



IN THE MATTER OF THE **NATIONAL ENERGY BOARD ACT**,
AN ORDER UNDER SECTION 51.1

On 15 April 2013, the undersigned National Energy Board inspection officer hereby
Date/time
notifies The City of Boucherville that the hazardous or detrimental situation
Company Representative and company name
described on Order No. MJS-003-2012 has been remedied to the satisfaction of the Inspection Officer.
Inspection Officer order

Therefore,

work may resume, or

the measures specified in the order have been satisfied.

Summary

On October 26, 2012, The City of Boucherville (The City) received an Inspection Officer Order from the National Energy Board (the Board). To satisfy the conditions of the Order, the City was ordered to develop and implement a contractor oversight procedure to ensure that excavation or construction work near a federally-regulated pipeline is performed in accordance with the *National Energy Board Pipelines Crossing Regulations, Part I* (the Regulations). The safety procedure had to provide for the following, at a minimum:

1. The City shall provide a copy of *Excavation and Construction Near Pipelines* to all contractors when a contract is signed for excavation within 30 metres of a federally-regulated pipeline or for construction of facilities above, below or along federally-regulated pipelines (hereafter "work") to ensure that they are aware of the applicable regulations.
2. The City shall require any contractor it plans to hire to perform work to have appropriate safety procedures in place to ensure compliance with the Regulations.
3. The City shall enter into an agreement with each contractor who will be performing work, stipulating that the contractor must obtain written permission from the pipeline company where the Regulations so require, and that the contractor is required to comply with all conditions set out in the written permission.

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4. In the event of modifications to work for which the necessary permission from the pipeline company has been obtained, the City shall ensure that such modifications are communicated to the pipeline company in order to ensure that the company's permission is still valid under the circumstances and that the work can proceed safely.
5. The City shall have its own inspector present on all worksites to ensure that all of the necessary written permissions have been obtained from the pipeline company prior to the start of excavation or construction and that the contractor is complying with the conditions and instructions set out in the written permissions.
6. The City's inspector must be qualified, and must have and be aware that he/she has the training, duty and authority to stop contractor work if the contractor has not obtained the necessary written permissions from the pipeline company or is not in compliance with the conditions set out in the permissions.
7. The City shall identify the manner in which it will ensure contractor oversight and shall ensure that one of its inspectors is present on all worksites.
8. Where a contractor hired by the City contravenes the Regulations or the conditions of the pipeline company's permissions, the City shall follow up to identify and remedy any deficiencies in its procedure and in its oversight of its contractors when they are working for the City. The City shall also take the appropriate enforcement action as required.
9. The City shall follow up to verify the successful implementation of its procedure to avoid any future unauthorized activities.

On 1 February, 2013, in response to Inspection Officer Order MJS-003-2012, the City reported on its safety practices in a document it filed titled *Politique de la Ville de Boucherville; Travaux de construction ou d'excavation à proximité de pipeline*. The procedures are designed to promote safe practices that do not entail hazards when undertaking excavation or construction near federally-regulated pipelines, in accordance with the Regulations.

The Inspection Officer has determined that the City has an appropriate contractor oversight procedure in place and that if the procedure is implemented as described in the City's response and in the documentation submitted in support of the response, the City will in future avoid non-compliance with the *National Energy Board Act* and the Regulations.

The Inspection Officer considers that the conditions of the Order have been satisfied. Accordingly, **Inspection Officer Order MJS-003-2012** is hereby lifted.

Signed by: _____
Inspection Officer

Inspection Officer: _____
Print name

Inspection Officer ID **1906**
No. _____

Original – Report

1 copy – Company

1 copy – Inspection Officer

Canada

