response plans, tactical plans, wildlife response and rehabilitation plans, and waste management plans.

Emergency Management Program Summary

Objective: Explain that the company has an EM Program and its purpose. Enumerate key elements, as set out below, summarized in plain language, for topics that relate directly to how stakeholders are engaged and how protection of the public and the environment is addressed.

1. Policy and Commitment

Objective: Identify and summarize company policies intended to ensure activities are conducted in a manner that ensures the safety and security of the public, workers, the pipeline, and the protection of property and the company's commitment to those policies and goals.

2. Goals and Objectives

Objective: Identify key goals and objectives such as: engagement on planning; training of first responders; exercises; availability of equipment; response times; incident management; liaison and continuous education. Objectives as well as targets should include specific considerations such as those noted in Table 1. Identify how the EM Program integrates with other programs required under the OPR.

3. Hazard Identification, Risk Assessment and Controls and Clean-up and Remediation

Objective: Provide a summary of what hazards are likely to occur based on the product and the geography and what consequences would be prevented and addressed. (This will be regional in some cases). The summary should identify the risk analysis process used, modeling and methodology to support it, and how stakeholder input was gathered and considered. There should be information with regard to the extent of emergency response preparedness (i.e., types and amount of equipment, rationale for location of equipment, MOUs, mutual aid agreements, contractors, and clean-up resources). Decision making for response strategies and clean-up and remediation should be discussed.

4. Stakeholder Liaison to Prepare for Emergencies

Objective: Explain how liaison activities are conducted to assure interoperability (i.e. communication, coordination during an incident, training, capacity, resources and agreements) amongst all persons, agencies and organizations. Explain how consultation occurs on developing and updating the Emergency Procedures Manual. Identify who, what, where and on what frequency, liaison and consultation occurs. It should include specific considerations such as those noted in Table 1.

5. Continuing Education

Objective: Summarize the continuing education program for police, fire departments, medical facilities, and other appropriate organizations and agencies and the public residing adjacent to the pipeline. It should include how responders are educated on safety procedures versus how the public are informed of them. It should also include examples of safety procedures (e.g. First Responder health and safety, scene arrival protocols, chemical hazards, spills and gas leaks, confined spaces, Personal Protective Equipment for First Responders). Describe how interested persons can engage in the emergency response planning process.

6. Training and Exercises

Objective: Demonstrate that the appropriate training is provided for emergency preparedness and response and that it is conducted at all levels of the company including first responders. It should identify who, what, where and on what frequency, training and exercises occur. Scenarios exercised should be discussed and rationale should be provided for the scenarios.

7. Incident Management System

Objective: Focus on incident command with a brief explanation of how an emergency is coordinated, including but not limited to, a description of the incident management system to be used, capacity of company to fill incident management system positions, and location of incident command posts. Identify how provincial and other agencies are integrated in the incident management system structure and who is in control of what aspects of an incident. Describe what emergency response activities are carried out by the company versus activities carried out by first responders and others involved during an incident.