



File OF-Fac-Oil-T217-2021-01 02  
17 November 2021

Jennifer Fisher  
Trans-Northern Pipelines Inc.  
5305 McCall Way NE  
Calgary, AB T2E 7N7  
Email [jfisher@tnpi.ca](mailto:jfisher@tnpi.ca)

Dear Jennifer Fisher:

**Trans-Northern Pipelines Inc. (TNPI) - Application for the Dorval Tunnel Relocation Project (Project) under sections 211 and 214 of the *Canadian Energy Regulator Act (CER Act)* and section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations (OPR)***

The Commission of the Canada Energy Regulator (**Commission**) has considered TNPI's application, dated 6 July 2021, as well as its subsequent filings dated 19 August 2021 and 28 September 2021. TNPI requested the following relief: under section 211 of the CER Act, a deviation, change or alteration of facilities, and under section 214 of the CER Act exemption from sections 179, 180(1), 182, 198, 199 and 213. Additionally, TNPI has provided information for compliance with section 45.1 of the OPR related to decommissioning.

As indicated in the Order, the Commission grants TNPI an exemption from the provisions of paragraph 180(1)(a), and sections 179, 182, 198 and 199 of the CER Act for the Project. Additionally, TNPI's request for an exemption from the requirements to obtain Leave to Open (LTO), required under paragraph 180(1)(b) and subsection 213(1) of the CER Act, is granted as discussed below.

The Project proposes to relocate and replace a section of 273.1 mm (10.75 inch) OD pipeline that is in proximity and that crosses the Autoroute Félix-Leclerc (TransCanada Highway) in a tunnel located in the City of Dorval, Quebec. The new pipeline section across Autoroute Félix-Leclerc will be installed using a horizontal directional drilling method. The remaining portion of the pipeline will be installed using conventional open cut construction methods. The existing section of 273.1 mm (10.75 inch) OD pipeline will be decommissioned with portions left in place and portions removed.

The Commission has taken into account considerations that appear to it to be relevant and directly related to the Project, including matters under section 56 of the CER Act. Based on the evidence filed by TNPI in its application, the Commission is satisfied with TNPI's engagement activities with Indigenous peoples, landowners, and other public stakeholders. The Commission finds that the protection of the environment and public safety have been appropriately addressed by TNPI in the Project application and materials.

In addition, the Commission evaluated the financial viability, economic justification, and proposed design and operations of the Project. The Commission finds that it is in the public interest to grant the requested relief.

.../2

The Commission, therefore, issues Order XO-002-2021 (**Exemption Order**) and Order MO-003-2021 (**Decommissioning Order**), approving the Project.

- The Exemption Order, issued pursuant to section 214 of the CER Act, together with its Schedule A, outlines the specifics of the relocation (i.e., new construction) portion of the Project.
- The Decommissioning Order, issued pursuant to section 45.1 of the OPR, and its Schedule A, together outline the specifics of the decommissioning aspects of the Project as approved.

Both Orders and Schedules A are attached to this letter.

### **Engineering matters**

The Commission notes that TNPI requested an exemption from the requirements of sections 180(1)(b) and 213(1) of the CER Act to obtain LTO for the construction and operation of the new portion of the pipeline. The Commission has considered the request and is granting the applied-for exemption as well as imposing Condition 9 on the Exemption Order. Condition 9 requires that TNPI file, for Commission approval, within 30 days after the approved Project is placed in service final pressure testing documentation that conforms to Guide T of the CER Filing Manual. The Commission is of the view that the exemption to obtain LTO and Condition 9 together will minimize supply disruptions to Dorval Airport while ensuring the Commission has all the information required to ensure the safe operation of this pipeline.

The Commission also reminds TNPI that it must follow the pressure restrictions set out in any Safety Orders issued by the National Energy Board or CER, although the full licensed Maximum Operating Pressure is listed on Schedule A of the attached Exemption Order.

Pursuant to Conditions 1 and 8 of the Exemption Order, TNPI must file any technical specification updates for the Dorval Lateral listed in the Application at least 10 days prior to placing the facilities in service. Technical specification updates are limited to differences in pipe length, diameter, wall thickness, grade or material that do not impact any other information provided in the Application. Any other changes will require advance approval from the Commission. Once filed by TNPI, the Commission will review all final technical specification updates and issue an Amending Order as appropriate.

### **Consultation and engagement**

Prior to its application, TNPI sent Project-specific Information Packages to all potentially affected persons and communities on 4 and 5 May 2021, which included notifying eight Indigenous<sup>1</sup> communities who have known and/or asserted traditional territory in the Project area about the Project. The CER also directly notified the same eight Indigenous communities of TNPI's application on 28 July 2021.

---

<sup>1</sup> The use of the term "Indigenous" has the meaning assigned by the definition of "aboriginal peoples of Canada" in subsection 35(2) of the *Constitution Act, 1982* which states:

In this Act, "aboriginal Peoples of Canada" includes the Indian, Inuit, and Métis Peoples of Canada.

No concerns regarding the proposed Project were received by the CER from any of the notified persons or communities.

### **Environmental matters**

TNPI indicated in its Application that a contaminated site is located on an adjacent property approximately 10 m north of the Project footprint on the south side of the highway crossing near the tie-in location. Rehabilitation of the contaminated site has been initiated for polycyclic aromatic hydrocarbons in soils and water and the site remains open in the *Québec Registre des terrains contaminés*. TNPI stated that its pipeline contractor will be excavating next to but not inside this adjacent property and will observe for possible signs of soil contamination. If discovered, any contamination encountered will be managed according to Québec's *Guide d'intervention - Protection des sols et réhabilitation des terrains contaminés*. TNPI committed to conducting a Phase I Environmental Site Assessment (**ESA**).

To ensure any existing or potential contamination is identified prior to construction of the Project, and a plan is filed with the CER outlining how potential contamination sources will be investigated and addressed, the Commission imposes Conditions 4 and 5 on both the Exemption and Decommissioning Orders. Condition 4 requires TNPI to file Phase I ESAs for the construction and decommissioning footprints of the Project. Condition 5 requires TNPI to file Phase II ESA Plans if Phase II ESAs are found to be required as a result of the Phase I ESA findings.

As well, the Commission imposes Condition 6 on each of the Exemption and Decommissioning Orders, which requires TNPI to file Environmental Protection Plans (**EPP**) which includes the environmental protection procedures and mitigation measures to be applied during the Project's construction and decommissioning activities, respectively, to avoid or minimize potential environmental and socio-economic effects. The EPPs must include all mitigation measures committed to in TNPI's application and subsequent filings.

For the Phase I ESA, Phase II ESA Plan and EPP conditions, TNPI may combine the condition filings for the relocation and decommissioning components of the Project as relevant, but any combined filings must be filed with the CER as per the condition timing specified in the Exemption Order.

The Commission reminds TNPI to apply pursuant to section 241 of the CER Act to seek leave to abandon the decommissioned pipeline.

The Commission directs TNPI to serve a copy of this letter, the attached Orders and their Schedule A on all interested parties.

Yours sincerely,

*Signed by*

Jean-Denis Charlebois  
Secretary of the Commission

Attachments

cc: [regulatory@tnpi.ca](mailto:regulatory@tnpi.ca)



## ORDER XO-002-2021

**IN THE MATTER OF** the *Canadian Energy Regulator Act* (CER Act) and the regulations made thereunder; and

**IN THE MATTER OF** an application made by Trans-Northern Pipelines Inc. (TNPI), pursuant to sections 211 and 214 of the CER Act, dated 6 July 2021, filed with the Canada Energy Regulator (CER) under File OF-Fac-Oil-T217-2021-01 02.

**BEFORE** the Commission of the CER (Commission) on 17 November 2021.

**WHEREAS** TNPI filed an application pursuant to section 214 of the CER Act, dated 6 July 2021 to construct and operate the Dorval Tunnel Relocation Project (Project);

**AND WHEREAS** the Canada Energy Regulator (CER) reference for this pipeline is the Dorval Lateral;

**AND WHEREAS** the information about the Project is set out in Schedule A, attached to and forming part of this Order;

**AND WHEREAS** TNPI filed subsequent submissions dated 19 August 2021 and 28 September 2021;

**AND WHEREAS** the Commission has had regard to all considerations that are relevant and directly related to the Project, including matters under section 56 of the CER Act, and environmental matters pursuant to Part 3 of that Act;

**AND WHEREAS** the Commission has examined the application and subsequent filings and considers it to be in the public interest to grant the following relief;

:

**IT IS ORDERED** that, pursuant to section 214 of the CER Act:

- the applied-for Project, as specified in Schedule A, is exempt from the provisions of subsection 180(1), and sections 179, 182, 198 and 199 of the CER Act;
- the Project is exempt from the provisions of paragraph 180(1)(b) and subsection 213(1) of the CER Act;
- the effect of which is to approve the Project subject to the following conditions:
  1. TNPI must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
  2. TNPI must cause the approved Project to be designed, located, constructed, installed, and operated in accordance with the specifications, standards, commitments made and other information referred to in its application or in its related submissions.

.../2

3. TNPI must implement or cause to be implemented, all of the policies, practices, programs, mitigation measures, recommendations, procedures and its commitments for the protection of the environment included in or referred to in its application or in its related submissions.
4. TNPI must file with the CER, at least 45 days prior to commencing construction activities:
  - a) a Phase I Environmental Site Assessment (Phase I ESA) (as per the guidance provided in the most recent version of Canadian Standards Association Z768-01 [Phase I Environmental Site Assessment]) for the Project's construction footprint to identify all areas of existing and/or potential contamination. The Phase I ESA must include an evaluation of the status of any existing contamination currently documented or contamination previously remediated. The Phase I ESA must also include a list of any previously reported contaminated sites within the Project footprint, including CER-assigned Remediation Event Number(s); and
  - b) confirmation that the Phase I ESA did not identify existing and/or potential contamination, with the exception of known contamination which is currently documented with the CER; or
  - c) if the results of the Phase I ESA indicate that a Phase II ESA is warranted, confirmation that a Phase II ESA plan will be filed with the CER, as per the requirements of Condition 5 of this Order.
5. TNPI must file with the CER, at least 30 days prior to commencing construction, for Commission approval, a Phase II Environmental Site Assessment (Phase II ESA) Plan or provide confirmation that a Phase II ESA is not required based on the results of the Phase I ESA. The Phase II ESA Plan must include, but not be limited to, the following:
  - a) a detailed description of procedures to be implemented for investigating all existing and/or potential contamination identified in the Phase I ESA, including sampling methodology;
  - b) confirmation that the plan is consistent with guidance provided in the most recent version of Canadian Standards Association Standard Z769-00 (Phase II Environmental Site Assessment); and
  - c) a commitment that, if contamination is confirmed as part of the Phase II ESA investigations, TNPI will file Notice(s) of Contamination with the CER and address the identified contamination, as per the CER's *Remediation Process Guide*.
6. TNPI must file with the CER, at least 30 days prior to commencing construction, a Project-specific Environmental Protection Plan (EPP), which TNPI must implement during construction activities. The EPP must describe all environmental protection procedures, mitigation measures and commitments that will be implemented to avoid or minimize potential adverse environmental and socio-economic effects during the construction and decommissioning activities. The EPP must include, but not be limited to, the following:
  - a) if contamination is identified as part of the Phase I ESA, identification of the locations where that occurs and the procedures that will be implemented for handling and disposal of contaminated materials;

- b) procedures for spill prevention and responding to a spill, including notification to the CER as per the CER's *Remediation Process Guide*; and
  - c) a contingency plan to be implemented in the event that previously unidentified contamination is encountered, including a commitment that a Notice(s) of Contamination will be filed by TNPI as per the CER's *Remediation Process Guide*.
7. TNPI must, at least 14 days prior to the commencement of construction of the approved facilities, file with the CER a detailed construction schedule or schedules identifying major construction activities and must notify the CER of any modifications to the schedule or schedules as they occur.
  8. At least 10 days prior to placing the facilities in service, TNPI must file with the CER any technical specification updates for the Project components listed in the Application. 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.
  9. TNPI must file with the CER within 30 days of the date that the approved Project is placed in service, for Commission approval, final pressure testing documentation that conforms to Guide T of the CER Filing Manual.
  10. Within 30 days of the date that the approved Project is placed in service, TNPI must file with the CER 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, TNPI must file with the CER details as to why compliance cannot be confirmed. The filing required by this condition shall include a statement confirming that the signatory to the filing is the accountable officer of TNPI, appointed as Accountable Officer pursuant to section 6.2 of the *Canadian Energy Regulator Onshore Pipeline Regulations*.
  11. This Order shall expire on 18 November 2024 unless construction of the Project has commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

*Signed by*

Jean-Denis Charlebois  
Secretary of the Commission

**XO-002-2021**

**SCHEDULE A**  
**Order XO-002-2021**

**Trans-Northern Pipelines Inc.**  
**Application dated 6 July 2021**  
**assessed pursuant to section 214 of the *Canadian Energy Regulator Act***

**Dorval Tunnel Relocation Project**  
**File OF-Fac-Oil-T217-2021-01 02**

---

Pipeline Specifications – Dorval Tunnel Relocation

<b>Project Type</b>	New construction
<b>Location (endpoints)</b>	From GPS coordinates: 45.490024, -73.768385 to GPS coordinates: 45.487755, -73.769906 in Dorval, Quebec
<b>Approximate Length</b>	344 m
<b>Outside Diameter</b>	273.1 mm (NPS 10)
<b>Wall Thickness</b>	9.3 mm
<b>Pipe Material</b>	Steel
<b>Pipe Material Standard</b>	CSA Z245.1
<b>Pipe Grade</b>	Grade 359 MPa
<b>External Coating Type</b>	Fusion-bond epoxy
<b>Maximum Operating Pressure</b>	9,653 kPa
<b>Product</b>	Low Vapour Pressure (LVP) with Low Flammability Refined Petroleum Products (Gasoline, Aviation Fuel, Diesel Fuel)



## ORDER MO-033-2021

**IN THE MATTER OF** the *Canadian Energy Regulator Act* (CER Act) and the regulations made thereunder; and

**IN THE MATTER OF** an application made by Trans-Northern Pipelines Inc. (TNPI), pursuant to section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations* (OPR), dated 6 July 2021, filed with the Canada Energy Regulator (CER) under File OF-Fac-Oil-T217-2021-01 02.

**BEFORE** the Commission of the CER (Commission) on 17 November 2021.

**WHEREAS** TNPI filed an application pursuant to section 45.1 of the OPR, dated 6 July 2021 for the Dorval Tunnel Relocation Project;

**AND WHEREAS** the Canada Energy Regulator (CER) reference for this pipeline is the Dorval Lateral;

**AND WHEREAS** the information about the Project is set out in Schedule A, attached to and forming part of this Order;

**AND WHEREAS** TNPI filed subsequent submissions, dated 19 August 2021 and 28 September 2021;

**AND WHEREAS** the Commission has had regard to all considerations that are directly related to the Project and relevant, including environmental matters;

**AND WHEREAS** the Commission has examined the application and subsequent filings and considers it to be in the public interest to grant the relief requested by TNPI;

**IT IS ORDERED** that, pursuant to section 45.1 of the OPR, the applied-for Project, as specified in Schedule A, is approved subject to the following conditions:

1. TNPI must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
2. TNPI must decommission and maintain the Dorval Lateral in its decommissioned state in accordance with the specifications, standards, commitments made and other information referred to in its application or in its related submissions.
3. TNPI must implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations, procedures and its commitments for the protection of the environment included in or referred to in its application or in its related submissions.

.../2



4. TNPI must file with the CER, at least 45 days prior to commencing decommissioning activities:
  - a) a Phase I Environmental Site Assessment (Phase I ESA) (as per the guidance provided in the most recent version of Canadian Standards Association Z768-01 [Phase I Environmental Site Assessment]) for the Project's decommissioning footprint to identify all areas of existing and/or potential contamination. The Phase I ESA must include an evaluation of the status of any existing contamination currently documented or contamination previously remediated. The Phase I ESA must also include a list of any previously reported contaminated sites within the Project footprint, including CER-assigned Remediation Event Number(s); and
  - b) confirmation that the Phase I ESA did not identify existing and/or potential contamination, with the exception of known contamination which is currently documented with the CER; or
  - c) if the results of the Phase I ESA indicate that a Phase II ESA is warranted, confirmation that a Phase II ESA plan will be filed with the CER, as per the requirements of Condition 5 of this Order.
  
5. TNPI must file with the CER, at least 30 days prior to commencing decommissioning activities, for Commission approval, a Phase II Environmental Site Assessment (Phase II ESA) Plan or provide confirmation that a Phase II ESA is not required based on the results of the Phase I ESA. The Phase II ESA Plan must include, but not be limited to, the following:
  - a) a detailed description of procedures to be implemented for investigating all existing and/or potential contamination identified in the Phase I ESA, including sampling methodology;
  - b) confirmation that the plan is consistent with guidance provided in the most recent version of Canadian Standards Association Standard Z769-00 (Phase II Environmental Site Assessment); and
  - c) a commitment that, if contamination is confirmed as part of the Phase II ESA investigations, TNPI will file Notice(s) of Contamination with the CER and address the identified contamination, as per the CER's *Remediation Process Guide*.
  
6. TNPI must file with the CER, at least 30 days prior to commencing decommissioning activities, a Project-specific Environmental Protection Plan (EPP), which TNPI must implement during decommissioning activities. The EPP must describe all environmental protection procedures, mitigation measures and commitments that will be implemented to avoid or minimize potential adverse environmental and socio-economic effects during the construction and decommissioning activities. The EPP must include, but not be limited to, the following:
  - a) mitigation measures that will be implemented to protect fish and fish habitat in Bertrand Creek during decommissioning activities;
  - b) if contamination is identified as part of the Phase I ESA, identification of the locations where that occurs and the procedures that will be implemented for handling and disposal of contaminated materials;
  - c) procedures for spill prevention and responding to a spill, including notification to the CER as per the CER's *Remediation Process Guide*; and

- d) a contingency plan to be implemented in the event that previously unidentified contamination is encountered, including a commitment that a Notice(s) of Contamination will be filed by TNPI as per the CER's *Remediation Process Guide*.
- 7. Within 30 days of the date that the decommissioning is completed, TNPI must file with the CER a confirmation that the Project was completed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, TNPI must file with the CER 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 TNPI, appointed as Accountable Officer pursuant to s. 6.2 of the OPR.
- 8. This Order shall expire on 18 November 2024 unless construction of the Project has commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

*Signed by*

Jean-Denis Charlebois  
Secretary of the Commission

**SCHEDULE A**  
**Order MO-033-2021**

**Trans-Northern Pipelines Inc.**  
**Application dated 6 July 2021**  
assessed pursuant to section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations*

**Dorval Tunnel Relocation Project**  
**File OF-Fac-Oil-T217-2021-01 02**

---

Pipeline Specifications – Dorval Tunnel Decommissioning

<b>Project Type</b>	Decommissioning
<b>Location (endpoints)</b>	From GPS coordinates: 45.490024, -73.768385 to GPS coordinates: 45.489924, -73.769052 (in-place) in Dorval, Quebec From GPS coordinates: 45.489924, -73.769052 to GPS coordinates: 45.488942, -73.768984 (removed) in Dorval, Quebec From GPS coordinates: 45.488942, -73.768984 to GPS coordinates: 45.487755, -73.769906 (in-place) in Dorval, Quebec
<b>Approximate Length</b>	375 m (in-place) 110 m (removed)
<b>Outside Diameter</b>	273.1 mm (NPS 10)
<b>Wall Thickness</b>	6.35 mm
<b>Pipe Material</b>	Steel
<b>Product</b>	Concrete