



INSPECTION OFFICER ORDER NO. DRP - 002 - 2021

This Inspection Officer Order was verbally issued to Trans Mountain ULC 17:25MST 6 August 2021.

IN THE MATTER OF THE CANADIAN ENERGY REGULATOR ACT, AN ORDER UNDER
SECTION 109

NAME OF PERSON(S)/COMPANY TO WHOM THIS ORDER IS DIRECTED

Trans Mountain Pipeline ULC

is a person/Company conducting work associated with a: regulated facility; abandoned facility; or ground disturbance on or near a facility located at Laidlaw B.C.

On or about **05 /08 /2021** at 11:00 a.m. the undersigned Canada Energy Regulator inspection officer conducted a compliance verification activity of/at MT 1, Mountain Road Highway 1 Re-alignment, Trans Mountain Expansion Project, kilometer post 1060.026 to 1061.246.

RELEVANT FACTS

1. On 5 August 2021 CER Inspection Officer No. [REDACTED] (IO) learned through interviews and document review that construction activities related to the Trans Mountain Expansion Project (TMEP) were occurring outside of and in contradiction to project Certificate OC-065 on worksites referred to as Mountain Crossing 1 (MC1) and Mountain Crossing 2 (MC2).
 - a. Trenching and backfilling activities had been performed on MC1 and MC2 by two contractors not operating under the construction safety manual filed with the CER, specifically:
 - i. Health and Safety Management Plan July 2020 CER File: OF-Fac-Oil-T260-2013-03 61 (HSMP)
 - ii. Spread 5B, Macro Project Specific Safety Plan (Rev. 3) – Doc. #01-13283-S5B-HS-PLN-0002 (PSSP).
 - b. Trans Mountain was unable to demonstrate that construction activities authorized by Certificate OC-065 (construction activities) have been inspected to ensure that they meet the requirements of OC-065 Condition 64(a) and 64(b).
 - i. TMEP Spread 5b Field Safety Inspectors stated they do not conduct oversight of MC1 and MC2 work sites.
 - c. IO interviewed a TMEP contractor superintendent and was told that a near miss involving heavy equipment and ground workers had occurred on the contractor work site approximately 3 weeks prior.
 - i. TMEP was unable to provide evidence the incident had been documented and managed in accordance with the HSMP and PSSP.
 - ii. When asked, the TMEP Spread 5b Project Manager (PM) and Health and Safety Lead (HSE) stated they had no knowledge of the near miss. PM and HSE also stated they had no knowledge of any incidents or near-miss reports that occur on the MC1 and MC2 work sites.

GENERAL DUTY – REASONABLE CARE

Pursuant to section 94 of the CER Act, the holder of a certificate or permit must take all reasonable care to ensure the safety and security of persons, the safety and security of regulated facilities and abandoned facilities and the protection of property and the environment.

Based on the facts references herein, the inspection officer has reasonable grounds to believe that there is or is likely to be a contravention of Parts 2 to 5 or section 335 of the Canadian Energy Regulator Act (CER Act), or for a purpose referred to in subsection 102(2) CER Act, the inspection officer may, by order, direct a person to

- a. stop doing something that is in contravention of Parts 2 to 5 or section 335 or cause it to be stopped;*
- b. take any measure that is necessary in order to comply with Parts 2 to 5 or section 335 or mitigate the effects of non-compliance;*
- c. stop doing something that may cause a hazard to the safety or security of persons, or damage to property or the environment or cause it to be stopped; or*
- d. take any measure that is necessary to prevent or mitigate the hazard to the safety or security of persons or damage to property or the environment.*

MEASURES TO BE TAKEN

Trans Mountain Pipeline ULC is ORDERED pursuant to subsections 109(1) and 109(2) of the CER Act to:

- Take measures specified as per (b) and (d) above
- Stop doing something as per (a) and (c) above
- Suspend work associated with a facility, including a regulated facility, abandoned facility or ground disturbance until the hazardous or detrimental situation has been remedied to the satisfaction of an inspection officer or the order is stayed or rescinded

Specified Measures¹

1. Cease construction activities on MC1 and MC2 work sites that is not being performed in accordance with the HSMP and PSSP until it is demonstrated to the satisfaction of the IO that construction activities will be performed in accordance with the HSMP and PSSP.
2. Provide a written description of the actions Trans Mountain Pipeline ULC has taken and will take to ensure construction activities on MC1 and MC2 work sites are conducted in accordance with the HSMP and PSSP.
3. Identify and provide to the IO a summary of other instances across the project where work authorized by certificate OC-065 is being performed under a construction safety manual that has not been filed with the CER under OC-065 condition 64(b).
 - a. Provide the IO with a corrective action plan signed by the Accountable Officer for any such instances on or before 13 August 2021.


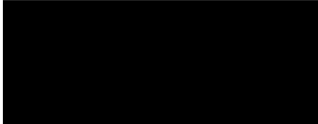

¹ All documentation provided to meet the terms of the order must be filed with the Secretary's office with a copy to the undersigned inspection officer, unless otherwise specified by the inspection officer.

EFFECTIVE DATE OF THE ORDER

This inspection officer order takes effect immediately on 6 /August /2021 at the time of verbal delivery of the order to the person/company to whom it is directed. Nothing in this order shall be construed as reducing, increasing, or otherwise affecting what may be required of the person/company to whom it directed to comply with all applicable legislative or legal requirements.

COMPLIANCE WITH THIS INSPECTION OFFICER ORDER IS MANDATORY

Failure to comply with an inspection officer order issued under section 109 of the CER Act is an offence under section 112 of the CER Act.

Inspection Officer		
	IO Designation Number	Signature
	07/08/2021	
	Date	
	210-517 10 Ave SW Calgary AB T2R 0A8	

Please note that in compliance with the CER's Enforcement Policy, this Order will be posted on the CER's website.