



**Administrative Monetary Penalty / Sanction administrative pécuniaire**  
**NOTICE OF VIOLATION / AVIS D'INFRACTION**

**REFERENCE NUMBER / N° DE REFERENCE: AMP-010-2015**

**Information for Pipeline Company / Third Party / Individual:**  
**Information pour la société pipelinère / une tierce partie / un particulier :**

Name / Nom :	Enbridge Pipelines Inc.	<b>TOTAL PENALTY AMOUNT / MONTANT TOTAL DES PÉNALITÉS:</b>
Contact / Contactez:	Guy Jarvis	
Title / Titre:	President	<b>\$52,000</b>
Address / Adresse:	425 - 1st Street SW	<b>Date of Notice / Date de l'Avis:</b>
		2 June 2015
		<b>Regulatory Instrument # / N° de l'instrument réglementaire:</b>
		n/a
City / Ville:	Calgary	
Province / State / État	Alberta	
Telephone / Téléphone:	██████████	
Fax / Télécopieur:	██████████	
E-mail / Courriel:	████████████████████	

On / Le 18 February 2015

**Enbridge Pipelines Inc.**

was observed to be in violation of a NEB regulatory requirement. This violation is subject to an administrative monetary penalty, as outlined below.

a commis une infraction aux exigences réglementaires de l'ONÉ, sujet à la sanction administrative pécuniaire ci-dessous.

**1. VIOLATION DETAILS / RENSEIGNEMENTS SUR L'INFRACTION**

<b>Date of Violation / Date d'infraction :</b>		<b>Has compliance been achieved? / La situation est-elle rétablie?</b> <input checked="" type="radio"/> Yes / Oui <input type="radio"/> No / Non If no, a subsequent NoV may be issued. Si non, un autre avis d'infraction pourrait être envoyé.
(from / du): 18 February 2015	(to / au): 18 February 2015	
<b>Total Number of Days / Nombre total de jours:</b> 1		

**Location of Violation / Lieu de l'infraction:**

*e.g. Facility/plant/head office or nearest geographical point or lat/long / ie: usine/siege central/lieu géographique* Enbridge Line 4, Strome, Alberta

<b>Short Form Description of Violation / Description abrégée de l'infraction</b> (Refer to Schedule 1 of the <a href="#">AMP Regulations</a> ) / (Voir l'annexe 1 du <a href="#">Règlement</a> )	<b>Provision and Short-form Description / Disposition et Sommaire</b>
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<i>NEB Onshore Pipeline Regulations / Règlement de l'Office national de l'énergie sur les pipelines terrestres</i>	
4 Failure to ensure that a pipeline is designed, constructed, operated or abandoned as prescribed (Type B) / Omission de veiller à ce qu'un pipeline soit conçu, construit ou exploité, ou que son exploitation cesse, tel qu'exigé (Type B)	

<input type="checkbox"/>	<i>Contravention of an Order or Decision made under the Act (ss. 2(2) of the AMP Regulations) / Dérogation à une ordonnance ou à une décision rendue sous le régime de la Loi (paragraphe 2(2) du Règlement sur les sanctions administratives pécuniaires)</i>
<input type="checkbox"/>	<i>Failure to comply with a term or condition of any certificate, licence, permit, leave or exemption granted under the Act (ss. 2(3) of the AMP Regulations) / Manquement à une condition d'un certificat, d'une licence, d'un permis, d'une autorisation ou d'une exemption accordé sous le régime de la Loi (paragraphe 2(3) du Règlement sur les sanctions administratives pécuniaires)</i>

**2. RELEVANT FACTS / FAITS SAILLANTS**

*Briefly describe reasonable grounds to believe a violation has occurred / Décrire brièvement les motifs raisonnables de croire qu'une infraction a été commise*

1. The National Energy Board Onshore Pipeline Regulations (OPR) 4(2) states: "Without limiting the generality of subsection (1), the company shall ensure that the pipeline is designed, constructed, operated or abandoned in accordance with the design, specifications, programs, manuals, procedures, measures and plans developed and implemented by the company in accordance with these Regulations". Section 6.6 of Enbridge's Environmental Guidelines for Construction 2013 addresses precautions that must be observed when working in fish habitats. Subsections 1.1 and 6.6 (4) state Enbridge employees and contractors must "suspend construction activities to allow for fish salvage to occur within the isolated areas prior to de-watering".

2. On 27 May 2014, Enbridge notified the NEB in writing of a planned integrity dig on Line 4 at MP 104.4521 GW 30710 involving an excavation to assess results from an in-line inspection (ILI) tool. Enbridge indicated after the assessment was completed appropriate repairs would be made. The notification indicated if work was in close proximity or within a wetland/water body, or de-watering is required for the activity, appropriate measures such as installation of aqua dams, construction of berms, or use of pumps would be utilized to safely carry out the work. Enbridge indicated that for work taking place within a wetland or water body, a site specific environmental plan will be developed outlining all mitigative measures to be taken, in accordance with the Enbridge Environmental Guidelines for Construction, Operational Statements of the Department of Fisheries and Oceans, and any additional requirements of municipal, provincial and federal authorities. The work was originally scheduled to be carried out between 1 July and 31 October 2014, but was delayed due to weather. On 22 January 2015, Enbridge advised the NEB that work at this site had been delayed and that it was expected the work would be completed by February 28,

2015.

3. On 12 February 2015, qualified environmental specialists employed by TERA Environmental Consultants assessed the integrity dig site. The crew found approximately 0.4 metres of water in the area. The crew started working on isolation and bridging of the site. It was determined that the proper materials were not available at that time to isolate based on the conditions. The crew was instructed to return to Calgary until equipment for isolation (i.e., aqua dams/sand bags) would be on site.

4. On 13 February 2015, qualified environmental specialists returned to the integrity dig site to isolate the work area. Once the aqua-dam was complete (upstream isolation) and sandbags with plastic sheeting were installed (downstream isolation), the crew began the fish salvage at approximately 18:00. The crew electro-fished and dip-netted for 1.5 hours. Due to the late hour, the crew decided to continue the fish salvage the next morning.

5. On 14 February 2015, qualified environmental specialists began day two of the fish salvage. The crew completed the fish salvage and fish processing at approximately 12:00. Between 13 and 14 February 2015, the crew captured 1507 fish (377 brook stickleback and 1142 fathead minnow). The fish salvage was conducted by qualified environmental specialists as required by Alberta Fish Research Licence FRL 14-3834 and Enbridge's Environmental Guidelines for Construction 2013.

6. On 18 February 2015, an Enbridge construction crew arrived at the site to begin the planned integrity work. During the water removal, additional fish were discovered by the construction crew. Instead of suspending construction activities to allow for fish salvage by a qualified environmental specialist as required by Enbridge's Environmental Guidelines for Construction 2013, the construction crew attempted to salvage the fish themselves using dip nets and buckets. The construction crew salvaged approximately 2,000 brook stickleback and fathead minnows, however the attempted salvage also resulted in 700 fish mortalities (a combination of brook stickleback and flathead chub). The fish salvage requirements as outlined in Alberta Fish Research Licence FRL 14-3834 listed the names of licensees (qualified environmental specialists) permitted to conduct the fish salvage. None of those individuals were on site to conduct or oversee the fish salvage on 18 February 2015 as required by Enbridge's Environmental Guidelines for Construction 2013.

7. On 19 February 2015, qualified environmental specialists returned to the site. After 1-2 hours of preliminary assessment, it was determined that previous isolation measures were not sufficient to achieve complete isolation at this site. Instead, it was decided that silt fencing be placed along the entire wetted width downstream and outside of the work space in order to keep fish from entering the isolation area.

8. On 20 February 2015, qualified environmental specialists resumed work isolating the area. Despite continuing efforts, isolation could not be achieved and work was stopped until a new plan could be put in place to properly isolate the area. Fish salvage efforts on this day resulted in an estimated capture and release of 17,300 fish with a ratio of approximately 60 fathead minnow for every 40 brook stickleback.

9. On 25 February 2015, Enbridge informed the NEB of the fish mortalities and provided additional information on the incident as requested. Enbridge indicated the planned integrity dig had been put on hold and was currently being re-evaluated to determine if it was necessary.

10. On 26 February 2015, the NEB notified the Department of Fisheries and Oceans (DFO) to inform them of the fish mortalities. DFO indicated the e-mail acted as sufficient duty to notify. DFO acknowledged the incident review already underway by the NEB and indicated DFO would take no further action on this file.

11. On 2 April 2015, in response to an NEB information Request, Enbridge indicated the original integrity dig on Line 4 at MP 104.4521 GW 30710 had been cancelled.

### 3. PENALTY CALCULATION / CALCUL DES SANCTIONS

(a) BASELINE PENALTY (Gravity Value = 0) / PÉNALITÉ DE BASE (côte de gravité = 0)

Category / Catégorie	(Type A)	Individual / Personne physique	Any Other Person / Autre Personne
	(Type B)	<input type="checkbox"/> \$1,365	<input type="checkbox"/> \$5,025
		<input type="checkbox"/> \$10,000	<input checked="" type="checkbox"/> \$40,000

[Refer to [AMP Regulations](#), Subsection 4(1) / Voir le [Règlement](#), paragraphe 4(1)]

(b) APPLICABLE GRAVITY VALUE / COTE DE GRAVITE GLOBALE APPLICABLES

[Refer to [AMP Regulations](#), Subsection 4(2) / Voir le [Règlement](#), paragraphe 4(2)]

	Mitigating / Atténuer			Aggravating / Aggravantes		
	-2	-1	0	+1	+2	+3
<input checked="" type="checkbox"/> Other violations in previous seven (7) years / Autres infractions au cours des sept (7) années précédentes	--	--	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	--
On 6 February 2015, a Notice of Violation to Enbridge Pipelines Inc. for failure to comply with a term or condition of any certificate, license, permit, leave or exemption granted under the Act (ss. 2(3) of the AMP Regulations) on its Edmonton to Hardisty Pipeline Project (AMP-002-2015). This penalty was paid in full on 13 February 2015.						
<input type="checkbox"/> Any competitive or economic benefit from violation / Avantages concurrentiels ou économiques découlant de l'infraction	--	--	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	--
n/a						
<input type="checkbox"/> Reasonable efforts to mitigate / reverse violation's effect / Efforts raisonnables déployés pour atténuer ou annuler les effets de l'infraction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	--
n/a						
<input checked="" type="checkbox"/> Negligence on part of person who committed violation / Négligence de la part de la personne ayant commis l'infraction	--	--	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	--
After Enbridge discovered that there were fish present in the isolation area it did not suspend the construction activities or have qualified environmental specialists present at the site to conduct the fish salvage as required by their own internal procedures and relevant provincial permits. Enbridge did not take all reasonable steps to prevent the fish mortalities on 18 February 2015.						
<input checked="" type="checkbox"/> Reasonable assistance to Board with respect to violation / Collaboration raisonnable avec l'Office en ce qui a trait à l'infraction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	--
Enbridge responded to NEB information requests regarding the incident.						
<input checked="" type="checkbox"/> Promptly reported violation to Board / Infraction signalée sans délai à l'Office	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	--
Enbridge proactively reported the fish mortalities to the Board.						
<input type="checkbox"/> Steps taken to prevent reoccurrence of violation / Mesures prises pour prévenir les récidives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	--
n/a						
<input type="checkbox"/> Violation was primarily reporting / record-keeping failure / Infraction reliée principalement à la production de rapports ou à la tenue des dossiers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	--	--	--
n/a						
<input checked="" type="checkbox"/> Any aggravating factors in relation to risk of harm to people or environment / Facteurs aggravants pouvant causer du tort au public ou à l'environnement	--	--	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Failure of construction workers to follow Enbridge's approved environmental practices resulted in 700 fish mortalities. Had appropriate measures been taken, the NEB believes these mortalities would have been preventable.						
(c) TOTAL GRAVITY VALUE / COTE DE GRAVITÉ GLOBALE					+1	
(d) DAILY PENALTY / SANCTIONS QUOTIDIENNES (The baseline penalty, adjusted for the final gravity level) (Pénalité de base d'après la côte de gravité)			\$	52,000		

(e) NUMBER OF DAYS OF VIOLATION / DURÉE DE L'INFRACTION

(If more than one day, then the justification must be provided.)  
(Si plus d'une journée, prière de justifier.)

1

Notes to explain decision to apply multiple daily penalties, or "Not Applicable" / Notes pour expliquer la décision d'appliquer des pénalités multiples quotidiennes, ou «sans objet»

n/a

**4. TOTAL PENALTY AMOUNT / MONTANT TOTAL DE LA PÉNALITÉ**

\$

52,000

**Note:** The total penalty amount shown is based on the period described in Step 1 above. If compliance has not been achieved, a subsequent Notice of Violation may be issued.

Le montant total de la pénalité est calculé d'après la période décrite à l'étape 1 ci-dessus. Si la situation n'a pas été rétablie, un autre avis d'infraction pourrait être envoyé.

**5. DUE DATE** (30 days from receipt of Notice of Violation)

**1 July 2015**

**DATE LIMITE** (30 jours à compter de la réception de l'Avis d'infraction)

**Notes**

You have the right to make a request for a review of the amount of the penalty or the facts of the violation, or both, within 30 days after the Notice of Violation was received.

If you do not pay the penalty nor request a review within the prescribed period, you are considered to have committed the violation and you are liable for the penalty set out in the Notice of Violation. The penalty is due on the date indicated above.

The unpaid penalty amount is a debt due to the Crown and may be recovered by collection procedures stipulated in the [Financial Administration Act](#).

The information regarding the violation may be posted on the NEB website:

- a) 30 days from the date this Notice of Violation was received
- or;
- b) upon issuing a decision following a Request for Review.

**To Make Payment:**

You may remit your fee payment by Electronic Funds Transfer (EFT) or by cheque payable to the order of Receiver General for Canada.

EFT payments can be arranged by contacting the Director of Financial Services, Monday to Friday, from 09:00 to 16:00 Mountain Time:

Telephone: 403-919-4743 / 800-899-1265  
Fax: 403-292-5503 / 877-288-8803

**Cheques** should be made out to the "Receiver General for Canada" and mailed to:

National Energy Board  
Attention: Finance  
Centre 10, 517 – 10th Avenue SW  
Calgary, Alberta  
T2R 0A8

Your completed *Payment* form should be enclosed with your payment.

**Notes**

Vous disposez de 30 jours après la signification de l'Avis d'infraction pour demander une révision du montant de la pénalité, ou les faits rapportés, ou les deux.

Si les sanctions ne sont pas acquittées et qu'aucune révision n'est demandée, vous êtes considérés comme coupable de l'infraction et vous devez payer les sanctions précisées dans l'Avis d'infraction. Les sanctions sont payables à la date indiquée ci-dessus.

Un défaut de paiement constitue une créance envers l'Etat et peut être recouvré en utilisant tous les recours prévus dans la [Loi sur la gestion des finances publiques](#).

L'information concernant l'infraction pourrait également être affichée sur le site Web de l'ONE:

- a) 30 jours après la date de réception de l'Avis;
- b) dès qu'une décision a été rendue à la suite d'une Demande de Révision.

**Paiement:**

Vous pouvez payer le montant dû par transfert électronique de fonds (TEF) ou par chèque établi à l'ordre du Receveur général du Canada.

Pour se prévaloir du service de transfert électronique, communiquer par téléphone avec le Directeur, Service des finances, du lundi au vendredi, de 9 h à 16 h, heure des Rocheuses :

Telephone: 403-919-4743/ 800-899-1265  
Telec. : 403-292-5503/877-288-8803

**Les chèques** doivent être établis à l'ordre du Receveur général du Canada et postés à l'adresse suivante:

Office national de l'énergie  
Service des finances  
Centre 10, 517 – 10e Avenue S.-O.  
Calgary (Alberta)  
T2R 0A8

Le formulaire de *paiement* dûment rempli doit accompagner le paiement.

**To Request a Review**

Pursuant to the NEB Act, Section 144, you may file a request for a review of this Notice of Violation by the Board.

The date of filing is the date on which the document is received, as indicated by the date on an e-mail submission or the stamped on the document by a NEB employee.

If you elect to make a request for a review, complete and submit the attached *Request for Review* form to:

Administrative Monetary Penalty - Reviews  
National Energy Board  
Centre 10, 517 – 10th Avenue SW  
Calgary, Alberta  
T2R 0A8

For more information on reviews, please see the Administrative Monetary Penalties Process Guide available on the NEB's [website](#).

If you have any questions regarding this matter, please contact the undersigned.

Sincerely,

**Demander de révision**

En vertu de l'article 144 de la Loi sur l'ONE, vous pouvez présenter à l'Office une *Demande de révision* de cet Avis l'infraction.

La date du dépôt correspond à la date de réception du document, qui apparaît sur l'envoi électronique ou le timbre apposé sur le document par un employé de l'ONE.

Si vous voulez demander une révision, veuillez remplir et soumettre le formulaire de Demande de révision à l'adresse suivante :

Sanction administrative pécuniaire - Révision  
Office national de l'énergie  
Centre 10, 517 – 10e Avenue S.-O.  
Calgary (Alberta)  
T2R 0A8

Pour de plus amples informations sur le processus de révision, prière de consulter le Guide sur le processus relatif aux sanctions administratives pécuniaires sur le [site Web](#).

Pour toute question à ce sujet, veuillez communiquer avec la personne soussignée.

Sincères salutations,

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Robert Steedman

Designated Officer  
Administrative Monetary Penalties

Fonctionnaire désigné  
Sanctions administratives pécuniaires

403-299-3178