



Stantec Consulting Ltd.
200-325 25 Street SE, Calgary AB T2A 7H8

April 14, 2021

Canada Energy Regulator
Suite 210, 517 Tenth Avenue SW
Calgary, Alberta
T2R 0A8

Reference: Response to “Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)”

Headquartered in Edmonton, Alberta, Stantec is a global multi-disciplinary consultancy of approximately 22,000 employees providing professional services ranging from engineering and architecture to environmental services. We have more than four decades of experience preparing applications and environmental and socio-economic assessments for National Energy Board (NEB) and Canada Energy Regulator (CER) regulated projects. These include applications under section 183 (new pipelines of 40 km or more), section 214 (new infrastructure that does not fall under section 183), section 241 (abandonment of existing infrastructure) of the Canadian Energy Regulator Act (CERA) and section 45.1 (decommissioning of existing infrastructure) and section 50 (abandonment of existing infrastructure) of the Onshore Pipeline Regulations (OPR).

Please accept the following as Stantec’s comments in response to the CER’s call for public comment per its letter of March 1, 2021 *Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)*. Comments are organized by certain themes reflective of the information and organizational structure of that letter and accompanying draft updated text to Guides B and K.

Modification to this guidance for decommissioning and abandonment filings is of considerable relevance and interest to us. Our feedback will largely focus on the Engineering and Environmental and Socio-Economic and Engagement subsections of the draft guidance.

GENERAL COMMENTS

STRUCTURE OF GUIDANCE

The CER Filing Manual (2020) is an invaluable guidance tool for assessment practitioners and proponents preparing an application. The Manual is fact-based and example-driven and is laid out such that an assessment practitioner or proponent may readily concord CER requirements to application/assessment material. Stantec notes that the proposed edits to Guides B and K largely follow the layout and nature of material presented in Guide A of Manual. Stantec wishes to express its support for the continued presentation of application guidance material in this manner.

APPLICATION FORMAT

It is acknowledged that the Filing Manual only provides guidance regarding content required in an application to the CER; it does not provide guidance as to the format and manner of filing. However, the following is provided for consideration if the manner of application filing is to be updated.

For new facilities applications and select modifications, application through the Online Application System (OAS) allows proponents to provide a standard level of information through the self-assessment process, and based on responses, allows the proponent to file additional supporting material where relevant. It is

Reference: Response to “Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)”

noted that at one time, decommissioning applications under section 45.1 of the OPR were included in the OAS system, but are no longer¹, while abandonment applications were never allowed within the OAS system.

Including decommissioning and abandonment applications within the OAS system perhaps merits some consideration by the CER. This may be particularly helpful to proponents who are submitting applications for both new facilities and decommissioning/abandonment of related facilities, and to those proponents who are submitting decommissioning or abandonment applications that are small and/or simple in nature. This also may benefit the CER, who can specify required information, which will then be consistently provided. A somewhat tailored set of self-assessment questions (i.e., tailored to decommissioning and abandonment) may assist in achieving this aim.

APPLICABILITY TO ALL PROJECTS

As noted in section 2 (Definitions) of the CERA, pipelines are defined as “a line - including all branches, extensions, tanks, reservoirs, storage or loading facilities, pumps, racks, compressors, interstation communication systems, real or personal property, or immovable or movable, and any connected works ...”

As a result, Guides B and K should apply to pipelines and all the related facilities associated with a pipeline, as defined above. Currently, the primary focus of proposed updated guidance is for linear pipelines, although it is acknowledged that ‘other facilities’ are mentioned at times. While pipelines might represent the majority of decommissioning and abandonment applications, it is important to acknowledge that applications for abandonment/decommissioning of other types of facilities (e.g., meter station, compressor stations, pump stations, portions thereof) do and will also occur.

In particular, the Engineering sections of the proposed Guides B and K are entirely focused on requirements for linear pipelines. The revised guides should adequately address requirements applicable both to linear (typically buried) pipelines and associated facility sites (typically above ground).

As another example, Point 1 under General Requirements of both Guides B and K states, “A complete description of the pipeline(s) and facility(ies) being abandoned [decommissioned]. For pipelines, this must include, but not be limited to, the history of products carried, length, diameter, wall thickness and coating type. Companies should consider any other information that is relevant to the pipeline and its operation that would assist the Commission in assessing the abandonment [decommissioning] application.” Perhaps it would be helpful to include a sentence preceding the last in this paragraph that addresses, or provides examples of, relevant facility information (e.g., facility type, location, if any portions of the facility will be kept in service).

It is also suggested that a CER definition of “abandonment” and “decommissioning” is provided prominently in Guides B and K, as misunderstanding the difference between these terms is common. A definition of “deactivation” and a reference to Guide G may also be considered.

SCALABILITY

The proposed text for Guides B and K introduces new information requirements, or substantially expands on existing information requirements. This additional guidance appears to increase the evidentiary standard required for decommissioning and abandonment applications.

¹ As of April 11, 2021, the blank OAS form available on the [CER website](#) does not have the option to file an application under section 45.1 of the OPR.

Reference: Response to “Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)”

The proposed guidance does not clarify whether all new considerations are applicable across the spectrum of project types, sizes and settings. While the box titled *Guidance – Environmental and Socio-Economic Assessment* does make reference to scalability (“As noted in the section A.2.4 of the Filing Manual Level of Detail, the depth of analysis should be commensurate with the nature of the project and the potential for effects”); however, other sections do not provide similar guidance regarding scalability. Some projects likely do not merit extensive information collection and analysis to inform the CER as to the acceptability of a project.

It might be beneficial to specify whether every decommissioning and abandonment project will be subject by default to all the information requirements within updated guidance, or if discretion may be applied by the CER, the proponent, or both as to what information is relevant and necessary for the application at hand.

SPECIFIC COMMENTS & QUESTIONS

Comments and questions on specific subject areas is provided below.

ENGINEERING

Point 2 of Guide B

The sixth bullet point under Engineering Point #2 within Guide B, requires submission of a plan to monitor for effects of future pipeline subsidence, pipe exposure water conduits, corrosion and pipeline collapse of sections of pipeline abandoned-in-place. How should a proponent determine what needs to be monitored and what is the timeframe that the plan should consider?

Point 2 of Guide B and Point 1 of Guide K

The last bullet point under Engineering Point #2 within Guide B (corresponds to the last bullet point under Point 1 of Guide K) indicates the requirement to submit a plan for maintaining adequate depth of cover [and adequate spacing (Guide K only)] for existing and future land use. How should future land use be determined and what is the timeframe that the plan should consider?

Guidance – Engineering (Guide B)

The guidance box within Guide B indicates “Companies may be required to submit a plan that identifies, evaluates, and manages all hazards and risks associated with the abandonment activity and for areas where the pipeline is abandoned in place...”. When would a company be expected to submit such a plan?

ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT

Point 1 (Guides B and K)

Point 1 states “For projects that are situated in a forested or native prairie setting, additional detailed baseline vegetation information may be required.” Why does the guidance focus on forest and native prairie settings, and not all natural vegetation settings (e.g., wetlands, riparian areas, shrubland)?

Reference: Response to “Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)”

Point 3 of Guide K and Point 5 of Guide B

Point 3 of Guide K and Point 5 of Guide B state “Provide an environmental and socio-economic assessment when circumstances outlined in Table A-1 of the Filing Manual indicate that additional detailed biophysical and socio-economic information is required.” It is noted that Table A-1 of the Filing Manual does not provide guidance as to whether an environmental and socio-economic assessment (ESA) is required or not. As a result, as currently written, these points of guidance seem to require the filing of an ESA with all decommissioning and abandonment applications. This seems inconsistent with the evidentiary standard required of new project applications (i.e., although required in case of audit, an ESA does not need to be filed with the CER for new facility applications made under section 214 of the CERA). Will further guidance for this specific requirement be forthcoming?

Point 6 of Guide K Point 8 of Guide B

Point 6 of Guide K Point 8 of Guide B state “Provide an Environmental Protection Plan (EPP), or a description of the environmental protection procedures and measures that will be implemented during the decommissioning [physical abandonment], remediation, and reclamation activities to avoid or minimize potential adverse environmental and socio-economic effects.” Is it the CER’s intention that an EPP (or similar) will be provided with all decommissioning and abandonment applications? This seems inconsistent with the evidentiary standard required of new project applications (i.e., although required in case of audit, an EPP does not need to be filed with the CER for new facility applications made under section 214 of the CERA). Will further guidance for this specific requirement be forthcoming?

Guidance – Environmental and Socio-Economic Assessment in Guide B

Guidance provided with respect to critical habitat considerations and consultation requirements refer only to Environment and Climate Change Canada (ECCC). As critical habitat established under the *Species at Risk Act* may be managed by different regulatory authorities, it is suggested that this section be broadened to reference those other authorities (e.g., Fisheries and Oceans Canada and Parks Canada Agency) or more generally reference the applicable responsible federal authority.

Table 1 of Guide B

Table 1 of Guide B may merit additional consideration by the CER. As it currently stands, the table results in duplication of content across rows, and/or high-level content that provides little clarifying value. Further, this table may be overly complex for small projects, facilities projects and those that are in urban/disturbed environments.

Lastly, this table begs the question: what is the value of having a proponent present an assessment of effects for activities not proposed (e.g., if abandonment-in-place isn’t proposed)? It is understood that this comparison may provide value where the method of abandonment is being questioned (e.g., by intervenors, the CER); however, at the application phase, particularly for simple/small projects, will the table provide value to the CER?

ENVIRONMENTAL AND SOCIO-ECONOMICS INTERACTIONS TABLE

It is noted that the interactions table for Guides B and K is missing the typical third column of the standard interactions table² that is called “*Description of Interaction(s)*”. The column allows proponents to describe

² As available on the [CER website](#) on April 11, 2021.

Reference: Response to “Public Comment Period on CER Filing Manual revised Guides B (Abandonment) and K (Decommissioning)”

the relevant environmental and socio-economic setting and how the proposed project (e.g., project activities, location, workforce) may interact. Re-introduction of this column will align decommissioning and abandonment application information requirements more closely with those already expected of new facility applications and will allow the CER to better understand the nature of anticipated interactions.

It is noted that air emissions and GHG emissions continue to occupy one row in the interactions table. Given the greater emphasis on the calculation of GHG emissions associated with projects (as originally introduced in the Interim Filing Guidance (September 2019) and the CER Filing Manual (2020)), it may benefit the clarity and completeness of applications³ to separate Air Emissions (i.e., air quality, criteria air contaminants) from GHG Emissions into different rows.

Lastly, it is noted that the term ‘Aboriginal Traditional Land Use’ is used in the proposed interactions table³. This is inconsistent with the use of the term ‘Indigenous’ throughout the remainder of the proposed updates

CLOSURE

Stantec appreciates the opportunity to provide the CER with this feedback on the proposed Filing Manual updates. As indicated above, the current Manual has been an invaluable guidance tool for assessment practitioners and proponents preparing applications under sections 183, 214 and 241 of the CERA, and sections 45.1 and 50 of the OPR. With some additional clarity and guidance on the interpretation and application of the new factors to be considered in decommissioning and abandonment applications, we are confident the updated Guides B and K will be of equal value. If you would like to discuss any of our comments or recommendations, please contact any one of the undersigned.

Regards,

Stantec Consulting Ltd.

Lindsay Mitchell, B.Sc., M.E.Des.
Principal
Lindsay.Mitchell@stantec.com
Calgary, Alberta

James Power, Ph.D., EP
Senior Principal, Environmental Services
James.Power@stantec.com
Calgary, Alberta

Sabrina Bleay, CET
Manager, Regulatory Oil & Gas
Sabrina.Bleay@stantec.com
Calgary, Alberta

Gail Feltham, B.Sc.
Senior Environmental Planner
Gail.Feltham@stantec.com
Calgary, Alberta

³ This suggestion applies to the interactions table currently used in OAS applications, as well as the proposed interactions tables associated with Guides B and K.