



**ENVIRONMENTAL PLANS
VOLUME 10
COMPLIANCE MANAGEMENT PLAN
FOR THE
TRANS MOUNTAIN PIPELINE ULC
TRANS MOUNTAIN EXPANSION PROJECT**

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Prepared for:



TRANSMOUNTAIN

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ABBREVIATIONS AND ACRONYMS

Abbreviation/Acronym	Full Name
AbM	Aboriginal Monitor
AEP	Alberta Environment and Parks
AER	Alberta Energy Regulator
AMP	Administrative Monetary Penalties
Approvals	Provincial or federal authorizations required to construct and operate the Project
BC	British Columbia
BC EAO	British Columbia Environmental Assessment Office
BC MFLNRO	British Columbia Ministry of Forests, Lands and Natural Resource Operations
BC MOE	British Columbia Ministry of Environment
BC OGC	British Columbia Oil and Gas Commission
CAPA	Corrective Action/Preventative Action
CCMP	Contractor Compliance Management Plan
CMI	Construction Monitoring and Inspection
CMP or TMEP CMP	Compliance Management Plan
CNC	Corrected Non-Compliance
Contractor	Prime Contractor (EPC or GCC)
CPCN	Certificate of Public Convenience and Necessity
DFO	Fisheries and Oceans Canada
EAS	Environmental Alignment Sheets
EHS	Environment Health and Safety
EI	Environmental Inspector
EIR	Environmental Inspection Report
EMP	Environmental Management Plan
EPC	Engineering, Procurement, Construction Contractor
EPP	Environmental Protection Plan
ERD	Environmental Reference Documents
ERP	Emergency Response Plan
ERL	Emergency Response Line
ESA	Environmental and Socio-Economic Assessment
GCC	General Construction Contractor
Government Authority	collectively regulatory authorities (authorities); regulatory agency and regulators
HDD	horizontal directional drill
HS	Health and Safety Team (Trans Mountain Team)
HSMP or TMEP HSMP	Health and Safety Management Plan
IR	information request
ISMLS	Integrated Safety and Loss Management System
KMC	Kinder Morgan Canada Inc.
KEEP	Knowledge and Experience Enhancement Program
km	kilometre(s)
KP	Kilometre Post
LTO	Leave to Open
MOC	Management of Change
NEB or the Board	National Energy Board
NEB OPR	National Energy Board Onshore Pipeline Regulations
NNC	Notice of Non-Compliance
PCEM	Post-Construction Environmental Monitoring
RAI	Regulatory Agency Interactions
RCT	Regulatory and Compliance Team (Trans Mountain Team)
RSMT	Resource Specific Mitigation Table
TEK	Traditional Ecological Knowledge
TLU	Traditional Land Use
TMEP or the Project	Trans Mountain Expansion Project
Trans Mountain	Trans Mountain Pipeline ULC
TWS	temporary workspace
VP	Vice President
WDL	Westridge Delivery Lines

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1.0 INTRODUCTION

Trans Mountain Pipeline ULC (Trans Mountain) submitted a Facilities Application (the Application) to the National Energy Board (NEB or the Board) in December 2013 for the Trans Mountain Expansion Project (TMEP or the Project). This Project-specific Compliance Management Plan (CMP or TMEP CMP) has been developed to facilitate Project execution, ensuring TMEP will be in full compliance with applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain. The CMP provides a framework and tools to achieve environmental compliance as described in Trans Mountain's Application, and more broadly, address the requirements as set forth by approval conditions.

Trans Mountain's approach to developing a Compliance Program was described in Volume 6A of the December 2013 Application. Since then, a Certificate of Public Convenience and Necessity (CPCN) and other authorizations allowing the Project to proceed were issued and became effective on December 1, 2016, subject to 157 conditions (the NEB Conditions). On January 11, 2017, the British Columbia (BC) Environment Minister and Natural Gas Development Minister issued an Environmental Assessment Certificate to Trans Mountain for the BC portion of the Project, subject to another set of 37 conditions (the BC Environmental Assessment Office [BC EAO] Conditions). The Conditions generally address safety, protection of the environment, and other issues that arose during the hearing process. The NEB Conditions include overarching conditions that make all commitments, plans, and programs included in the NEB hearing record regulatory requirements. Compliance reporting, verification and notification are included in the BC EAO Conditions. Ancillary federal, provincial, and municipal permits and approvals will also be required for certain construction activities to proceed.

Trans Mountain's CMP conforms to Kinder Morgan Canada Inc. (KMC) Integrated Safety and Loss Management System (ISLMS) and ensures the Project will be designed, constructed and operated in a manner that ensures safety and environmental protection, as required by Section 6 of the 2013 *National Energy Board Onshore Pipeline Regulations (NEB OPR)*. The ISLMS outlines KMC's commitment to establishing, implementing, and monitoring processes and controls to ensure that it is conducting business in a safe, environmentally responsible and sustainable manner. The ISLMS is supported by the KMC Environment, Health and Safety Policy and the Code of Business Conduct and Ethics and describes how the company operates in a way that minimizes risk to its employees, Contractors, the public, and the environment throughout the life cycle of the Project.

The criticality of compliance to the success of the Project is recognized, endorsed, and driven by senior levels of the Project Management Team. The CMP has been reviewed, endorsed, and signed off by the Project Vice President (VP) and Directors. Trans Mountain integrates responsibility for compliance at all levels of the Project organization. Personnel that can influence compliance and environmental decisions will participate in an advanced level of the Environmental and Compliance Education Program which requires participants to acknowledge they have reviewed and understand the CMP.

The CMP refers to government authorities and regulatory authorities (authorities) as well as regulatory agencies and regulators to collectively mean federal, provincial, or municipal government departments or agencies and their representatives with jurisdiction, statutory obligations, regulatory oversight, or power to grant approvals and authorizations or that have a decision-making role with respect to TMEP.

Trans Mountain is committed to conducting its business in a safe and environmentally responsible manner. All Trans Mountain work is done in compliance with the KMC Environment Health and Safety (EHS) Policy, provided below.



Environment, Health and Safety Policy

Every employee is expected to share Kinder Morgan's commitment to pursue the goal of not harming people, protecting the environment, using material and energy efficiently and promoting best practices, thereby earning the confidence of customers, security holders and society at large, being a good neighbor and contributing to sustainable development. Kinder Morgan's policy is to comply with all health, safety, security and environmental laws, rules and regulations, not just because it is legally required but also because we believe it is the responsible way to conduct our business. Kinder Morgan has systems in place that prepare for emergencies and procedures that coordinate our response plans with emergency response organizations in the communities where we operate. Kinder Morgan has a systematic approach to health, safety, security and environmental management designed to ensure compliance with the law, to train employees to be aware of and meet their responsibility for protection of health, safety and the environment, and to achieve continuous performance improvement. In addition to the Kinder Morgan commitment, contractors are required and joint ventures under Kinder Morgan's operational control are expected to apply this policy. Employees, supervisors or operational managers who knowingly engage in or condone environmental health or safety violations are subject to disciplinary action including suspension or termination.

Ian D. Anderson
President
Kinder Morgan Canada
A Member of the Kinder Morgan Group of Companies

KINDER MORGAN
CANADA

February 2017

1.1 CMP Commitment, Goals and Objectives

Trans Mountain is committed to meeting all its obligations to First Nations, stakeholders, and government authorities. The CMP has been developed to facilitate the fulfilment of TMEP obligations and to ensure work is done in compliance with all applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain.

Specific goals of the CMP are:

- Comply with all applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain and require the same of TMEP Contractors;
- Educate and properly train TMEP employees and contractors to establish clear Project expectations supporting full compliance and environmental protection;
- Communicate openly and regularly with government authorities and stakeholders reporting on TMEP regulatory and environmental performance;
- Ensure systems and processes are in place that allow Trans Mountain and its Contractors to access Project environmental information to aid in decision-making at the field level; and
- Demonstrate compliance and continual improvement through monitoring, reporting, and training activities throughout the Project lifecycle.

The following objectives will be implemented to support the goals of the CMP and Environmental Protection Plans (EPPs):

- Create a robust compliance program that is endorsed by Project Management and integrates responsibility for compliance at all levels of the Project organization.
- Implement an environmental and compliance education program to ensure all individuals involved in the construction of the Project understand environmental and compliance requirements, Project expectations, and their role with regard to meeting those requirements.
- Support government authorities during their compliance verification activities, fulfill statutory reporting requirements, and allow access to compliance records by implementing procedures in the CMP and posting pertinent information on the Trans Mountain web site.
- Monitor and report on compliance performance using metrics and targets to identify trends and implement opportunities for improvement.

1.2 Project Description

Trans Mountain filed its Application with the NEB in December 2013. In developing its Application, Trans Mountain commenced an engagement and communications program of extensive discussions with landowners, engagement with Aboriginal groups and consultation with affected stakeholders. This program was intended to gather input from these groups into the Application and supporting Environmental and Socio-Economic Assessment (ESA), and to continue to assist Trans Mountain in the design and execution of the Project. Trans Mountain is also working with Appropriate Government Authorities to carry out the necessary reviews, studies, and assessments required for the Project.

For ease of description, the following terms are used:

Kilometre Post (KP): describes distances measured along the centreline of the pipeline.

Project Footprint: includes the area directly disturbed by surveying, construction, clean-up and operation of the Project, as well as associated physical works and activities (including the temporary construction lands and infrastructure, the pipeline, reactivation, facilities, the Westridge Marine Terminal and access roads). For clarity, specific components of the Project Footprint are further described by Trans Mountain as follows.

- Temporary construction lands and infrastructure refers to preparatory works to support Project construction and includes temporary camps, stockpile sites, equipment staging areas and borrow pits as well as access roads within the first 10 km of each designated construction spread. For ease of assessing Project interactions, these access roads are considered as part of the overall access road network.
- Pipeline construction footprint refers to the total area used to construct the pipeline and includes the right-of-way and temporary workspace (TWS).
- Reactivation of currently deactivated pipeline segments include an engineering assessment under Section 45 of the *NEB OPR* and associated construction activities. Currently known ground disturbance activities and associated access (as of December 2016), were assessed to determine the Project interactions. For ease of assessing Project interactions, these access roads were considered as part of the overall access road network.
- Facilities refer to pump stations, terminals (Edmonton, Sumas and Burnaby), and associated infrastructure (i.e., traps), most of which are located on land that has been previously disturbed. Westridge Marine Terminal has infrastructure located on land and in the marine environment, and is included in the Facilities component of the Project.
- Access roads include new temporary and permanent roads and existing roads that may require upgrades or improvements. For ease of assessing Project interactions, this includes the access roads to be developed as part of temporary construction lands and infrastructure, as well as those accesses associated with reactivation.

Contingency Alternate Routes: refer to three alternate pipeline route segments that have been assessed for use if construction on the preferred route is not feasible. These are not included in the Project Footprint defined above since they are considered contingency alternates.

- Raft River, in BC (KP 713.1 to KP 714.4), is an alternate open cut contingency alignment. The preferred primary crossing method, a horizontal directional drill (HDD), does not support an open cut contingency crossing method at the same location.
- Pembina River, in Alberta (KP 133.0 to KP 134.7), is an alternate open cut contingency alignment. Similar to Raft River, the preferred primary crossing method (HDD) does not support an open cut contingency crossing method at the same location.
- Westridge Delivery Lines (WDL KP 0.0 to WDL KP 3.4) is an alternate contingency alignment for a trenched installation around the Burnaby Conservation Area in BC. The preferred pipeline corridor requires tunnel construction and does not support a trenched contingency option; therefore, an alternate trenched contingency alignment has been identified.

Variances: as part of the Project Footprint update that occurred in December 2016, a number of route revisions located outside of the Project corridor were identified. Trans Mountain will seek approval from the NEB in 2017 for these route realignments. All of the variances have been reviewed in consideration of impacts to this Plan and no revisions were required as a result, with the exception of minor adjustments to KP ranges, where applicable.

1.3 Scope of Compliance Management Plan

The scope of CMP includes the development and implementation of tools and processes to track, monitor and fulfill compliance requirements; provide guidance to Contractors implementing compliance requirements and interface with Construction Monitoring and Inspection (CMI) teams as they ensure compliance during construction of the Project. Contractors and CMI teams will be expected to execute and document fulfillment of Project requirements to support the filing of TMEP Leave to Open (LTO)

application under Section 47 of the NEB Act. Once LTO is granted, the Project will be turned over to KMC Operations. As described in the Application, Trans Mountain will develop and conduct Post-Construction Environmental Monitoring Program (PCEM). The first PCEM report will be the Environmental as-built report and reporting will follow the requirements of NEB Condition 151. A detailed program will be developed as outlined in the Application and approved Environmental Plans.

1.4 Compliance Management Plan Implementation

The sections within the CMP have been developed as a framework for the implementation of compliance assurance activities during Project execution. Using this framework as a foundation, Contractors will be required to develop spread level Contractor Compliance Management Plans (CCMPs) as outlined in section 1.6. The CMI teams must adhere to the principles of the CMP and ISLMS. The Project CMP is considered a living document and will be altered, if required, as construction plans are finalized, CCMPs are developed and the interface with CMI is further defined. The CMP will be kept up to date and modified in light of changing circumstances, and to ensure continuous improvement as construction work progresses.

1.5 Roles and Responsibilities

A detailed description of roles and responsibilities of personnel that can influence compliance and environmental decisions can be found in Appendix A. Discipline specific roles, such as safety, are found in applicable Project plans. An overall Project organization structure for construction including management, design, and field staff, their responsibilities and reporting relationships will be developed and filed pursuant to Condition 88 (Project organization structure for Project construction).

1.6 Contractor Roles and Responsibilities

The CCMPs will include detailed spread/site specific processes and procedures that will be implemented to execute owner specifications, documents, and work plans. The CCMPs must demonstrate compliance with applicable legal requirements, regulations, permits, approval conditions and commitments made by Trans Mountain as outlined in the CMP. The CCMP will describe how the Contractor will interface with the TMEP Regulatory and Compliance Team (RCT) in providing documentation and reporting events as outlined in the CMP. The CCMP will be reviewed and approved by the TMEP Project Manager and Senior Compliance Advisor. The CCMP must conform to KMC ISLMS as required by Section 6 of the 2013 *NEB OPR*.

The CCMP will provide the communication protocol to TMEP on matters related to reporting and notification requirements as found in the CMP, Health and Safety Management Plan (HSMP or TMEP HSMP), TMEP Emergency Response Plan (ERP, or TMEP ERP), and Environmental Reference Documents. A Table of Contents is provided in Appendix F which Contractors should use in the development of the CCMP.

Trans Mountain has established an email inbox (Compliance@transmountain.com) that all Contractors and CMI will use to submit reports, documentation, updates, and other correspondence required in the CMP. Key responsibilities of Contractors are found in Appendix A of this document.

2.0 TRACKING TRANS MOUNTAIN EXPANSION PROJECT COMPLIANCE REQUIREMENTS

For the purpose of this document, TMEP compliance requirements encompass applicable legal requirements, regulations, permits, approval conditions, commitments made by Trans Mountain, Project plans, procedures, and specifications. A comprehensive list of legal requirements as defined in the ISLMS Legal Requirements Standard is maintained by KMC Regulatory Services Team in a legal registry. Compliance requirements are also referred to as regulatory requirements in certain areas of the CMP. This section addresses tracking of TMEP compliance requirements. Many of the elements in this section are supported by compliance verification and reporting procedures outlined in Sections 3 and 5.

TMEP compliance requirements include:

- Conditions;
- Commitments;
- Ancillary Permits and approvals; and
- Project procedures, plans, or specifications.

Trans Mountain has a variety of software platforms used for tracking, reporting and actioning items pertaining to compliance. Filed conditions will be added to the legal registry.

In May 2016, the NEB Recommendation imposed 157 conditions on Trans Mountain, including five overarching NEB Conditions directing that all commitments, plans or programs included, referenced, or agreed to on the hearing record, form part of the regulatory requirements of the NEB. The remainder of the conditions address outstanding issues identified by the NEB and cover a wide range of topics, including:

- Safety and integrity of the pipeline;
- Emergency preparedness and response;
- Protection of the environment;
- Ongoing consultation with those affected, including Aboriginal communities;
- Socio-economic matters;
- Affirmation of commercial support for the Project prior to construction; and
- Financial responsibility.

NEB Condition compliance requires Trans Mountain to file information supporting conditions following specific timelines imposed by the NEB. Additionally, Trans Mountain must meet all requirements imposed under each specific condition and follow the plans and programs developed to fulfill condition requirements.

2.1.1 National Energy Board Condition Tracking

Procedures will be used to facilitate coordination and execution of NEB Conditions across Project teams. A key component of condition compliance is the tracking of conditions. Trans Mountain has developed a Conditions Tracking tool to monitor condition progress and compliance. The condition filings will be published on Trans Mountain's web page allowing easy access for stakeholders and promoting transparency in the compliance program.

2.1.2 National Energy Board Condition Scheduling and filing

A detailed schedule has been prepared to ensure the sequencing of condition development conforms to and supports Project execution and regulatory timelines. All conditions are assessed to ensure that applicable legal instruments and all requirements within the conditions are addressed. As required by NEB Condition 10, TMEP has identified the applicability of each NEB Condition based on spreads, regions, work areas, and legal instruments that will serve as a basis for phased filings. The phased filing approach will be used to manage the sequencing of condition submissions to support Project execution. All condition reports are reviewed and will be signed off by the Team Lead, Directors accountable for the condition, and Project VP prior to filing the compliance material with the NEB. Filed conditions will be published on both the TMEP and NEB web pages. Project changes requiring approval through the Management of Change (MOC) process (*i.e.*, changes not covered/mitigated by Project approved contingency plans) will be communicated through condition filings or NEB Section 21 Variance Application(s), as required. NEB Conditions that require monthly filings shall be satisfied with monthly filings on the fifth working day of the calendar month following the month to which the filing pertains, unless otherwise specified.

2.1.3 National Energy Board Condition Completion

Contractors or the CMI team will collect and provide to Trans Mountain the information necessary to demonstrate overall condition fulfillment and compliance. Trans Mountain will provide resources to Project field personnel and provide the tools to ensure condition requirements are understood, executed, and completed. This could include field assessments and document reviews. Evidence of condition completion will be documented and retained in an audit binder.

TABLE 2-1

OVERVIEW OF RESPONSIBILITIES: NEB CONDITION COMPLIANCE

TMEP Responsibilities	Contractor Responsibilities
Oversee the development and filing of all NEB Conditions.	Will review NEB Conditions, catalogue, and understand specific requirements relevant to the scope of work.
Trans Mountain team will submit all required NEB Condition reports and notifications.	The Contractor will be expected to collect the requisite information and provide reports to the Trans Mountain as required on the subject matter requested by Appropriate Government Authorities.
As required by NEB Condition 10, TMEP has identified the applicability of each NEB Condition based on spreads, regions, work areas, and legal instruments that will serve as a basis for Contractors to assess the applicability of NEB Conditions to their scope of work.	Report to the RCT on a monthly basis a summary of condition compliance by providing a high level synopsis of any issues related to implementing or adhering to the plans or procedures attached to applicable conditions relevant to the scope of work.
Coordinates application for Condition Relief in the event that a condition or elements of a condition cannot be fulfilled.	Collect information necessary to demonstrate overall condition fulfillment and compliance and provide a summary report upon completion of work.
Receive Contractor progress reports specific to NEB Condition compliance.	
Trans Mountain will maintain at each construction office copies of all NEB Conditions and associated plans or procedures as part of the Project permit binder as required by NEB Condition 6 (c).	

2.2 Commitments

Following the announcement of the TMEP in May 2012, discussions with Aboriginal groups, landowners, communities, and those interested in the Project were undertaken. Information gathered was used to improve and optimize planning and mitigation measures. Throughout the NEB hearing process Trans Mountain continued to respond to the NEB and intervenors. Many concerns were addressed with commitments made by Trans Mountain. In response to various rounds of NEB information requests (IR),

Trans Mountain filed three versions of the Commitments Tracking Table during the NEB proceedings. These filings can be found using the following NEB filing IDs:

- Trans Mountain Response to NEB IR No.3 filed February 3, 2015 (Filing ID [A4H1V2](#));
- Commitments Tracking Table Version 1 filed February 3, 2015 (Filing ID [A4H1V3](#));
- Trans Mountain Response to NEB IR No.4 filed April 13, 2015 (Filing ID [A4K4W3](#));
- Commitments Tracking Table Version 2 filed April 13, 2015 (Filing ID [A4K4W4](#));
- Trans Mountain Response to NEB IR No.6 filed July 22, 2015 (Filing ID [A4R614](#));
- Commitments Tracking Table Version 3 filed July 22, 2015 (Filing ID [A4R615](#)),
- Commitments Tracking Table Version 4 filed March 2017 (Filing ID [A81920](#)),
- Commitments Tracking Table Version 4 (errata to Appendix B Filing ID ([A81985](#)).

Condition 6 outlines the requirement and timeframes for filing further updates to the Commitments Tracking Table. Updates to the Commitments Tracking Table are posted on the Trans Mountain website.

2.2.1 Commitment Review Process

Trans Mountain provided the NEB with its criteria for commitment review in its response to IR No. 3. As discussed in Trans Mountain's response to NEB IR No. 6, the Commitments Tracking Table was considered a living document and would undergo a review process to clarify its commitments, consolidate similar and overlapping commitments, identify missing commitments, and remove commitments superseded by NEB Conditions or existing regulatory requirements. The review process involves technical experts, team leads and Project directors to ensure the commitments are assigned correctly, accurate, and written in plain language. Trans Mountain will continue to manage the quality and accuracy of commitments through ongoing review activities.

Version 4 of the Commitments Tracking Table filed on March 1, 2017 restated that the review was ongoing and outlined that Version 5 will reflect the baseline from which the required monthly status updates will be tracked.

2.2.2 Commitment Implementation

The NEB Recommendation released on May 19, 2016 included 157 conditions. Three conditions relate to commitments.

- NEB Condition 2 (Compliance with Commitments) – requires Trans Mountain to implement all the commitments made in its Project Application or to which it otherwise committed to in on the record of the OH-001-2014 proceeding, which includes IR responses.
- NEB Condition 6 (Commitments Tracking Table) – requires Trans Mountain implement the commitments contained within its Commitments Tracking Table and file with the NEB an updated Commitments Tracking Table at timeframes established within the condition.
- NEB Condition 133 (Marine Shipping Related Commitments) – requires Trans Mountain to confirm its compliance with certain Marine shipping-related commitments and to include them in the Commitments Tracking Table.

The Commitments Tracking Table will be updated and filed with the NEB pursuant to Condition 6 and published on Trans Mountain's web site. Key reporting timeframes specified in NEB Condition 6 include:

- within 3 months after the [certificate/order] date;
- at least 30 days prior to commencing construction;

- monthly (on the 5th working day of each month) from the commencement of construction until the first month after commencing operations;
- quarterly thereafter; and
- six years after commencing operations.

Trans Mountain will oversee the implementation of commitments and monitor their status throughout the Project lifecycle ensuring compliance with NEB Conditions 2, 6 and 133.

2.2.3 Commitment Completion

Contractors and/or the CMI teams will provide Trans Mountain with information necessary to demonstrate overall commitment fulfillment and compliance. In the case of environmental commitments, Environmental Inspection Reports (EIRs) will be used to determine when an environmental commitment has been completed. CMI and Contractors will also provide evidence of fulfillment of quality, socio-economic, and other commitment topics through documentation or inspection reports. Trans Mountain will provide resources to Project field personnel to ensure commitment requirements are executed and completed. This could include field assessments and document reviews. Evidence of condition completion will be documented and retained in an audit binder. Finally, sign-off by the Team Lead, Directors accountable for the commitment, and the Project VP will be required prior to filing NEB Condition 6 updates. An officer of the company must also confirm that all the commitments on the Commitments Tracking Table were satisfied within 6 years of commencing operations.

TABLE 2-2

OVERVIEW OF RESPONSIBILITIES: COMMITMENT COMPLIANCE

TMEP Responsibilities	Contractor Responsibilities
Trans Mountain will maintain a Commitments Tracking Table pursuant to NEB Condition 6.	Contractor will review the Commitments Tracking Table, catalogue a list of specific commitments relevant to their scope of work.
Trans Mountain will continue to monitor, update and track compliance with its commitments.	Review commitments prior to work occurring at the subject locations.
Trans Mountain will collect information from the contractor and maintain proof the commitment has been completed and fulfilled.	Contractor will provide TMEP with a monthly update on the status of each commitment within their scope of work.
Trans Mountain will provide proof of completion to the NEB upon request.	Upon completion/fulfillment of the commitment, the contractor will provide TMEP with relevant documentation demonstrating proof of completion.
Trans Mountain will file updates of the Commitments Tracking Table to the NEB pursuant to the timeframes outlined in NEB Condition 6.	
Trans Mountain will maintain at each construction office an updated Commitments Tracking Table as part of the Project Permit Binder as required by NEB Condition 6c.	

2.3 British Columbia Environmental Assessment Office Conditions

The BC Environment Minister and Natural Gas Development Minister issued an Environmental Assessment Certificate to Trans Mountain for the BC portion of the Project on January 11, 2017, subject to 37 conditions (the BC EAO Conditions). Some of the NEB and BC EAO Conditions have reporting requirements prior to, during, and/or post-construction that must be reviewed for compliance with reporting schedules and content by both Trans Mountain and Contractor. The Trans Mountain team will submit all required NEB and BC EAO Condition reports and notifications. The Contractor and/or CMI will collect the requisite information and provide reports to the TMEP team as stipulated in the condition or specified in subsequent management plan prepared to satisfy the BC EAO Condition requirements.

TABLE 2-3

OVERVIEW OF RESPONSIBILITIES: BC EAO CONDITION COMPLIANCE

TMEP Responsibilities	Contractor Responsibilities
Oversee the development and filing of all BC EAO Conditions.	Review BC EAO Conditions, catalogue, and understand specific requirements relevant to the scope of work.
Trans Mountain team will submit all required BC EAO Condition reports and notifications as per BC EAO Conditions 4, 5 and 8.	The Contractor will be expected to collect the requisite information and provide reports to Trans Mountain as required on the subject matter requested by Government Authorities.
Receive Contractor progress reports specific to Condition compliance.	Report to Trans Mountain on a monthly basis a summary of condition compliance by providing a high level synopsis of any issues related to implementing or adhering to the plans or procedures attached to applicable conditions relevant to the scope of work.
Trans Mountain will maintain at each construction office copies of all BC EAO Conditions and associated plans or procedures as part of the Project. Permit Binder as required by NEB Condition 6 (c).	Collect information necessary to demonstrate overall condition fulfillment and compliance and provide a summary report upon completion of work.

2.4 Ancillary Federal, Provincial Permits and Municipal Bylaw documents

In addition to the NEB and BC EAO Conditions, ancillary federal and provincial permits, as well as municipal bylaw conformance documents and permits are required for certain construction activities. Trans Mountain is accountable for the acquisition of the majority of ancillary federal and provincial permits. Construction Contractors are generally responsible for leading the interface with municipal governments and developing documentation to demonstrate conformance with municipal bylaws (for land and environment bylaws) and acquiring municipal permits and other authorizations within their scope of work.

2.5 Environmental Plans

Trans Mountain has developed Environmental Plans which include EPPs (Volumes 1 to 5 of the Environmental Plans), Environmental Management Plans (EMPs) (Volume 6 of the Environmental Plans), Resource-Specific Mitigation Tables (RSMTs) (Volume 7 of the Environmental Plans) and Environmental Alignment Sheets (EAS) (Volume 8 of the Environmental Plans) to ensure the various environmental and socio-economic related NEB Conditions and BC EAO Conditions are addressed. The Environmental Plans, together with relevant regulatory permits, approvals, conditions, and commitments, comprise the Environmental Reference Documents (ERDs). The information contained in these ERDs detail the mitigation strategies and tools to avoid or reduce potential environmental effects during the construction of TMEP. These will serve as the primary reference source for environmental compliance.

2.6 Project Permit Binder

As required by NEB Condition 6(c), a Project permit binder containing NEB authorizations and conditions, and all supporting ancillary permits and approval conditions and the Commitments Tracking Table will be maintained by the TMEP at construction offices (*i.e.*, available in hard copies and/or electronic copies). Trans Mountain is developing an online system that will allow the Project permit binder to be accessible in construction offices. Contractors acquiring municipal permits and other authorizations must ensure they are available on-site.

2.7 Management of Change

The MOC process is a system used to evaluate, authorize, and document changes before they are implemented. The Trans Mountain MOC process will ensure input and consistent communication of Project changes between project groups that impact the Project. The MOC process applies irrespective of whether KMC, the Contractors, or subcontractors initiate the change and all changes will ultimately be reviewed and approved by TMEP directors and VP.

Use of the MOC process will:

- provide an auditable record in fulfilment of NEB Conditions 3, 4, and 139; and

- provide an auditable process for Project team members to follow to evaluate, authorize and document changes in design or execution of the Project before they are implemented.

Refer to the TMEP MOC guidance document for further information on the MOC process.

Specific environmental conditions and criteria that will be used for determining field level environmental changes are discussed in Section 4.4.

2.8 Regulatory Baseline

Evidence filed with the NEB during the OH-001-2014 proceeding forms the regulatory baseline from which all subsequent changes must be tracked and evaluated. The regulatory baseline includes authorizations, permits and approvals from government authorities. Where a MOC approved change affects the regulatory baseline, this may trigger the need to communicate changes to the NEB or other regulatory authorities through a Variance Application or Condition Relief. The regulatory baseline will be updated once changes are approved. A NEB Variance Application may be sought when there has been a change in design or execution of the Project from original approval, while Condition Relief may be sought when some or all elements of a NEB Condition cannot be fulfilled.

3.0 COMPLIANCE VERIFICATION

A number of processes exist to verify compliance during Project activities. These include monitoring compliance, non-compliance identification, reporting, and correction.

3.1 Compliance Monitoring

Monitoring compliance will include inspections, self-assessments and audits. These activities are designed for proactive identification of non-compliance issues by verifying TMEP specific compliance requirements have been fulfilled.

3.1.1 Construction Monitoring and Inspection

The CMI teams will oversee the pipeline construction activities of construction Contractors and provide quality assurance for those activities. The CMI scope of work will include ensuring compliance through construction execution monitoring and inspection. The CMI teams are intended to support construction personnel by ensuring follow through on commitments and compliance with applicable legal requirements, regulations, permits, and approval conditions. Trans Mountain will provide oversight and assurance as described below and will ensure that monitoring activities are consistent with the ISLMS Inspection, Measurement and Monitoring Procedure as found in Appendix G of this document.

3.1.2 Self-Assessments

Trans Mountain personnel will conduct periodic field visits throughout the Project to assess the implementation of Project plans including the CMP. Key areas of the CMP to be evaluated will include effectiveness of communication, reporting, resolution of issues, implementation of corrective and preventative actions (CAPAs) and levels of compliance attained. Assessments will assure construction activities conform to applicable KMC and TMEP processes, procedures, and specifications.

3.1.3 Compliance Audits

A number of internal compliance audits are expected over the life of the Project. The findings of the audits will be discussed with on-site personnel from Trans Mountain and the Contractors at the conclusion of each audit event. This will be followed by a written report including corrective actions, where warranted.

The purpose of the compliance audits are to:

- evaluate the status of compliance with applicable federal, provincial, and municipal environmental legislation and permits;
- identify areas of potential risk;
- identify positive practices that may serve as a learning tool for other pipeline projects and other Project activities; and
- integrate permit compliance findings into a systems assessment of the Major Projects Group's environmental management practices and programs.

The KMC legal department will commission environmental compliance audits, which will be coordinated using the services of a third-party consulting firm.

3.2 Non-Compliance Identification, Reporting and Correction

Non-compliant conditions may be identified externally by government authorities, or internally through Project compliance verification activities as described in Section 3.1. Inspections, investigations, and audits conducted by government authorities are defined as a Regulatory Agency Interaction (RAI). A non-compliant outcome of a RAI may result in a range of enforcement consequences based on severity of the issue as described in Section 3.2.11. Correction of non-compliances may require development of Corrective Action Plan. Internal identification of a non-compliance issue could arise from formal compliance verification activities or through observations by Project personnel. All non-compliant conditions identified by the Project team and by government authorities will be tracked in the compliance tracking system. Non-compliant conditions will also be assessed, resolved, and documented. Non-compliance trends will be used to identify areas for improvement.

This section addresses non-compliance reporting and documenting in the following areas:

- Project identified non-compliance reporting;
- Non-compliance correction and issue monitoring;
- Non-compliance tracking and documenting; and
- RAI non-compliance reporting and documenting.

A non-compliance is defined as not being in accordance with legal requirements established by government authorities and found during a RAI or confirmed through the Project non-compliance verification process. Potential non-compliance is defined as an unconfirmed/suspected non-compliance identified by Project personnel.

Purpose

- Ensure procedures are in place to communicate openly and consistently with regulatory authorities regarding compliance verification activities.
- Demonstrate due diligence and continuous improvement through timely resolution and follow-up on non-compliance issues.

Trans Mountain will manage non-compliances through reporting, resolution, and follow-up that arise during the pre-construction, construction, and commissioning of the Project. Trans Mountain will also manage non-compliance to conditions and commitments that continue into operations.

3.2.1 Project Identified Non-Compliance

A potential non-compliance may be identified by anyone at any time. Observations of non-compliance must be reported to supervisory level personnel. Qualified supervisory field personnel will contact the Construction Representative or designate and, in consultation with the Trans Mountain Environmental Manager and Senior Compliance Advisor, determine if the non-compliance is in violation of legal requirements and whether corrective actions are required. Non-compliances will be managed through reporting, resolution and follow-up using the process outlined in Figure 3-1.

Section 3.1 of this plan describes the compliance verification activities that are in place for the proactive identification of a potential non-compliance. In addition to formal compliance verification activities, the Environmental and Compliance Education Program (Section 4.2) promotes awareness and reporting of a potential non-compliance by anyone at any time.

3.2.2 Non-Compliance Verification Process

A potential non-compliance must be assessed by qualified project personnel such as Project Manager, Construction Representative, or Inspection personnel, in conjunction with the Trans Mountain Senior Compliance Advisor and applicable TMEP Discipline Lead, to determine if the issue is in non-compliance with applicable legal requirements (see Figure 3-1).

If non-compliance is confirmed, the Trans Mountain Senior Compliance Advisor will proceed with the necessary regulatory reporting. The type and mechanism of reporting is dependent upon the type of non-compliance, the jurisdiction under which the non-compliance occurred, and the processes of that regulatory authority.

3.2.3 Voluntary Self Disclosure and Corrective Action Plan

Provincial regulators have self-disclosure programs that are designed to promote proactive identification and correction of non-compliance events and instill confidence with the Regulators. These programs also provide an opportunity to avoid enforcement actions by the Regulators.

Potential non-compliance issues under provincial authorizations identified by the Project team may be disclosed to the Alberta Energy Regulator (AER) or the British Columbia Oil and Gas Commission (BC OGC) as allowed by their compliance and enforcement programs:

- AER: Manual 013 Compliance and Enforcement Program (Section 3); and
- BC OGC: Compliance and Enforcement Manual (Section 3).

The NEB does not have a self-disclosure process; however proactive and transparent reporting of non-compliance may be expected in certain circumstances. In these circumstances, a courtesy notification may be made as described in Section 3.2.4.

Trans Mountain will prepare a self-disclosure which will include a cover letter detailing the non-compliance and a corrective action plan developed to prevent recurrence of a similar non-compliance. Affected stakeholders corporately and in TMEP should be identified and consulted when developing the corrective action plan.

The following process is used for the preparation and submission of a self-disclosure including assessment of factors involved in a non-compliance, the internal approval process and corrective action plan development and submission:

- Project team will immediately advise the RCT of a potential non-compliance issue;
- the RCT will review the non-compliance and determine if it qualifies for the self-disclosure process;
- RCT in consultation with the appropriate Project Director will determine if a self-disclosure will be made;
- the self-disclosure letter and action plan will be developed by the Project team or owner of the activity that was found to be non-compliant;
- the letter and action plan must be review by TMEP Director;
- the letter and action plan must be reviewed by Director of Regulatory. The Director of Regulatory will decide if further KMC corporate review and approval is required based on:
 - impact of corrective action plan on corporate processes;
 - impact to external stakeholders; and
 - financial cost associated with implementing corrective action plan;
- RCT submits self-disclosure to regulator, documents and tracks corrective action plan in OpsInfo.

3.2.4 Courtesy Notifications

Courtesy notifications to regulatory authorities may be made to promote transparency and obtain feedback on proposed actions or mitigation measures. This procedure defines when this notification process will be engaged, the information required, and communication of the results:

- activity or concern documented by contractors or Environmental Inspector (EI) on daily reports;
- RCT in conjunction with appropriate Project Manager and Director determine if a courtesy notification should occur;
- RCT or designate provides notification to regulatory authority;

- RCT documents notification and any follow up actions in OpsInfo;
- event is recorded in weekly compliance report; and
- if warranted, compliance advisory is issued to communicate the event.

3.2.5 *Non-Compliance Correction*

All non-compliances are subject to correction, either at the time of construction or through modification of processes to prevent future non-compliances. Minor non-compliance(s) that are corrected immediately so that they meet requirements may not need to be reported to government authorities. Major non-compliances which are unable to be corrected immediately, or that may pose a risk to safety or environment may require reporting as described above. In addition to reporting, a shutdown of work activities may be warranted where there is an imminent threat or potential for escalation of environmental or safety issues. The work shutdown procedure for environmental reasons is outlined in Section 4.5 of this document. Stop work processes for safety issues are outlined in the HSMP.

3.2.6 *Continuous Improvement*

Preventing compliance issues from recurring is a critical element of the CMP. Ensuring that CAPAs identified through compliance monitoring activities such as RAI findings, self-assessments, audits are incorporated into Project plans and procedures will demonstrate TMEP ability to improve and comply. CAPAs that result in changes to Project procedures, plans, or specifications will be approved through the MOC process. CAPAs will be communicated to Project Personnel, Contractors, and CMI through compliance bulletins, tail gate meetings, or other appropriate means. Analyzing non-compliance trends will also help identify areas of improvement such as the need for additional training or supervision. Finally, implementing CAPAs and measuring their effectiveness will help Trans Mountain report on the overall effectiveness of the compliance program.

3.2.7 *Non-Compliance Tracking and Documenting*

The CMI team will be required to implement a compliance management system that meets TMEP requirements. The system will be used to track and document inspections findings and generate compliance summary reports. All non-compliances will be documented and, if appropriate, the report will be supplemented with photographs. CMI and Contractors will be responsible for documenting all non-compliances as they occur and providing the information in their reports to the Project Manager and the Senior Compliance Advisor within 24 hours. The Senior Compliance Advisor will verify the non-compliance as per Section 3.2.2 in this plan and inform regulatory authorities, as necessary.

Figure 3-1 Project Non-Compliance Identification

Activity	Compliance Requirements	Compliance Requirements	Track Compliance Requirements	Track Compliance Requirements	Construction Plans	Compliance Awareness	Potential Non-Compliance Identification	Compliance Verification	Decision Making Criteria	Issue Resolution	Notification	Regulatory Agency Interaction	Continuous Improvement	Construction Practice	Monitor Performance		
Accountable																	
TMEP Supervisory Personnel / PM								Assess Compliance	CAPAs				Identify Continuous Improvement				
Owner Construction Representatives																	
TMEP Environmental Inspector							Potential Non-Compliance										
TMEP Activity Inspector							Potential Non-Compliance										
Permitting		Receive Provincial Permits	Enter Permits into Permit Binder														
CM&I				Review Permits	Create Construction Plans	Enviro & Compliance Training	Potential Non-Compliance	Assess Compliance				Confirm Compliance			Monitor Performance		
Contractors (GCC/EPC)				Review Permits	Create Construction Plans	Enviro & Compliance Training	Potential Non-Compliance				Non-Compliance Correction			Implement Continuous Improvement			
Government Authorities	Issue Permits & Approvals											Confirm Compliance					
RCT Compliance		Receive Federal Permits	Enter Permits into Permit Binder					Assess Compliance			Notify Authorities						
RCT Reporting											Issue Compliance Advisory to all teams						
RCT Continued Improvement															Monitor Performance		

Permits, Approvals and Authorizations issued by Government Authorities	<ul style="list-style-type: none">All Permits will be available on site in a Permit binder pursuant to Condition 6Contractors are responsible for municipal permit compliance, acquisition (if applicable) and development of field permit binder	Non-Compliance Reporting will be reviewed as part of the Environmental and Compliance Education program	A potential non-compliance may be identified by anyone at any time. Report to supervisory level personnel	Compliance Advisor in consultation with supervisory personnel determine if the non-compliance is in violation with legal requirements	Construction Manager in consultation with applicable TMEP Teams determine if CAPAs are required	The contractor will take ownership of the issue and implement CAPAs identified by TMEP	<ul style="list-style-type: none">Notify government authorities as appropriatecompliance advisory issued to communicate critical and time sensitive compliance information to project personnel	Follow Regulatory Agency Interaction Process in the Compliance Management Plan	Identify continuous improvement measures and preventative actions taken to prevent a similar incident for recurring	Implement measures such as additional training, supervision, modified practices/ procedures	RCT will monitor effectiveness of measures by tracking compliance trends. Communicate CAPAs
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Notes:
Construction monitoring and inspection (CMI&I) contractor is an extension of the TMEP leadership team/project management team. The role of the CM&I contractor is to ensure general construction contractors (GCC) and engineering, procurement, construction contractors (EPC) provide assurance services (quality, safety, environmental) and reporting services to the TMEP leadership team/project management team. This includes non-compliance identification and reporting.

All non-compliance issues identified by the Project team and by external Government Authorities will be tracked in the compliance tracking database. Non-compliance issues will also be assessed, resolved and documented. Non-compliance trends will be used to identify areas for continuous improvement. (TMEP Volume 6A, Section 4.2). All individuals, including visitors have the potential to influence compliance. To this end, Trans mountain will implement a education program to impart critical information regarding environmental and compliance requirements to all workers and visitors.

The Environmental and Compliance Education Program, in association with safety training, will be provided to all construction personnel and visitors and will consist of a variety of levels of training. Construction personnel will include supervisory and non-supervisory workers, as well as the Construction Managers and TMEP Personnel. Individuals will receive training commensurate with their roles and responsibilities. (TMEP Volume 6A, Section 6.0).

All Non-compliance Issues that qualify as being non-compliant with applicable laws, commitments made by Trans Mountain and/or specific approval conditions by regulatory authorities, will be reported to the Senior Compliance Advisor. The Senior Compliance Advisor will take necessary steps to rectify the situation through appropriate steps to notification of regulatory authorities, implementation of suitable mitigation measures by the contractors and record keeping of the circumstances that resulted in the non compliance, any remedial measures taken and any recommendations for future monitoring. (TMEP Volume 6A, Section 7.0).

All applicable, permits, approval conditions, and all commitments (Commitment Tracking Table; Ancillary Permits and Approvals will be deconstructed into OpsInfo for tracking and creation of a permit binder as per Condition 6c, which will be available at each of TMEP Construction Offices.

TMEP and its Contractors are expected to comply with all applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain.

3.2.8 Regulatory Agency Interaction

RAIs are interactions with government authorities such as inspections, evaluations, and audits. Trans Mountain will manage the RAI process to ensure compliance verification activities conducted by government authorities are properly reported, tracked, corrected, and documented. To this end, Contractors must report Project developments to Trans Mountain's RCT. Improvement opportunities will be communicated to the Project through compliance advisories and reports as described in Section 5 of this plan and according to the process outlined in Figure 3-2.

All visitors, including Government authorities, will be escorted by authorized TMEP personnel such as Construction Representatives, EIs, Safety Inspectors, or Activity Inspectors. Trans Mountain will interface with Project teams involved with RAI to ensure effective, consistent communication with authorities. Trans Mountain will inform appropriate federal (e.g., Health Canada, Industry Canada, Environment and Climate Change Canada, the NEB, Fisheries and Oceans Canada [DFO]) and provincial (e.g., BC Parks, BC OGC, BC Ministry of Forests, Lands and Natural Resource Operations [BC MFLNRO], Alberta Environment and Parks [AEP]) authorities of Project developments as warranted. Contractors who acquire municipal permits will inform Municipal agencies of the Project developments, as required by permit conditions. Project personnel and visitors that can influence compliance and environmental decisions including government authorities will be required to complete Level 1 Environmental Compliance and Education training as described in Section 4.2 of this plan prior to entering the work site.

3.2.9 Responding to Government Authority Undertakings

Government authorities often require additional information in follow up to releases, incidents, and compliance verification activities. After completing an inspection, government authorities may request additional information or issue formal undertakings such as IRs, safety advisories, notice of non-compliance, or orders. Investigations may be initiated for serious events. Trans Mountain will track action items and due dates in the compliance system, assign accountable and responsible personnel for the non-compliance, coordinate the development of corrective action plans, and conduct follow-up reporting to government authorities until the issue has been resolved and compliance has been achieved.

3.2.10 Regulatory Agency Interaction Tracking and Documenting

Trans Mountain has a variety of software platforms used for tracking, reporting and actioning items pertaining to compliance. As defined in the ISLMS Incident Reporting and Investigation Standard, IMPACT is the KMC database that is used to report incidents, initiate internal notifications, and document details related to incident investigations. Section 5.4 of this document outlines additional requirements for documenting incidents. This Standard also requires an IMPACT entry for all RAI. The Regulatory and Compliance Team will enter, track, and complete all RAI in IMPACT as outlined in Figure 3-2.

3.2.11 Government Authority Compliance Assurance Process

Federal and provincial authorities ensure compliance oversight on Project activities as described in Sections 3.2.11.1 and 3.2.11.2.

3.2.11.1 National Energy Board

The NEB evaluates companies, their facilities, and activities on an ongoing basis to determine appropriate compliance oversight. The Board's objective for enforcement actions is to achieve compliance with NEB requirements as quickly and as effectively as possible. In the construction phase of a project, the NEB conducts on-site construction inspections, which focus on pipeline integrity, worker safety and environmental protection. Inspections will ensure all approval conditions, commitments and company program manuals and procedures are adhered to. The NEB uses enforcement tools to obtain compliance and deter future non-compliance.

Enforcement tools available to the NEB include the following in order of escalating consequence:

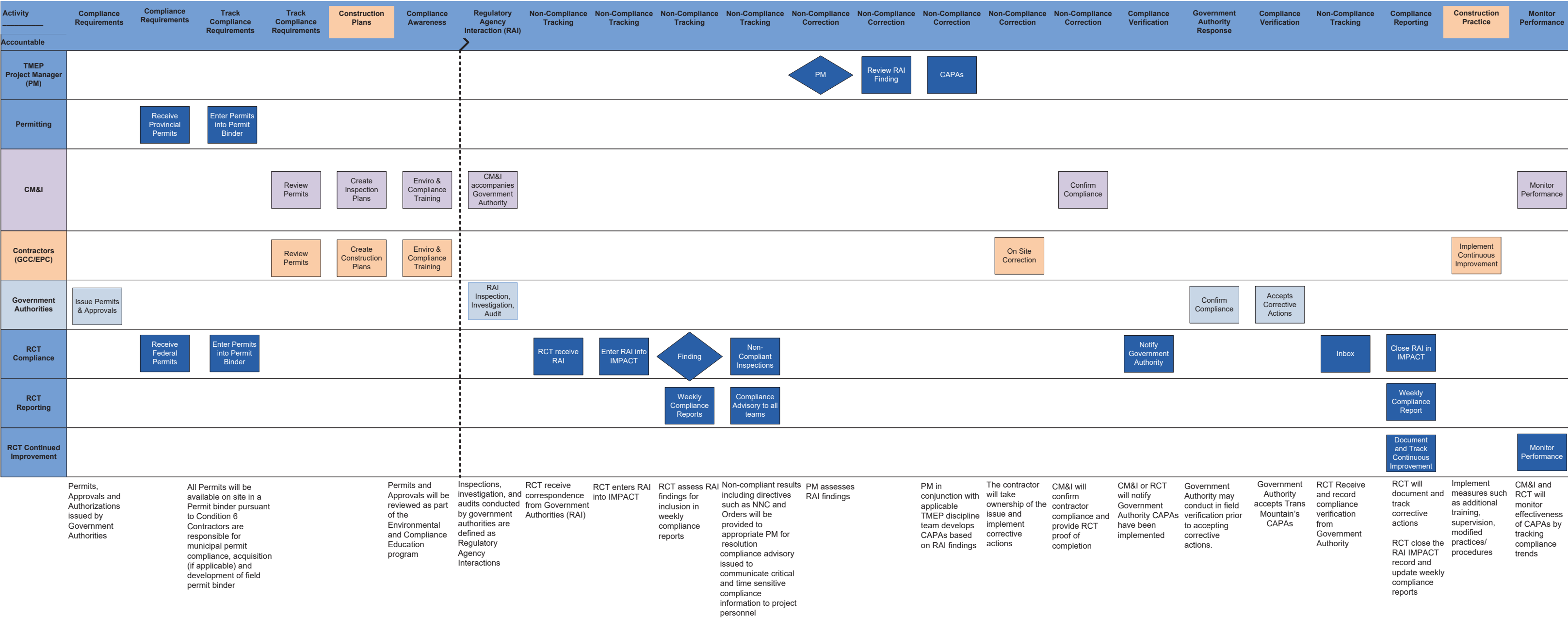
- Letter/Notice:
 - the NEB will often provide notice that certain activities could lead to non-compliance, or that it intends to investigate suspected areas of non-compliance;
- Corrected Non-Compliance (CNC):
 - a CNC is used when non-compliances observed in the field were addressed while the inspection officer was on-site. This tool is used when there is minimal safety or environmental risk and the issue is corrected immediately in the field;
- Notice of Non-Compliance (NNC):
 - a NNC is a written undertaking issued by the inspection officer to the company or third party when a non-compliance with a low probability of harm to people or the environment is observed and time is required to correct the issue;
- Orders:
 - the NEB has authority to enforce certain requirements or restrict operations through the use of Board Orders. Orders that restrict operations are commonly referred to as Safety Orders. Designated Officers have the authority to direct and order parties to correct non-compliances;
- Administrative Monetary Penalties (AMP):
 - an AMP is a financial penalty imposed on individuals or companies in response to contraventions of legislative requirements. Refer to the AMP Regulations and Process Guide on the NEB web site (<https://www.neb-one.gc.ca/index-eng.html>);
- revocation of a company's authorization to operate; and
- prosecution

3.2.11.2 *Provincial Authorities*

Both the AER and the BC OGC have similar compliance assurance programs which are described in the following manuals:

- AER: Manual 013 Compliance and Enforcement Program; and
- BC OGC: Compliance and Enforcement Manual.

Figure 3-2 Regulatory Agency Interaction (RAI) Inspections, Investigations, Audits



Notes:

TMEP Project Manager (PM) in conjunction with applicable TMEP discipline team(s) (Environment, Safety etc) will review RAI findings and develop corrective and preventative actions (CAPAs) to address non compliance issues.

Construction monitoring and inspection (CMI&I) contractor is an extension of the TMEP leadership team/project management team. The role of the CM&I contractor is to ensure general construction contractors (GCC) and engineering, procurement, construction contractors (EPC) provide assurance services (quality, safety, environmental) and reporting services to the TMEP leadership team/project management team. CM&I will ensure compliance through inspection activities and be the primary point of contact with government authorities for infield activities. CM&I will work closely with RCT to achieve over all compliance, monitoring and reporting.

All non-compliance issues identified by the Project team and by external Government Authorities will be tracked in the compliance tracking database. Non-compliance issues will also be assessed, resolved and documented. Non-compliance trends will be used to identify areas for continuous improvement. (TMEP Volume 6A, Section 4.2).

All individuals, including visitors have the potential to influence compliance. To this end, Trans mountain will implement an education program to impart critical information regarding environmental and compliance requirements to all workers and visitors.

The Environmental and Compliance Education Program, in association with safety training, will be provided to all construction personnel and visitors and will consist of a variety of levels of training. Construction personnel will include supervisory and non-supervisory workers, as well as the Construction Managers and TMEP Personnel. Individuals will receive training commensurate with their roles and responsibilities. (TMEP Volume 6A, Section 6.0)

All applicable, permits, approval conditions, and all commitments (Commitment Tracking Table) will be available in the permit binder as per Condition 6c, which will be available at each of TMEP Construction Offices.

TMEP and its Contractors are expected to comply with all applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain.

The Senior Compliance Advisor will manage non-compliances through reporting, resolution and follow-up of any Non-Compliance Issues which arise during the pre-construction, construction and operations phases of the Project. A non-compliance form will be completed by CM&I/GCC/EPC and forwarded to the Senior Compliance Advisor within 24 hours of the event. The contractor will take ownership of the issue and will develop corrective actions. The Senior Compliance Advisor and PM will review the corrective actions and will also review the follow-up prepared by the contractor. The follow-up report will state which actions were taken and will comment on the effectiveness of the actions. TMEP Volume 6A, Section 3.5.

Contractors and CM&I will use TMEP RCT inbox compliance@transmountain.com to submit reports, documentations, updates and other correspondence required in the CMP.

4.0 ENVIRONMENTAL COMPLIANCE

The CMP was developed and implemented to support the construction execution plan and to be in full compliance with all applicable environmental legal requirements, regulations, permits, approval conditions, and commitments made by Trans Mountain. The CMP specifically addresses Project EPPs and accompanying EASs, as well as other Project documentation in its processes.

Environmental compliance is facilitated through sharing of information, providing orientations/training, retaining qualified personnel and providing on-site inspection of activities through a proactive and adaptive inspection program. The objectives of environmental compliance management are to ensure that:

- plans, procedures and appropriately trained personnel are in place to facilitate environmentally responsible construction of the pipeline and associated components by implementing industry-accepted standards and procedures suitable for the conditions and in accordance with applicable laws and approval/permit conditions;
- systems and processes are in place that allow Trans Mountain and its Contractors to access Project environmental information to aid in decision-making at the field level; and
- EIs, Aboriginal Monitors (AbMs), and Resource Specialists retained for the Project are qualified and properly trained.

4.1 Linkages to Other Environmental Plans

The Environmental Plans, as outlined in Section 2.5, will be implemented to align with compliance measures as discussed in the CMP. Additional information regarding environmental compliance can be found in Section 4 of the Project EPPs (Volume 1 to 5 of the Environmental Plan), including EPP specific permits, approvals, and authorizations potentially required for Project work. Condition plans not included in the Environmental Plans will also follow compliance measures outlined in the CMP.

4.2 Environmental and Compliance Education Program

The Environmental and Compliance Education Program has been designed to ensure that all Project personnel understand the Project environmental and compliance requirements during construction activities. The Environmental and Compliance Education Program has been developed in accordance with KMC Knowledge and Experience Enhancement Program (KEEP). KEEP Canada is a competency based training and qualification program for KMC personnel and Contractors. The Environmental and Compliance Education Program, which is specific to environmental compliance, will be conducted in association with safety training. The Environmental and Compliance Education Program has been developed so that individuals will receive adequate training so that work will be executed in accordance with applicable legal requirements, regulations, permits, approval conditions, and commitments made by Trans Mountain.

The purpose of the Program is to:

- employ a standardized means of imparting critical information regarding environmental protection, mitigation and compliance requirements; and
- provide focused training and development of resources targeted to role-specific needs.

The Program will consist of four levels (Site Orientation, Level 1, Level 2 and Level 3) of competency-based training, in which individuals will receive training commensurate with their roles and responsibilities. Table 4-1 provides a summary of the levels of training, audience and associated content presented within each level. Additional training during pre-job meetings and tailgate meetings is expected to be delivered by the EIs to applicable construction personnel when there is a change in construction plans and where there is a change in environmental conditions. Training will also be provided seasonally by the EIs to applicable construction personnel to discuss lessons learned, key environmental issues, and seasonal mitigations or environmental considerations.

Government representatives and Aboriginal group representatives and any other visitors that might influence environment or compliance decisions will be required to attend the Level 1 training sessions. All other visitors will be required to attend a site-specific orientation that will be managed through TMEP Contractors.

The Project Environmental Manager and Senior Compliance Advisor will ensure the Program presentations are consistent in all areas with respect to policies, agreements and applicable legislation and regulations. Multiple environmental training sessions may be required as different Contractor personnel arrive on the Project site (e.g., earth works, testing). Equipment Operators and Foremen responsible for topsoil handling in agricultural areas will be required to attend on-site tailgate meeting(s) to discuss soils handling, equipment cleaning, and any specific mitigation measures detailed on the Construction Line List in the respective work areas.

An EI will be retained, as required, with sufficient lead time to enable training and participation in the orientation of other construction staff and in time to allow full review and understanding of the Project EPPs and applicable Environmental Plans. The EI will review all Project-related environmental information and ensure the organization of the Environmental Plans for the Project are clearly communicated to all key supervisory personnel working on the Project to facilitate rapid search and review of key documents (e.g., the Pipeline EPP [Volume 2], the emergency contacts lists and contingency plans [Appendices A and B, respectively of the Pipeline EPP]; the EMPs [Volume 6 of the Environmental Plans]; and the EASs [Volume 8 of the Environmental Plans]) prior to commencement of pipeline construction. Additional training and tailgate meetings will be held on an ongoing basis.

TABLE 4-1

SUMMARY OF ENVIRONMENTAL AND COMPLIANCE EDUCATION TRAINING

Program Level	Audience	Applicable Project Components	Delivery Method, Materials and Content	Compliance and Record Keeping
Site Orientation	The Site Orientation will be provided to those who are physically visiting/working on the right-of-way who will be spending less than 24 hours and are not representing a Government Authority or Aboriginal group. All visitors will be escorted by Construction Monitoring or Prime Contractor representative.	All Project components (i.e., early works, the pipeline, reactivation, facilities, the Westridge Marine Terminal, and access roads)	A Site Orientation in conjunction with the safety training will be provided upon check in at the right-of-way by the construction Contractor responsible for that specific construction spread. It is estimated the training will take approximately 15 minutes to complete and will be delivered in a verbal manner by an approved designate (e.g., Safety Coordinator). The Environmental Handbook will be provided and will be read through and a copy will be provided to take.	Upon completion of the Site Orientation, the individual will be required to sign a form indicating that the training has been adequately completed. Signed forms will be handed back to the trainer who will keep the records, and then later this documentation will be put onto the Project file and uploaded to ISNetwork.
Level 1 Basic: Environmental Awareness	Level 1 training will be provided to those who are physically visiting/working on the right-of-way for more than 24 hours. Level 1 training will also be provided to any person representing a Government Authority or Aboriginal group. Applies to the following roles: <ul style="list-style-type: none">Construction labourerTrans Mountain employeeConsultant/Subcontractor of Trans MountainGovernment AuthorityAboriginal group representative	All Project components (i.e., early works, the pipeline, reactivation, facilities, the Westridge Marine Terminal, and access roads)	The training will be delivered as described in Skill Packet 1. Level 1 Training will be completed in conjunction with the safety training to be provided upon check in at the right-of-way by the construction Contractor responsible for that specific construction spread. Training will involve watching a video created and reading through the Environmental Handbook provided. It is estimated the Environmental Compliance portion of the video will take approximately 1.5 hours to complete and will be delivered by an approved designate (e.g., Safety Coordinator). A copy of the Environmental Handbook will be provided to each person who completes the training. <u>TMEP Environmental Handbook – Pipelines</u> The content covered will include information provided in the Environmental Handbook which covers the following topics at a high level: <ul style="list-style-type: none">Trans Mountain's Environmental CommitmentYour Environmental ResponsibilitiesProject DescriptionRegulatory Awareness and Worker ConductAboriginal Communities, Landowners, and Local CommunitiesTraffic ManagementClearing in Forested AreasSoil Conservation and Erosion ControlWorking Near WaterRare Plants and WeedsWildlifeHeritage ResourcesTraditional Land and Resource UseFire ControlWaste Management and Hazardous MaterialsHydrostatic Testing	Upon completion of Level 1 training, the individual will be required to sign a form indicating that they have watched the training video and have read and understood the Environmental Handbook and will then be issued a Level 1 wallet card. Signed forms will be handed back to the trainer (e.g., Safety Coordinator) who will keep the records at their construction field offices, and then later this documentation will be put onto the Project file. Hard hat stickers will not be issued as it is no longer recommended due to Canadian Standards Association requirements regarding maintenance of helmet integrity, however, personnel will be expected to keep their copy of the wallet card with them at all times to ensure compliance.
Level 2 Intermediate: Environmental Compliance	Level 2 training will be provided to those who work in a capacity where they have influence on environmental decisions. Applies to the following roles: <ul style="list-style-type: none">Construction RepresentativeConstruction SuperintendentConstruction Assistant Chief/Chief InspectorTrans Mountain ManagementConstruction InspectorChief EIEIsAboriginal Monitors	Most Project components including early works, the pipeline, reactivation, and access roads.	The training will be delivered as described in Skill Packet 2. Level 2 training is intended to be delivered in a workshop setting using the PowerPoint presentations developed for each lesson and is approximately 4 hours in total length. Level 2 and Level 3 training are to be delivered in the same day where the first half of the day will focus on Level 2 training and the second half of the day will incorporate Level 3 training. The workshop will be delivered by an appropriate designate such as an Environmental Consultant or representative from Trans Mountain. In the event that someone is unable to make the scheduled training session, or joins the Project at a later date, it will be up to the EIs (or a qualified equivalent) to conduct Level 2 training before an individual enters the worksite. <u>Level 2 power point presentations</u> <ul style="list-style-type: none">Lesson 1 – Introduction, Roles and ResponsibilitiesLesson 2 – Decision Making Procedures for Environmental MattersLesson 3 – EPP and Environmental Alignment SheetsLesson 4 – Environmental Features and Mitigation MeasuresLesson 5 – Overview of Environmental Management and Contingency Plans <u>Binder containing important Project materials relevant to audience</u>	Upon completion of Level 2 training, the individual will be required to complete a quiz and achieve a grade of 80% or better. Once a passing grade has been achieved (multiple attempts will be allowed), the individual will sign a form indicating that the training has been adequately completed and they will be issued a Level 2 wallet card. Signed forms will be handed back to the trainer (e.g., Environmental Consultant) who will keep the records, and then later this documentation will be put onto the Project file. Hard hat stickers will not be issued as it is no longer recommended due to Canadian Standards Association requirements regarding maintenance of helmet integrity however personnel will be expected to keep their copy of the wallet card with them at all times to ensure compliance.
Level 3 – Advanced: Environmental Inspection	Level 3 training will be provided to those who have the following roles: <ul style="list-style-type: none">Chief EIEIsAboriginal Monitors	Most Project components including early works, the pipeline, reactivation, and access roads.	The training will be delivered as described in Skill Packet 3. Level 3 training is intended to be delivered in a workshop setting using the power point presentations developed for each lesson and is approximately 4 hours in total length. Level 2 and Level 3 training are to be delivered in the same day where the first half of the day will focus on Level 2 training and the second half of the day will incorporate Level 3 training. The workshop will be delivered by an appropriate designate such as an Environmental Consultant or representative from Trans Mountain. In the event that someone is unable to make the scheduled training session, or joins the Project at a later date, it will be up to the Chief EI (or a qualified equivalent) to conduct Level 3 training before an individual enters the worksite. <u>Level 3 power point presentations</u> <ul style="list-style-type: none">Lesson 1 – Daily Duties, Reporting Requirements and Compliance TrackingLesson 2 – Regulatory Permits and ApprovalsLesson 3 – Identifying New Environmental Issues and Providing Suitable MitigationLesson 4 – Training Others <u>Binder containing important Project materials relevant to audience</u>	Upon completion of Level 3 training, the individual will be required to complete a quiz and achieve a grade of 80% or better. Once a passing grade has been achieved (multiple attempts will be allowed), the individual will sign a form indicating that the training has been adequately completed and they will be issued a Level 3 wallet card. Signed forms will be handed back to the trainer (e.g., EI) who will keep the records, and then later this documentation will be put onto the Project file. Hard hat stickers will not be issued as it is no longer recommended due to Canadian Standards Association requirements regarding maintenance of helmet integrity however personnel will be expected to keep their copy of the wallet card with them at all times to ensure compliance.
Facilities/ Westridge Marine Terminal	Anyone who physically enters a facility or the Westridge Marine Terminal.	All facilities and the Westridge Marine Terminal.	Upon arriving at check-in at any of the facilities or Westridge Marine Terminal for the first time, either a Site Orientation or Level 1 training will be provided (depending on Project role) or proof of completion of Level 2 or Level 3 training will be shown. Then, a site-specific information sheet will be provided which will outline specific environmental concerns related to that facility/terminal and will be handed to the individual. The individual will then read through the site-specific information handout sheet. <u>Site-specific information related to facility/terminal will be provided on site-specific information handout sheets.</u>	The individual will be required to sign a form indicating that the site-specific information sheet has been read and understood. Signed forms will be handed back to the trainer who will keep the records, and then later this documentation will be put onto the Project file.

4.3 Environmental Compliance Measures

The following measures will be implemented, as necessary, to ensure compliance with applicable legal requirements, regulations, permits, approval conditions, and commitments made by Trans Mountain.

Activity/Concern	Preparation Measures
<i>EPPs and Contract</i>	1. The Project EPPs will form part of the contract documents. Should any conflict in contract and the EPPs requirements arise, the more stringent condition will apply.
<i>Distribution of EPPs</i>	2. Controlled copies of the applicable Project EPPs and associated environmental documents are required to be reviewed by key construction and Contractor personnel prior to construction and will be available to all key Contractor staff members during construction. 3. Project EPPs will be controlled documents in accordance with Trans Mountain's document control procedures as outlined in the ISLMS. Trans Mountain will create a master document register for the Project EPPs that identifies the controlled copy number, ownership of the document and the current version number. Trans Mountain will send revisions, as warranted, to the controlled copy holders (e.g., Appropriate Government Authorities) with instructions on replacement and destruction of previous versions. The Project EPPs will be controlled by section, which will facilitate the insertion and replacement of updated materials, as warranted.
<i>Environmental Alignment Sheets and Resource-Specific Mitigation Tables</i>	4. The EASs (Volume 8 of the Environmental Plans) provide additional background information regarding environmental requirements and will be complementary to and will be used in conjunction with the Construction Alignment Sheets. 5. The RSMTs (Volume 7 of the Environmental Plans) provide additional information on features discussed on the EAS.
<i>Communication</i>	6. An EI will facilitate the transfer of environmental information and information updates to all identified Trans Mountain field staff and the Contractor in a timely manner. 7. Communication with environmental government authority representatives, should any issues arise, will be the responsibility of an EI and the Construction Representative or designate, Senior Compliance Advisor or the Project Environmental Manager. 8. Keep a complete set of the applicable Environmental Plans for each construction spread at Trans Mountain's and the Contractor's construction field offices. 9. Facilitate the transfer of environmental information and information updates (e.g., construction schedule changes) to landowners, Aboriginal groups and stakeholder groups, as warranted.
<i>Consequence of Worker Non-Compliance</i>	10. Those who show careless or wanton neglect of the environment or disregard the mitigation measures outlined in the Project EPPs will be subjected to appropriate disciplinary measures including, if appropriate, removal from the work site and/or dismissal from the Project.

Activity/Concern	Preparation Measures
<i>Approvals, Licences and Permits</i>	<p>11. Trans Mountain will work with Appropriate Government Authorities to determine the necessary approvals, licences and permits needed for construction of the pipeline or associated components prior to the commencement of the permitted activity on any given construction spread. Hard copy permits, approvals and authorizations, including the most recent updates and revisions, will be assembled in binders per construction spread with the applicable documents on file and will remain at the construction offices throughout the construction and commissioning phases of the Project. Trans Mountain will resolve any inconsistencies between approval/permit conditions and contract documents prior to commencement of the construction activity. Lists of potential provincial and federal permits required for the Project are provided in Section 4 of the Project EPPs.</p>
<i>Listed or Sensitive Species</i>	<p>12. Where listed or sensitive species are discovered during future vegetation, aquatics and wildlife habitat studies or during construction, implement the applicable Management Plan in Volume 6 of the Environmental Plans and Contingency Plans (see Appendix B of the Project EPPs).</p> <p>13. Ensure sighting records for sensitive species or species at risk are provided to an EI. Records will be maintained and made available for reporting to applicable regulatory agencies.</p> <p>14. Refer to the Environmental RSMTs (Volume 7 of the Environmental Plans) for aquatics, vegetation, and wildlife and wildlife habitat environmental features provided in the EASs (Volume 8 of the Environmental Plans).</p>
<i>Pre-Job Meeting</i>	<p>15. Prior to the commencement of construction on each pipeline construction spread, a pre-job meeting will be held with engineering, construction, environmental, Regulatory and Compliance, community relations staff, an EI, and the Contractor. Key government authority and Aboriginal Monitors, and community representatives will be invited to the pre-job meeting. The objectives of the pre-job meeting will be to:</p> <ul style="list-style-type: none"> • review environmental and socio-economic issues at the site and surrounding area; • review key mitigation measures and contingency plans, as well as a summary of where information can be found and key implementation personnel; • review Trans Mountain's Conditions and commitments; • review approvals, licences and permits; • review rules, legislation, regulations and Project policies; and • address any outstanding concerns.
<i>Environmental Inspectors - Qualifications</i>	<p>16. The EIs will have an understanding of pipeline construction techniques and environmental issue resolution. In addition, the EIs will be supported by appropriate Resource Specialists, as needed, who will have expertise in a particular resource feature associated with the Project.</p>
<i>Regulatory and Aboriginal Group Representatives</i>	<p>17. Regulatory and Aboriginal group representatives physically visiting/working on the Project Footprint will be required to have attended Level 1 Training Sessions in addition to complying with site-specific operational requirements. Supervised day visitors will only require the visitor site orientation.</p>

Activity/Concern	Preparation Measures
<i>Decision-Making Criteria</i>	<p>18. The EI and the Construction Representative or designate will consider the following criteria when deciding which protection measure(s) and/or procedures to implement during the construction of the pipeline:</p> <ul style="list-style-type: none"> • site conditions at the time (e.g., slope gradient and aspect, soil texture, soil moisture and frozen/non-frozen soil); • weather conditions at the time (e.g., wind, precipitation forecast and air temperature); • equipment and/or materials availability; • Contractor experience with specific construction techniques; and • inspection staff experience with implementing applicable protection measures and/or procedures. <p>19. In the event that an unforeseen environmental issue arises during construction for which no mitigation measures have been approved, Trans Mountain's Construction Representative or designate, the Project Environmental Manager, and an EI will formulate a plan of action in consultation with the Appropriate Government Authorities following the MOC process.</p>

4.4 Field Level Environmental Change Management

During the course of construction, it may be necessary to modify procedures to address site conditions. Field level decision making and Project approved contingency plans will be implemented to address unexpected conditions. The Construction Representative or designate and the Project management team, including environment, engineering, an EI, Resource Specialists, and/or other expertise as appropriate, will modify procedures where warranted. The modification to the procedure(s) may include one or more of the following:

- change to specific procedure;
- location (e.g., site description);
- rationale for change;
- environmental criteria reviewed as part of modification request;
- consideration of environmental objectives;
- equivalent or approved standard of mitigation;
- additional environmental mitigation measures required¹;
- extra costs resulting from procedure change²;
- site sketch;
- approval by the Project Manager and/or the Environmental Manager for environmental-related changes; and

¹ Trans Mountains Project Manager or Project Director will document the safety rationale for any environmental protection measure that was not implemented due to safety concerns.

² Trans Mountains Project Manager or Project Director will document the rationale for any environmental protection measure that was not implemented due to extra costs resulting from the procedural change.

- approval by the Project Director for changes impacting cost, schedule and/or safety.

Changes outside of the scope of Project approved documentation will be subject to the MOC process (as described in Section 2.7.

With respect to environmental mitigation, the following criteria will be collectively considered by appropriate field personnel (e.g. the Lead EI and Construction Representative or designate) when deciding which protection measures and/or procedures to implement when changes are necessary:

- site conditions at the time of construction;
- weather conditions, and forecasts at the time of construction;
- permit/approval conditions;
- suitable alternative mitigation options outlined in applicable environmental plans;
- site-specific information in the RSMTs (Volume 7 of the Environmental Plans) and on the EASs (Volume 8 of the Environmental Plans)
- equipment and/or materials availability at the time of construction;
- consultation with applicable Resource Specialists, where warranted;
- Contractor experience with specific construction techniques; and
- inspection staff experience with implementing applicable protection measures and/or procedures.

Changes to an existing procedure will be discussed with the Appropriate Government Authorities, and the appropriate authorization will be acquired if the revised procedures require further regulatory approval. The resolution and/or revision will be documented and communicated to the appropriate parties.

Environmental information (e.g., erosion concerns or natural drainage patterns) will be collected throughout construction and documented. This information will aid in deciding the techniques to implement post-construction in order to achieve successful reclamation.

4.5 Environmental Work Shut Down Procedure

A potential non-compliance may be identified by anyone at any time. Observations of a non-compliance must be reported to supervisory level personnel. An EI that has been notified of the non-compliance will contact the Construction Representative or designate and, in consultation with the Environmental Manager and Senior Compliance Advisor, determine if the non-compliance is in violation with legal requirements and whether corrective action is required.

Where corrective action is required, the Construction Representative or designate will make a determination to either modify the work practice or shut the activity down until conditions improve. The EIs will assist in this decision-making process.

The Senior Compliance Advisor will notify Appropriate Government Authorities of a reportable event within the legislated timeframes as outlined in Section 3.2 of this plan. Any follow-up interactions or reporting to government authorities will be conducted by Trans Mountain.

If work is shut-down, it will resume only when conditions improve and/or appropriate mitigation measures have been successfully implemented and/or regulatory approval is received (if required). Once approved by Trans Mountain, the Construction Representative or designate will inform the work crew and work will proceed following the corrective action plan.

4.6 Issue Monitoring and Mitigation Development

In the event that a major environmental issue arises during construction for which no mitigation measures have been approved, a plan of action will be developed to both assess and mitigate the environmental effects. It may be necessary to modify or create new procedures to address site conditions not previously identified in Environmental Protection Plans. Whenever a change or variance occurs on the Project, the MOC process may be implemented when warranted. Regulatory agency involvement may be required to obtain direction on proposed actions or mitigation measures. The Project EPPs describe the personnel involved in the decision-making criteria. Issues will be tracked by EI on daily reports and the Environmental Issues Tracking List.

5.0 INCIDENT REPORTING AND DOCUMENTING

The NEB, AER, and BC OGC, and other authorities have statutory reporting requirements associated with activities they authorize. In addition to statutory reporting requirements, KMC has internal incident reporting requirements governed by the ISLMS. Contractors also have obligations for statutory reporting. As a result some incidents will undergo reciprocal reporting to Government Authorities. This underscores the need to have a well-defined process to ensure Contractor and TMEP reports are consistent and accurate. The following section describes how specific information necessary for statutory reporting will be provided to the RCT in order to fulfill reporting obligations.

This section addresses incident reporting and documenting in the following areas:

- reporting of Health and Safety Incidents to Government Authorities;
- environmental Release and Event Reporting to Government Authorities; and
- documenting Incidents.

Purpose

- To ensure all internal and regulatory agency reporting requirements are met.
- Establish clear roles and responsibilities to ensure effective incident communication and reporting.
- Maintain accurate records of incidents for performance reporting and trend analysis.

Scope

The RCT has been delegated the responsibility of reporting incidents to authorities. The RCT is also responsible for any follow up interactions with authorities including:

- participate in Emergency Response Line (ERL) call and provide advice on regulatory reporting requirements;
- acquire required incident information from Environment, and Safety and Security teams;
- initiate regulatory notifications ensuring all reporting requirements are fulfilled;
- conduct and coordinate required follow up reporting and responses to IR; and
- develop and maintain weekly compliance report.

The following activities are out of scope for the RCT:

- incident reporting for TMP (operating assets);
- security incidents;
- Emergency Response³;
- TMEP ERL process⁴;
- investigations of incidents⁵;

³ RCT can support TMEP Emergency Response as necessary.

⁴ ERL process is found in TMEP ERP.

- reporting under the Construction Health and Safety Management Plan⁶;
- routine regulatory notifications identified in EPPs⁷;
- preparing and recording of TMEP safety, security and environmental reports; and
- Internal Safety and Security performance reporting.

Some examples of reportable incidents include:

- the death of, or serious injury to a person;
- a release causing an adverse effect on the environment; and
- an unintended fire or explosion.

5.1 Statutory Reporting

The RCT has been delegated the responsibility of reporting incidents to government authorities. The RCT is also responsible for any follow up interactions with authorities as described in Section 3 of this plan. Government Authorities require specific information to fulfill statutory reporting obligations. Section 5.2 and 5.3 of this plan describe how specific information necessary for statutory reporting of incidents will be provided to the RCT in order to fulfill reporting obligations. Section 5.2 describes reporting of health and safety incidents; Section 5.3 describes environmental release and event reporting. Appendix B contains Regulatory Reporting Guidelines for TMEP Incidents. Appendix C contains a copy of the NEB Detailed Incident Report Form which is an example of information required through the Online Event Reporting System. NEB Online Event Reporting System and Guidelines are available on the NEB web page as follows:

- [NEB Event Reporting Guidelines](#); and
- [Online Event Reporting System](#).

5.2 Reporting of Health and Safety Incidents to Government Authorities

TMEP ERP required by to NEB Condition 89 will contain the Project Incident Communication Procedure and ERL process that will be used to ensure that timely incident notification is received and distributed to the appropriate personnel as well as make necessary agency notifications. Once this decision has been made during the ERL call, RCT will conduct agency notifications as outlined in Figure 5-1 of this document.

As described in the TMEP HSMP the Contractor is responsible for recording the incident information using their own incident reporting form, or KM Incident & Investigation Report form CSM-001. Much of the information collected in CSM-001 form is required information for statutory reporting however additional information may be required by government authorities. When an incident is deemed reportable to government authorities, this information will be transferred to NEB Detailed Incident Report or applicable authority's notification forms by the Contractor and/or CMI and forwarded to the Senior Compliance Advisor within legislated timeframes for statutory reporting.

⁵ Formal incident investigations are conducted according to ISLMS Incident Reporting and Investigation Standard. RCT will assess the causal factors of becoming non-compliant and support investigation teams as needed.

⁶ All individuals are responsible for reporting of safety incidents and near misses. Near miss reporting process is administered by the TMEP Health, Safety(HS) team.

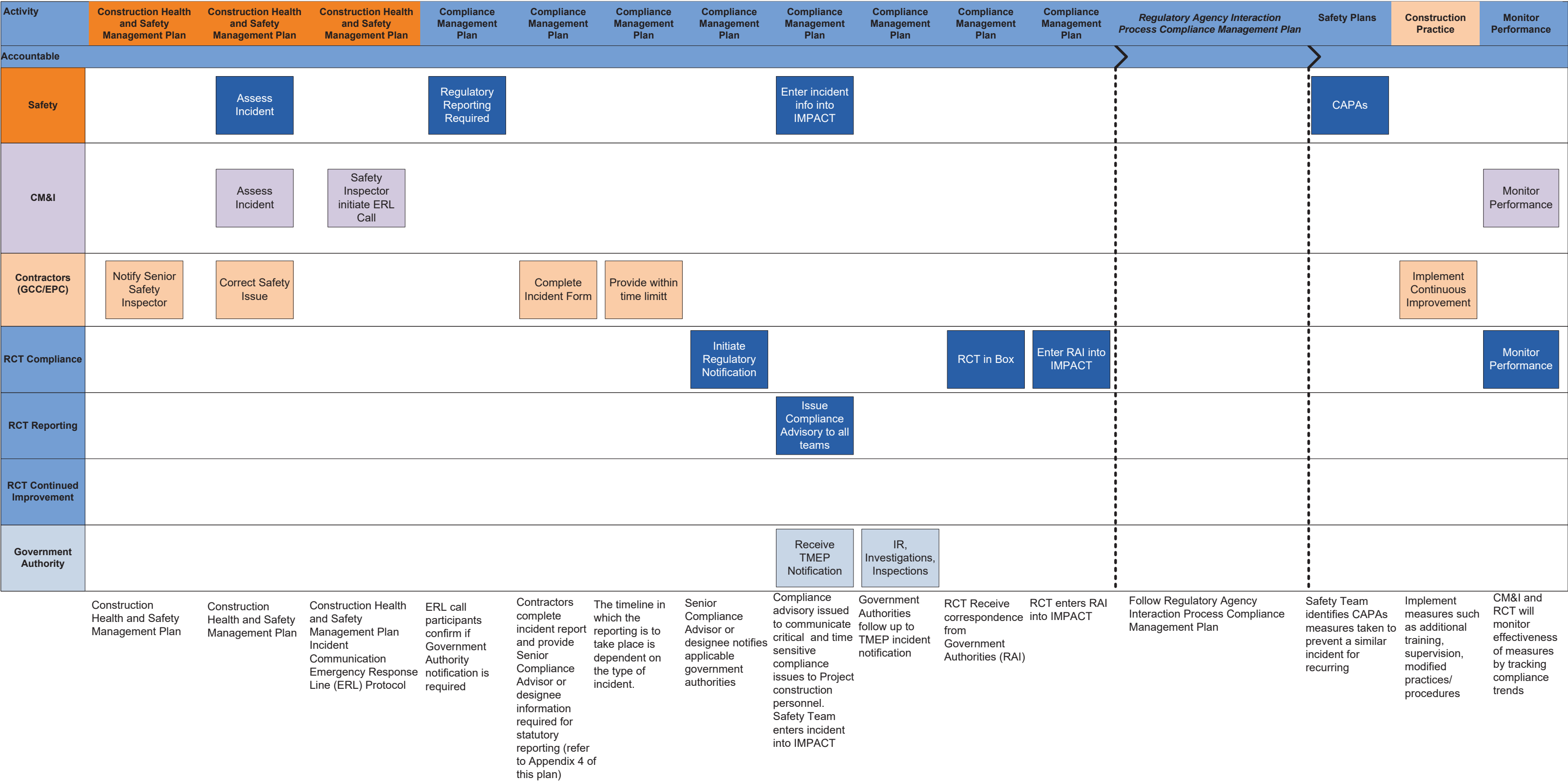
⁷ Routine regulatory notifications are conducted by EIs, resources specialists or other personnel identified in Environmental Protection Plans.

Refer to TMEP Emergency Response (NEB Condition 89) at Document Control No. 01-13283-GG-0000-HS-PLN-0002 RA.

Refer to TMEP Health and Safety Management Plan (NEB Condition 64) at Document Control No. 01-13283-GG-0000-HS-PLN-0001 RA.

KM Incident & Investigation Report form CSM-001 is available on the Kinder Morgan website at http://www.kindermorgan.com/pages/work/contractor_co/safety_req.aspx.

Figure 5-1 Reporting Health and Safety Incidents to Authorities



Notes:
Construction monitoring and inspection (CM&I) contractor is an extension of the TMEP leadership team/project management team. The role of the CM&I contractor is to ensure general construction contractors (GCC) and engineering, procurement, construction contractors (EPC) provide assurance services (quality, safety, environmental) and reporting services to the TMEP leadership team.

Incident investigations are conducted according to ISLMS Incident Reporting and Investigation Standard and are not addressed in the CMP. RCT will assess the causal factors of becoming non-compliant and support investigation teams as needed.

All incidents that qualify as being non-compliant with applicable laws, commitments made by Trans Mountain and/or specific approval conditions by regulatory authorities, will be reported to the Senior Compliance Advisor. The Senior Compliance Advisor will take necessary steps to rectify the situation through appropriate steps to notification of regulatory authorities, implementation of suitable mitigation measures by the contractors and record keeping of the circumstances that resulted in the non compliance, any remedial measures taken and any recommendations for future monitoring. (TMEP Volume 6A, Section 7.0).

TMEP and its Contractors are expected to comply with all applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain. Contractors also have obligations for statutory reporting. As a result some incidents will undergo reciprocal reporting to Government Authorities. This underscores the need to have a well defined process to ensure Contractor and TMEP reports are consistent and accurate.

5.3 Environmental Release and Event Reporting to Government Authorities

Any unplanned release that exceeds a reportable quantity, the quantity is unknown or the release enters or threatens to enter a body of water will be reported to applicable government authority. All external incident notifications to government authorities shall be performed by the RCT within the legislated timeframes. Figure 5-2 depicts the process for environmental release and event reporting.

Maintaining an open and frequent dialog with government authorities will facilitate cooperation, information sharing and proactive issue mitigation. In addition to releases, the EPP contains a variety of reporting obligations. Routine notifications to authorities will be conducted by EI's, resources specialists or other personnel identified in EPP. EPPs include detailed contingency plans to address potential effects, events or conditions that may arise during construction. The RCT is responsible for notifying government authorities of significant environmental events and instances of non-compliance as described in the following contingency plans:

- Contamination Discovery Contingency Plan;
- Fire Contingency Plan;
- Bentonite Fluid Release Contingency Plan;
- Flood and Excessive Flow Contingency Plan;
- Heritage Resources Discovery Contingency Plan;
- Soil Erosion and Sediment Control Contingency Plan;
- Spill Contingency Plan;
- Wet/Thawed Soils Contingency Plan;
- Wildlife Species of Concern Encounter and Discovery Contingency Plan; and
- Marine Spill Contingency Plan.

Appendix D outlines Reportable Spill Volumes required by key government authorities.

5.4 Documenting Incidents

As described in Section 3.2.10, IMPACT is the KMC database that is used to report incidents, initiate internal notifications, and document details related to incident investigations. A record of Incidents will be maintained by the Project. Recording and documenting releases will occur in the following areas:

- IMPACT (completed by TMEP Health and Safety [HS] Team);
- Contractor Incident Reports;
- Spill Report Form (completed by the contractor);
- Daily Environmental Inspection Reports (completed by EI); and
- Weekly Compliance Report (completed by RCT).

Release recording is the responsibility of the Contractor. It is the responsibility of the Contractor to immediately inform the EI of all releases and record the release on the spill report form. The contractor must ensure that the spill report is complete and comprehensive in accordance with the applicable legal requirements, regulations, and that any release is contained and cleaned up. The EI will record the spill on their daily report, which will form the basis of the environmental section of the monthly construction progress report and the weekly Compliance Report. Trans Mountain will track all spills and discuss them during the construction management meetings. Compliance Advisors will notify Project construction personnel of critical and time sensitive issues, as required.

Figure 5-2 Environment Release and Event Reporting

Activity	EPP's & Environmental Contingency Plans	EPP's & Environmental Contingency Plans	Construction Health and Safety Management Plan	Compliance Management Plan	Compliance Management Plan	Compliance Management Plan	Compliance Management Plan	Compliance Management Plan	Compliance Management Plan	Compliance Management Plan	Compliance Management Plan	Regulatory Agency Interaction Process Compliance Management Plan	Environmental Plans	Construction Practice	Monitor Performance
Accountable															
Environment		Assess Release/Event		Regulatory Reporting Requirement									CAPAs		
Safety								Enter incident info into IMPACT							
CM&I		Assess Release/Event	EI Initiate ERL Call												Monitor Performance
Contractors (GCC/EPC)	Notify EI of Release/Event	Mitigate Environmental Issue			Complete Spill / Incident Report Form	Provide RCT Within Time Limit								Implement Continuous Improvement	
RCT Compliance							Initiate Regulatory Notification			RCT inbox	Enter RAI into IMPACT				Monitor Performance
RCT Reporting								Issue Compliance Advisory							
RCT Continued Improvement															
Government Authority								Receive TMEP Notification	RAI, IR, Investigations, Inspections						

EPP Spill Prevention: Report spills immediately to an Environmental Inspector who will notify the Senior Compliance Advisor for reporting to the Appropriate Government Authorities in accordance with the Spill Contingency Plan (see Appendix B of this EPP).

EPP Spill Contingency Plan

Construction Health and Safety Management Plan Incident Communication Emergency Response Line (ERL) Protocol

ERL call participants confirm if Government Authority notification is required

Contractors complete spill report and provide Senior Compliance Advisor or designee information required for statutory reporting (refer to Appendix B of this plan)

The timeline in which the reporting is to take place is dependent on the type of incident.

Senior Compliance Advisor or designee notifies applicable government authorities

• Compliance Advisory issued to communicate critical and time sensitive compliance issues to Project construction personnel.
• Safety Team enters incident into IMPACT

Government Authorities follow up to TMEP incident notification

RCT Receive correspondence from Government Authorities (RAI)

RCT enters RAI into IMPACT

Follow Regulatory Agency Interaction Process Compliance Management Plan

Environment Team identifies CAPAs taken to prevent a similar incident for recurring

Implement measures such as additional training, supervision, modified practices/ procedures

CM&I and RCT will monitor effectiveness of measures by tracking compliance trends

Notes:

Construction monitoring and inspection (CM&I) contractor is an extension of the TMEP leadership team/project management team. The role of the CM&I contractor is to ensure general construction contractors (GCC) and engineering, procurement, construction contractors (EPC) provide assurance services (quality, safety, environmental) and reporting services to the TMEP leadership team.

Incident investigations are conducted according to ISLMS Incident Reporting and Investigation Standard and are not addressed in the CMP. RCT will assess the causal factors of becoming non-compliant and support investigation teams as needed.

All incidents that qualify as being non-compliant with applicable laws, commitments made by Trans Mountain and/or specific approval conditions by regulatory authorities, will be reported to the Senior Compliance Advisor. The Senior Compliance Advisor will take necessary steps to rectify the situation through appropriate steps to notification of regulatory authorities, implementation of suitable mitigation measures by the contractors and record keeping of the circumstances that resulted in the non compliance, any remedial measures taken and any recommendations for future monitoring. (TMEP Volume 6A, Section 7.0).

TMEP and its Contractors are expected to comply with all applicable legal requirements, regulations, permits, approval conditions, and all commitments made by Trans Mountain. Contractors also have obligations for statutory reporting. As a result some incidents will undergo reciprocal reporting to Government Authorities. This underscores the need to have a well defined process to ensure Contractor and TMEP reports are consistent and accurate.

Consequence of Worker Non-Compliance: Those who show careless or wanton neglect of the environment or disregard the mitigation measures outlined in the CMP and EPP's will be subjected to appropriate disciplinary measures including, if appropriate, removal from the work site and/or dismissal.

6.0 COMPLIANCE PERFORMANCE REPORTING

Introduction

Accurately reporting on incidents, government authority compliance activities, internal compliance verification activities and conformance to Project plans and procedures will provide a robust picture of overall Project compliance performance. Analyzing compliance trends will aid in evaluating the effectiveness of programs within the CMP and identify areas where improvement opportunities can be implemented. Ensuring a good compliance record is vital component of Project execution. Additionally, TMEP's compliance with conditions and commitments will be published on both the NEB and Trans Mountain web pages.

Purpose

- Provide an accurate and robust picture of compliance performance for the Project and measure TMEP objectives and targets.
- Ensure TMEP compliance requirements have been fulfilled.
- Provide continuous updates and feedback on compliance issues.
- Identify trends and continuous improvement opportunities.
- Ensure transparency in TMEP's compliance program.

Scope

Compliance Performance Reporting will be limited to the activities that fall within the scope of this plan, including:

- regulatory and environmental compliance requirements:
 - regulatory inspections;
 - Project compliance assurance activities;
- reportable safety and environmental incidents; and
- environmental compliance activities recorded in daily environmental reports.

The following activities are out of scope:

- reporting requirements found in the Construction HSMP; and
- construction activity and progress reports.

Performance Indicators in the compliance report will include:

- incidents and causal factors;
- RAI and topics of assessment;
- non-compliance events and causal factors;
- Government Authority Notifications;
- Regulatory Filings;
- TMEP Compliance Requirement status reporting (commitments and conditions);
- Environmental Issues;
- Compliance Audit Findings; and
- Inspection and Self-Assessment Findings.

6.1 Compliance Dashboard

An online compliance dashboard will be used to communicate compliance performance to TMEP and KMC personnel. IMPACT and OpsInfo information will be utilized to generate the dashboard and custom reports for a variety of audiences. The dashboard will communicate overall Project compliance performance.

6.2 Compliance Advisory

A compliance advisory will be used to communicate critical and time sensitive compliance issues to Project construction personnel.

6.3 Weekly Compliance Reports

Weekly Compliance Reports will summarize any non-compliance events including a summary of any releases. Issues will be brought forward at the next daily construction meeting by the lead EI(s). The Weekly Compliance Report will be incorporated into the overall Project Performance Report.

6.4 Trans Mountain Expansion Project Web Site

The TMEP web site will be used to communicate compliance activities externally. Conditions and commitment compliance updates will be provided on the web page. The TMEP Communications Team will be responsible for maintaining the web site. Commitments and condition compliance will also be published on the NEB web site. The TMEP web site can be found at: <https://www.transmountain.com/expansion-project>.

6.5 National Energy Board Web Site

The NEB is improving public access to regulatory information on its web site. The NEB is now publishing the following information on its web site:

Condition compliance web site enables Canadians to track company compliance with pipeline conditions. Compliance with the 157 NEB Conditions will be published and tracked on this web site.

Compliance and Enforcement findings:

- NEB Inspection Reports (see Inspection Reports – Questions and Answers for more information);
- NEB Audits of company operations;
- Inspection Officer Orders;
- Incident Investigation Reports published by the Board;
- Information related to Administrative Monetary Penalties;
- Board Orders (related to safety and environmental protection issues);
- Board Letters or Directives (related to safety and environmental protection issues);
- Corrective Action Plans related to the above; and
- Other relevant documents, including any significant correspondence.

TMEP Commitments Tracking Table will also be available for viewing on the NEB web site. The NEB web site can be found at: <https://www.neb-one.gc.ca/index-eng.html>.

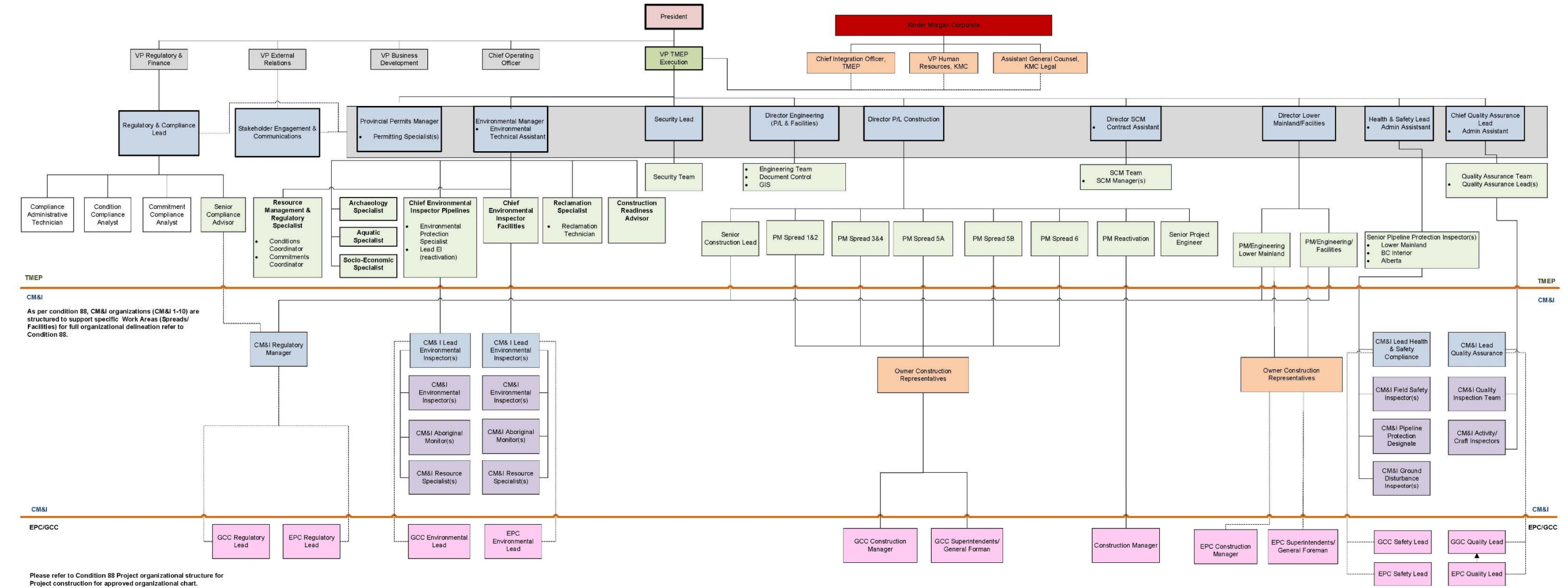
6.6 Provincial Authorities Web Site

Provincial authorities publish enforcement actions that occur under their authorizations. AER and BC OGC enforcement actions can be found on their web sites. The AER web site can be found at: <https://www.aer.ca/>. The BC OGC website can be found at: <https://www.bcogc.ca/>.

APPENDIX A
ROLES AND RESPONSIBILITIES

As described in Trans Mountains Application, Volume 6A, roles and responsibilities of the relevant personnel involved in compliance have been identified. The structure of certain roles may change depending on the nature of contractor responsibility in the execution of construction. These roles and responsibilities will be updated once construction plans are finalized. A Project organizational structure for construction has been developed pursuant to NEB Condition 88 (see Figure A-1).

Figure A-1 Organization Chart TMEP Owner Team RCT, Environment and Permitting



Roles and Responsibilities ¹

Role	Responsibilities
Leadership Team	
Project VP	<ul style="list-style-type: none">Accountable for the execution of TMEPEnsure Project is undertaken in compliance with all applicable legal requirements, Environment, Health and Safety Policy, and applicable corporate proceduresEnsure Trans Mountain has documented policies and goals, and continues to be committed to the ongoing use of the KMC ISLMS Major Projects ProgramIn coordination with legal services, responsible for the NEB application for LTO prior to putting the TMEP into serviceDemonstrate leadership and direction to the ProjectEndorse and sign off on the Project CMP
Project Directors	<ul style="list-style-type: none">Provide leadership and direction to the environmental programs for the Major Projects GroupAssume ultimate authority for environmental performance for the Major Projects GroupEnsure that all NEB and BC EAO conditions have been met and appropriate environmental authorizations are in placeEnsure there are sufficient, qualified and trained personnel to construct the Project in an environmentally responsible manner compliant all with applicable legal requirements, regulations, permit conditions, approval conditions and all commitments made by Trans MountainEnsure suitable environmental programs (inspection and compliance) are in place to support Project executionEnsure environmental compliance audits are implemented and action items for the Project are followed throughMonitors environmental performance through review of compliance reports, environmental incidents and follow-up actionsEnsure MOC procedures are in place and followedEnsure compliance and environmental responsibilities are integrated in all levels of the Project organizationEndorse and sign off on the Project CMP
Project Manager(s)	<ul style="list-style-type: none">Assure Contractors are constructing the Project in an environmentally responsible manner compliant all with applicable legal requirements, regulations, permit conditions, approval conditions and all commitments made by Trans MountainEnsure compliance with specifications, and construction contracts and applicable codesEnsure Contractors understand the EPPs and environmental sensitivities of the Project during contracting processEnsure that construction plans and modifications to Project activities, schedules and issues are communicated in a timely manner to the appropriate personnel by using the Project MOC processEnsure environmental performance and compliance of the Contractor is a topic of discussion at regularly scheduled meetingsResolve conflicts between construction and environmental considerationsReview environmental and compliance reports including incident reports and ensure corrective actions are completedResponsible for maintaining an open dialog with the Chief EI and Contractor supervisorWork closely with the Environment Manager, Chief EI and Contractor supervisor to assess levels of compliance achieved, evaluate the effectiveness of processes and ensure areas of continuous improvements are being implemented
KMS Legal Department	<ul style="list-style-type: none">The KMC Legal Department will commission environmental compliance audits, which will be coordinated by the EHS Department using the services of a third-party consulting firm.Senior Director Aboriginal and Legal to endorse and sign off on the Project Compliance Management Plan
EHS Department	<ul style="list-style-type: none">Review environment performanceParticipate in monthly safety and environmental stewardship meetings to facilitate timely discussion of joint environmental issues and expectationsThe KMC Legal Department will commission environmental compliance audits, which is coordinated by the EHS Department using the services of a third-party consulting firm.
Regulatory and Compliance Team (RCT)	
Role	Responsibilities
Regulatory and Compliance Lead	<ul style="list-style-type: none">Report to the Project VP on regulatory complianceHas delegated authority for all processes and procedures enabling compliance performance in support of Project executionWork closely with senior Project personnel in implementing Compliance Programs within the CMPProvide advice and interpretation of regulatory requirements and ensure compliance with Project specifications, applicable legal requirements, regulations, permits, approval conditions, and commitmentsEnsure that KMC policies and the CMP that have been adopted by Trans Mountain are available and adhered toProvide overall regulatory and compliance coordination for the ProjectWork with Senior Directors and the Project Manager to ensure sufficient, qualified and trained personnel are in place to implement the Compliance Program and CMPWork closely with the Manager, Permitting to ensure that environmental approvals and permits for construction are acquiredAlong with other RCT members act as primary point of contact for the Project with regulatory authoritiesOversee the work of the Senior Compliance Advisor, Compliance Advisors, Conditions and Compliance AnalystsWork closely with the Environmental Manager, Senior Compliance Advisor to evaluate processes to ensure that they are working effectively to ensure complianceHelp to resolve conflicts between construction activities and regulatory considerationsParticipate in Trans Mountain's compliance audits and reviewsAccountable for the filing of NEB Conditions, variance applications, and the acquisition of federal permits in support of Project constructionReview the weekly compliance report from the Senior Compliance AdvisorRead and understand the CMP and provide written acknowledgement

Role	Responsibilities
Senior Compliance Advisor	<ul style="list-style-type: none">• Report to the Regulatory and Compliance Lead regarding compliance issues• Report to the Environmental Manager regarding environmental compliance issues• Develop, maintain and implement the CMP• Oversee the development and implementation of CCMP• Work closely with Owner and Contractor Teams to evaluate compliance processes ensuring that they are working effectively and achieving desired results which will include site visits Support compliance activities for the Project• Provide advice and interpretation of regulatory requirements and ensure compliance with Project specifications, applicable legal requirements, regulations, permits, approval conditions, and commitments• Liaise with regulatory authorities to address concerns, maintain positive and effective communications• Accompany regulatory authority representatives on field reviews and inspections, where warranted• Communicate and address compliance issues raised by regulatory authorities• Responsible for statutory reporting of incidents on behalf of the TMEP• Coordinate and facilitate regulatory and compliance inspections and audits• Review MOC to determine if regulatory approval(s) are necessary• Receive RAI non-compliance reports and relay information and response actions to internal parties• Responsible for the preparation of the weekly compliance report• Maintain compliance tracking data base which will include all non-compliance issues and agency inspections• Analyze compliance tracking database to identify trends and apply learnings for continuous improvement• Maintain Compliance dashboard and issue advisories• Work closely with the Environment Manager to assess levels of compliance achieved, evaluate the effectiveness of processes and ensure areas of continuous improvements are being implemented• Read and understand the CMP and provide written acknowledgement
Commitment Compliance Analyst	<ul style="list-style-type: none">• Work with the Senior Compliance Advisor to develop and maintain a Commitment Tracking Table pursuant to NEB Condition 6• Develop a quality assurance, quality control process to ensure the Commitment Tracking Table is comprehensive and accurate• Liaise with other Compliance Analysts to maintain the commitment tracking table including assisting with QAQC and associated processes• Work with multiple teams within TMEP who are responsible for the technical content of commitments• Prepare reports to assist teams with implementation, monitoring and completion of commitments• Maintain documentation demonstrating commitment completion• Ensure the Commitment Tracking Table is updated, posted to TMEP website and filed on time with the NEB• Ensure all documentation to support TMEP compliance is retained as per regulatory requirements• Prepare regulatory reports by collecting, analyzing and summarizing information• Help develop tools, forms, templates required as part of the CMP• Prepare a monthly report for the Senior Compliance Advisor on the status of commitment compliance filings• Work with Permit Specialist to ensure access to the Commitments Tracking Table at construction offices as part of the Project permit binder• Read and understand the CMP and provide written acknowledgement
Conditions Compliance Analyst	<ul style="list-style-type: none">• Work with the Senior Compliance Advisor to develop and implement the process to manage NEB and BC EAO condition tracking and compliance pursuant to NEB Condition 1 and BC EAO Condition 5• Develop a quality assurance, quality control process to ensure TMEP meets all requirements imposed under each specific condition• Implement a condition tracking process to facilitate coordination and execution of conditions across Project teams• Coordinates conditions schedule and filing plan using phased filings to support Project execution schedule• Coordinates application for Condition Relief in the event that a condition or elements of a condition cannot be fulfilled• Work with multiple teams within TMEP who are responsible for the technical content of condition compliance filings• Ensuring that all documentation to support TMEP compliance are retained as per regulatory requirements• Prepare a weekly report for the Senior Compliance Advisor on the status of condition compliance filings• Where required, liaise with regulatory agencies on condition compliance filings• Maintain NEB condition tracking system on TM web page linking condition compliance to NEB filings• Work with Permit Specialist to ensure access to condition documents at construction offices as part of the Project permit binder• Read and understand the CMP and provide written acknowledgement

Environment Team	
Role	Responsibilities
Environmental Manager	<ul style="list-style-type: none">• Report to the Project Director and Project Manager on environmental compliance• Provide overall environmental coordination and communication for the Project• Provide overall direction on environmental matters• Direct the development and implementation of the environmental components of the Project, including the reinforcement of Owner's ISLMS and Owner's environmental management objectives• Oversee the commitment to attain high standards of environmental compliance, which will include site visits. Implement and monitor a Project-specific internal environmental audit plan and schedule• Maintain regulatory authority contacts, and work with regulatory agencies on environmental matters• Direct environmental inspection services• Work closely with the Senior Compliance Advisor in implementing the CMP to ensure applicable legal requirements, regulations, permits, approval conditions, and commitments are met• Work closely with the Manager, Permitting to ensure that environmental approvals and permits for construction are acquired• Work with Senior Directors and Project Manager to ensure sufficient, qualified and trained personnel are in place to implement the Environmental Compliance Program and CMP• Review Environmental Inspection reports to evaluate Project resource needs and compliance issues• Develop and oversee the Environmental Compliance and Education Program for the Project• Oversee the work of the Chief EI and the Environmental Resource Manager• Monitor environmental incidents and oversee corrective actions• Review weekly compliance report from the Senior Compliance Advisor• Read and understand the CMP and provide written acknowledgement
Chief Environmental Inspector(s)	<ul style="list-style-type: none">• Have overall responsibility for the Environmental Inspection Team, which includes the Lead EIs, EIs, and AbMs• Work with the Construction Representative to resolve conflicts that may occur between Contractors, Technical Inspectors, and EIs regarding environmental issues• Communicate clearly and on a timely basis with the Environmental Manager and the Senior Compliance Advisor regarding environmental issues including non-compliance issues• Coordinate with the Environmental Manager to ensure that appropriate environmental resources are on-site• Receive copies of all Owner and Contractor environmental reports, incident reports, Contractor environmental action plans and corrective action plans for the Project.• Provide a daily summary report to the Project Manager, Environmental Manager, and Senior Compliance Advisor on contractor compliance with Project mitigation requirements, permit conditions and environmental specifications• Ensure consistency in environmental inspection and reporting across all spreads• Review all EI reports and enter issues into the issues tracking list• Work with Environment Manager to review and comment on proposed changes through the MOC process• Read and understand the CMP and provide written acknowledgement
Lead EI(s)	<ul style="list-style-type: none">• Oversee the mitigation implemented in the field to verify it is timely, effective, appropriate and is in line with all ERDs• Consult with the Chief EI, as needed, during review of Contractor environmental action plans and implementation of Contingency Plans or non-standard mitigation strategies in the field, and corrective action plans• Receive copies of all Owner and Contractor environmental reports, incident reports, Contractor environmental action plans and corrective action plans for the Project• Work collaboratively with the Contractor team to maintain compliance• Manage the EIs, the AbMs, on-site Resource Specialists, and other Owner environmental representatives within their respective work sites• Read and understand the CMP and provide written acknowledgement

Role	Responsibilities
Environmental Inspectors	<ul style="list-style-type: none">• Monitor Project construction activities to ensure mitigation and contingency plans are being implemented to minimize environmental disturbance• Document environmental compliance and environmental activities on a daily basis and maintain a photographic record• Responsible for environmental issues resolution, field decision-making and reporting• Coordination with the Construction Representative, Chief Inspector, construction Contractor representatives and Environmental coordinators• Ensure that the Project is constructed in compliance with environmental conditions and requirements contained within the Project Application, environmental specifications, standards and permits through inspection and documentation• Accompany regulatory authority representatives on field reviews and inspections• Have the authority, in consultation with the Chief Inspector, to halt construction during specific non-compliance activities that have potential to have adverse effects on the environment in accordance with the EPP's• Inform the lead Inspector (for each spread) daily of the environmental issues in their area• Work closely with construction Contractor representatives to discuss environmental sensitivities and commitments that must be met• Assess work areas ahead of construction noting concerns, site-specific issues and site conditions, and provide advance notice to the Construction Representative, Lead Activity Inspectors, and Contractor Environmental Coordinators to allow proactive planning of the work to avoid adverse effects• Enforce compliance with environmental legislation, commitments, approvals and permits• Keep track of issues not immediately resolved by entering them into the Issues Tracking List• Provide listed issues to the Contractors to resolve in an agreed timeline before they escalate into a non-compliance• Oversee the implementation of the EPPs during all phases of construction (<i>i.e.</i>, flagging/staking, vegetation removal, topsoil/root zone material salvage, grading, sedimentation control, water withdrawal and activities in watercourses and wetlands)• Monitor compliance with environmental and socio-economic commitments, undertakings and conditions of permits and approvals, as well as applicable environmental legislation, Trans Mountain's policies, procedures, industry-accepted standards, procedures and industry-accepted standards. An EI may designate responsibility for environmental and socio-economic compliance monitoring in certain cases based on the nature of the activity and the availability of appropriate alternative personnel (<i>e.g.</i>, the Activity Inspector)• Review the Contractor's plan for site grade and site preparation to ensure that resource-specific features (<i>e.g.</i>, rare plants and rare ecological communities, archaeological sites, paleontological sites, wetlands, watercourses, wildlife and wildlife habitat sites, and Traditional Land Uses [TLUs]) are protected and not knowingly compromised as a result of construction activities• Provide advice on decisions or courses of action to deal with unexpected environmental matters (<i>e.g.</i>, a decision to shut down or modify construction due to wet/thawed soils)• Prepare, collect, organize and disseminate all environmentally-related information and documentation that arises during construction and will be responsible for the preparation of daily EI reports• Liaise with Appropriate Government Authorities and the Aboriginal Monitors assigned to the Project in co-operation with the Construction Representative or designate and the Project Environmental Manager• Work with Resource Specialists that may be required to support the Project• Organize on-site meetings in consultation with the Construction Representative or designate and, as the need arises, to address resource-specific issues as well as review construction methodologies.• Read and understand the CMP and provide written acknowledgement
Resource Management & Regulatory Specialist	<ul style="list-style-type: none">• Coordinate the work of the Resource Specialists to handle specific environmental sensitivities• Plan environmental specialist participation in the construction program• Ensure that schedule windows for wildlife are met• Ensure that appropriate equipment and materials are on-site to assess compliance with commitments• Read and understand the CMP and provide written acknowledgement
Resource Specialists (Archaeology, Aquatic, Reclamation etc.)	<ul style="list-style-type: none">• Confirm if mitigation objectives have been met and provide feedback to the Environmental Inspection Team and Construction Representative• Provide input to work plans of specific activities such as deterring wildlife from the work area and soil handling• Provide input in the event of an unanticipated discovery of valued resources such as a cultural resource site that was not previously mapped• Assist the EIs as needed• Provide advice on mitigation measures for field issues and environmental resource features based on their specific areas of specialized training and experience• Read and understand the CMP and provide written acknowledgement
Aboriginal Monitors	<ul style="list-style-type: none">• Work with the EIs and Resource Specialists to provide traditional knowledge to the construction program to ensure protection of the environment and heritage resources• Discuss traditional and western science elements with the EIs to ensure protection and monitoring• Monitor mitigation success in protecting the environment and heritage resources• Review and become familiar with the TLU and Traditional Ecological Knowledge (TEK) information in the area• Read and understand the CMP and provide written acknowledgement
Permitting Team	
Role	Responsibilities
Manager, Permitting	<ul style="list-style-type: none">• Oversee all elements of permit acquisition and compliance• Confirm understanding of provincial and municipal permit requirements with regulatory authorities and handle any permit-related issues• Determine if regulatory approval is necessary for substantial changes to mitigation measures• Work with construction and engineering teams to determine and gather the information necessary to resolve environmental issues and to acquire new permits or permit revisions• Ensure that permit binders are kept up-to-date in the construction offices• Read and understand the CMP and provide written acknowledgement
Permit Specialist	<ul style="list-style-type: none">• Manages permit development projects with internal teams and multiple disciplines and sub-contractors• Liaises with regulators to operationalize planning and receive and implement feedback on permit and plan drafts• Coordinates internal Information Request process on all permits from Provincial Regulators• Coordinate the Permit Amendment planning process with regulators, Contractors and consultants• Manage a Crown permit tracking system• Work closely with Manager, Permitting to ensure permit binders are kept up to date at construction offices• Read and understand the CMP and provide written acknowledgement

Engineering, Procurement, Construction Contractors (EPC)	
Role	Responsibilities
Contractor (Supervisors, Foreman and Environmental Coordinators)	<ul style="list-style-type: none">EPC will have their own organizational structure including specific roles and responsibilities general expectations relevant to the CMP are outlined belowEnsure compliance with company specifications, permit conditions, construction contracts and applicable codesDemonstrate compliance and continual improvement through monitoring, reporting and training activities throughout the Project lifecycleVerify that all construction personnel attend the appropriate level of Environmental and Compliance Education training specified for the level of role and responsibility prior to work on the construction siteAssist with delivery of the Level I Environmental and Compliance Education TrainingEnsure Project personnel have adequate experience in conducting their work so as to avoid or minimize environmental impactsUnderstand the requirements of the EPPs and execute construction accordinglyHold Construction Pre-job meetingsProvide site orientation and ensure all visitors are escorted by authorized personnelReview compliance requirements including relevant permits and approval conditions and commitments prior to work occurring at the subject locations, update as requiredReview environmental documentation to ensure complete understanding of environmental commitments related to the work prior to initiating work. Work with the EIs to ensure full understanding. Hold tailgate meetings to discuss environmental issuesResponsible for conducting the Project in an environmentally responsible manner and incorporating all Project environmental requirements into daily construction activitiesReport observations of non-compliance to supervisory level personnel and the Senior Compliance Advisor as per the CMPReport Incidents as per the Construction Health and Safety Management PlanRecord all spills immediately and provide copies to KMC in accordance with the spill reporting requirements for the appropriate jurisdictionReport and discuss any deviation of work plans from those committed to in approved environmental documentation (EPPs, Environmental Assessment, etc.) with the Environmental Lead, EIs and/or Construction RepresentativeRespond to any issued environmental incident investigation forms within 24 hoursEnsure adequate equipment is on-site and available to respond to environmental incidentsEnsure appropriate equipment is on-site to minimize environmental impactsEnsure Project schedules are developed and maintained to allow timely regulatory/landowner notifications and to allow site-specific environmental plans to be developed at sensitive locations such as watercourse crossingsAssist KMC Construction and EIs with development of construction plans to deal with sensitive activities or areasCo-operate with environmental compliance audits by Kinder Morgan's corporate EHS groupImplement EPP mitigation measures during constructionRespond to Environmental and Lead Activity Inspector requests during construction to ensure compliance with Project environmental requirementsRead and understand the CMP and provide written acknowledgement
General Construction Contractors (GCC)	
Role	Responsibilities
Contractor (Supervisors, Foreman and Environmental Coordinators)	<ul style="list-style-type: none">GCC will have their own organizational structure including specific roles and responsibilities general expectations relevant to the CMP are outlined belowEnsure compliance with company specifications, permit conditions, construction contracts and applicable codesDemonstrate compliance and continual improvement through monitoring, reporting and training activities throughout the Project lifecycleVerify that all construction personnel attend the appropriate level of Environmental and Compliance Education training specified for the level of role and responsibility prior to work on the construction siteAssist with delivery of the Level I Environmental and Compliance Education TrainingEnsure Project personnel have adequate experience in conducting their work so as to avoid or minimize environmental impactsUnderstand the requirements of the EPPs and execute construction accordinglyHold Construction Pre-job meetingsProvide site orientation and ensure all visitors are escorted by authorized personnelReview compliance requirements including relevant permits and approval conditions and commitments prior to work occurring at the subject locations, update as requiredReview environmental documentation to ensure complete understanding of environmental commitments related to the work prior to initiating work. Work with the EIs to ensure full understanding. Hold tailgate meetings to discuss environmental issuesResponsible for conducting the Project in an environmentally responsible manner and incorporating all Project environmental requirements into daily construction activitiesReport observations of non-compliance to supervisory level personnel and the Senior Compliance Advisor as per the CMPReport Incidents as per the Construction Health and Safety Management PlanRecord all spills immediately and provide copies to KMC in accordance with the spill reporting requirements for the appropriate jurisdictionReport and discuss any deviation of work plans from those committed to in approved environmental documentation (EPPs, Environmental Assessment, etc.) with the Environmental Lead, EIs and/or Construction RepresentativeRespond to any issued environmental incident investigation forms within 24 hoursEnsure adequate equipment is on-site and available to respond to environmental incidentsEnsure appropriate equipment is on-site to minimize environmental impactsEnsure Project schedules are developed and maintained to allow timely regulatory/landowner notifications and to allow site-specific environmental plans to be developed at sensitive locations such as watercourse crossingsAssist KMC Construction and EIs with development of construction plans to deal with sensitive activities or areasCo-operate with environmental compliance audits by Kinder Morgan's corporate EHS groupImplement EPP mitigation measures during constructionRespond to Environmental and Lead Activity Inspector requests during construction to ensure compliance with Project environmental requirementsRead and understand the CMP and provide written acknowledgement

Construction Monitoring and Inspection (CMI)	
Role	Responsibility
Construction Monitoring and Inspection (CMI)	<ul style="list-style-type: none">Construction Monitoring and Inspection Contractor is an extension of the TMEP Execution Leadership Team/Project Management Team. The role of the CMI Contractor is to ensure General Construction Contractors (GCC) and Engineering, Procurement, Construction Contractors (EPC) perform their approved scope of work as per approved construction Execution Plans. The CMI Contractor is also responsible for overall execution coordination with the GCC and EPC Contractors and to provide assurance services (quality, safety, environmental) and reporting services to the TMEP Execution Leadership Team/ Project Management Team.CMI will have their own organizational structure including specific roles and responsibilities general expectations relevant to the CMP are outlined belowEnsure compliance with regulatory requirements, including NEB conditions and commitmentsSupport Federal, Provincial and Municipal permitting complianceEngage Aboriginal Monitors to ensure compliance with Traditional Land Use and Aboriginal sensitive values during constructionLiaise with regulatory authorities to address concerns, maintain positive and effective communications with regulatory authority representatives and facilitate agreement in the fieldInspect and document Contractor compliance with Project mitigation requirements, permit conditions and environmental specifications on a daily basisMonitor compliance and continual improvement through inspection, reporting and training activities throughout the Project lifecycleRead and understand the CMP and provide written acknowledgement

Notes: 1 Expanded organizational structure found in Condition 88 not all roles are defined in this table

APPENDIX B

REGULATORY REPORTING GUIDELINES FOR TMEP INCIDENTS

Regulatory Body	Incident Triggering Report	Legislative Source for Reporting Requirement	Notes and Sources of Additional Information
Reporting Requirements for Incidents in any location (unless otherwise specified)			
Mandatory Reporting Requirements			
<p>National Energy Board</p> <p>Mandatory</p> <p>Timeline Incident: Immediately – within 24 hours. Submit a detailed incident report within 12 weeks.</p> <p>Significant incident: Immediately - within 3 hours of discovery.</p> <p>Contact For incidents: NEB Online Event Reporting System (OERS) https://apps.neb-one.gc.ca/ers</p> <p>819-997-7887 if OERS is not available.</p> <p>For significant incidents: 819-997-7887 (Transportation Safety Board's Rail/Pipeline Branch 24-hour hot line. TSB will contact NEB) AND report online via OERS</p> <p>NEB: 403-807-9473</p> <p>All member companies of the Canadian Energy Pipeline Association must file copies of the incident reports submitted to pipeline regulators. Send copies to: incidentdata@cepa.com</p>	<p>An incident causing: • the death of or serious injury to a person</p> <ul style="list-style-type: none">a significant adverse effect on the environmentan unintended fire or explosionan unintended or contained release of low vapour pressure (LVP) hydrocarbons in excess of 1.5 m³an unintended or uncontrolled release of gas or high vapour pressure (HVP) hydrocarbonsthe operation of a pipeline beyond its design limits as determined under CSA Z662 or CSA Z276 or any operating limits imposed by the Board. <p>A significant incident resulting in:</p> <ul style="list-style-type: none">deatha missing persona serious injurya fire or explosion that causes a pipeline or facility to be inoperativea LVP hydrocarbon release in excess of 1.5 m³ that leaves company property or the right of waya rupturea toxic plume as defined in CSA Z662. <p>KMC Reporting Procedure *Report online via OERS ASAP</p> <p>*Telephone report to TSB and report online via OERS within 3 hours of discovering a significant incident</p> <p>*Submit additional prescribed information to TSB within 30 days of incident via OERS.</p> <p>*Submit detailed incident report to NEB within 12 weeks unless NEB advises otherwise.</p>	<p>Onshore Pipeline Regulations, 1999, s. 1 (definitions) and s. 52(1)</p> <p>1 “incident” means an occurrence that results in</p> <p>(a) the death of or serious injury to a person;</p> <p>(b) a significant adverse effect on the environment;</p> <p>(c) an unintended fire or explosion;</p> <p>(d) an unintended or contained release of LVP hydrocarbons in excess of 1.5 m³;</p> <p>(e) an unintended or uncontrolled release of gas or HVP hydrocarbons;</p> <p>(f) the operation of a pipeline beyond its design limits as determined under CSA Z662 or CSA Z276 or any operating limits imposed by the Board.</p> <p>“release” includes discharge, spray, spill, leak, seep, pour, emit, dump and exhaust.</p> <p>“serious injury” includes an injury that results in</p> <p>(a) the fracture of a major bone (skull, mandible, spine, scapula, pelvis, femur, humerus, fibula, tibia, radius, and ulna);</p> <p>(b) the amputation of a body part;</p> <p>(c) the loss of sight in one or both eyes;</p> <p>(d) internal hemorrhage;</p> <p>(e) third degree burns;</p> <p>(f) unconsciousness; or</p> <p>(g) the loss of a body part or function of a body part.</p> <p>52(1) A company shall immediately notify the Board of any incident relating to the construction, operation or abandonment of its pipeline and shall submit a preliminary and detailed incident report to the Board as soon as is practicable.</p> <p>(2) After notification of an incident, an inspection officer may partially or completely relieve a company from the requirement to submit a preliminary and detailed incident report</p> <p>National Energy Board Event Reporting Guidelines, s. 3, 11 “significant incident” is an acute event that results in:</p> <ul style="list-style-type: none">death;a missing person;a serious injury;a fire or explosion that causes a pipeline or facility to be inoperative;a LVP hydrocarbon release in excess of 1.5 m³ that leaves company property or the right-of-way;a rupture (an instantaneous release that immediately impairs the operation of a pipeline such that pressure cannot be maintained); ora toxic plume as defined in CSA Z662. <p>“significant adverse effect on the environment” means a release of any chemical or physical substance at a concentration or volume sufficient to cause an irreversible, long-term, or continuous change to the ambient environment in a manner that causes harm to human life, wildlife, or vegetation.</p> <p>“operation beyond design limits” means any operation of the pipeline beyond the criteria for which the pipeline was designed and/or the operation of the pipeline beyond criteria imposed to mitigate a condition on the pipeline. This includes conditions that have been demonstrated by an engineering assessment to provide continued fitness for service of the pipeline (<i>e.g.</i>, pressure restrictions).</p>	<p>TSB and NEB pipeline emergency notifications are made through one reporting window: The Online Event Reporting System (OERS) https://apps.neb-one.gc.ca/ers</p> <p>See National Energy Board Event Reporting Guidelines for more information regarding the Board’s requirements with respect to event reporting under its various regulations:</p> <p>https://www.neb-one.gc.ca/bts/ctrg/gnnb/rprtnngdlns/index-eng.html#s3</p> <p>For more information on NEB safety and emergency management see the NEB's Safety and Emergency Management web pages:</p> <p>http://www.neb.gc.ca/clf-nsi/rsftyndthnvrmmnt/sfty/sfty-eng.html</p> <p>https://www.neb-one.gc.ca/sftnvrmmnt/mrgnc/index-eng.html</p> <p>It is possible that events occurring in the US may cause a precautionary shutdown of the Canadian portion of the Puget system. Do not notify TSB of the precautionary shutdown without VP Ops approval.</p>

Regulatory Body	Incident Triggering Report	Legislative Source for Reporting Requirement	Notes and Sources of Additional Information
<p>Transportation Safety Board (Pipeline Incident - Marine Incident discussed below under Westridge-specific requirements)</p> <p>Mandatory</p> <p>Timeline Significant pipeline occurrence: Immediately</p> <p>Pipeline occurrence: As soon as possible. Submit additional prescribed information via OERS within 30 days.</p> <p>Contact NEB Online Event Reporting System (OERS) https://apps.neb-one.gc.ca/ers</p> <p>819-997-7887 for significant incident or if OERS is not available. (Transportation Safety Board's Rail/Pipeline Branch 24-hour hot line).</p> <p>NEB: 403-807-9473</p>	<p>A significant pipeline occurrence results in:</p> <ul style="list-style-type: none">death;a serious injury (as defined in the Onshore Pipeline Regulations or the Transportation Safety Board Regulations);a fire or explosion that causes a pipeline or facility to be inoperative;a LVP hydrocarbon release in excess of 1.5 m³ that leaves company property or the right of way;a rupture (an instantaneous release that immediately impairs the operation of a pipeline such that pressure cannot be maintained); ora toxic plume as defined in CSA Z662. <p>A pipeline occurrence results directly from the operation of a pipeline where:</p> <ul style="list-style-type: none">A person is killed or sustains a serious injury.The safe operation of the pipeline is affected by damage sustained when another object comes into contact with it or a by a fire, explosion, ignition or ignition that is not associated with normal pipeline operations.An event or operational malfunction results in an unintended or uncontrolled release of gas, HVP hydrocarbons, LVP hydrocarbons in excess of 1.5 m³, or a commodity other than gas, HVP hydrocarbons or LVP hydrocarbons.There is a release of a commodity from the line pipe body.The pipeline is operated beyond design limits or any operating restrictions imposed by the NEB.The pipeline restricts the safe operation of any mode of transportation.An unauthorized third party activity within the safety zone poses a threat to the safe operation of the pipeline.A geotechnical, hydraulic or environmental activity poses a threat to the safe operation of the pipeline.The operation of a portion of the pipeline is interrupted as a result of a situation or condition that poses a threat to any person, property or the environment.An unintended fire or explosion has occurred that poses a threat to any person, property or the environment. <p>KMC Reporting Procedure</p> <p>*Telephone report to TSB immediately upon discovering a significant pipeline occurrence</p> <p>*Report pipeline occurrence online via OERS ASAP</p> <p>*Submit additional prescribed information via OERS within 30 days of pipeline occurrence.</p> <p>*Detailed report also required by NEB unless NEB advises otherwise within 12 weeks.</p>	<p>Transportation Safety Board Regulations, s 1 (definitions) and s 4</p> <p>1 “serious injury” means</p> <p>(a) a fracture of any bone, except simple fractures of fingers, toes or the nose;</p> <p>(b) lacerations that cause severe hemorrhage or nerve, muscle or tendon damage;</p> <p>(c) an injury to an internal organ;</p> <p>(d) second or third degree burns, or any burns affecting more than 5% of the body surface;</p> <p>(e) a verified exposure to infectious substances or injurious radiation; or</p> <p>(f) an injury that is likely to require hospitalization.</p> <p>[With respect to the definition of a “significant pipeline occurrence”, “serious injury” is defined as above and as in section 1 of the Onshore Pipeline Regulations:</p> <p>“serious injury” includes an injury that results in</p> <p>(a) the fracture of a major bone (skull, mandible, spine, scapula, pelvis, femur, humerus, fibula, tibia, radius, and ulna);</p> <p>(b) the amputation of a body part;</p> <p>(c) the loss of sight in one or both eyes;</p> <p>(d) internal hemorrhage;</p> <p>(e) third degree burns;</p> <p>(f) unconsciousness; or</p> <p>(g) the loss of a body part or function of a body part.]</p> <p><u>Pipeline Occurrence Report to the Board</u></p> <p>4. (1) The operator of a pipeline must report the following pipeline occurrences to the Board if they result directly from the operation of the pipeline:</p> <p>(a) a person is killed or sustains a serious injury;</p> <p>(b) the safe operation of the pipeline is affected by</p> <p>(i) damage sustained when another object came into contact with it, or</p> <p>(ii) a fire or explosion or an ignition that is not associated with normal pipeline operations;</p> <p>(c) an event or an operational malfunction results in</p> <p>(i) an unintended or uncontrolled release of gas,</p> <p>(ii) an unintended or uncontrolled release of HVP hydrocarbons,</p> <p>(iii) an unintended or uncontained release of LVP hydrocarbons in excess of 1.5 m3, or</p> <p>(iv) an unintended or uncontrolled release of a commodity other than gas, HVP hydrocarbons or LVP hydrocarbons;</p> <p>(d) there is a release of a commodity from the line pipe body;</p> <p>(e) the pipeline is operated beyond design limits or any operating restrictions imposed by the National Energy Board;</p> <p>(f) the pipeline restricts the safe operation of any mode of transportation;</p> <p>(g) an unauthorized third party activity within the safety zone poses a threat to the safe operation of the pipeline;</p> <p>(h) a geotechnical, hydraulic or environmental activity poses a threat to the safe operation of the pipeline;</p> <p>(i) the operation of a portion of the pipeline is interrupted as a result of a situation or condition that poses a threat to any person, property or the environment; or</p> <p>(j) an unintended fire or explosion has occurred that poses a threat to any person, property or the environment.</p> <p><u>Information in report</u></p> <p>(2) The report must contain the following information:</p> <p>(a) the name of the operator;</p> <p>(b) the date and time of the occurrence;</p> <p>(c) the unique identifier of the pipeline or portion of pipeline, such as its name or number;</p> <p>(d) the specific pipeline components that malfunctioned or failed;</p> <p>(e) the location of the occurrence by reference to a specific designation point such as the operator's facility or the pipeline's kilometre post location;</p> <p>(f) the closest city, town or village to the occurrence site;</p> <p>(g) the number of persons who were killed or sustained serious injuries as a result of the occurrence;</p> <p>(h) a list of any commodity contained in or released from the pipeline and an estimate of the volume of commodity released and recovered;</p> <p>(i) the actual or anticipated duration of any interruption of the operation of the pipeline or a portion of the pipeline;</p> <p>(j) a description of the occurrence, the events leading up to it and the extent of any damage, including the consequences on the pipeline or portion of the pipeline and on any other property and the environment;</p> <p>(k) a description of any action taken or planned to address the consequences of the occurrence;</p> <p>(l) a description of any action taken or planned to protect persons, property and the environment, including any evacuation as a result of the occurrence;</p> <p>(m) the name and title of the person making the report and the phone number and address at which they can be reached; and</p> <p>(n) any information specific to the occurrence that the Board requires.</p> <p><u>Time limit</u></p> <p>(3) The person making the report must send to the Board</p> <p>(a) as soon as possible and by the quickest means available, all the information required under subsection (2) that is available at the time of the occurrence; and</p> <p>(b) the remainder of that information as soon as it becomes available within 30 days after the occurrence.</p>	<p>For more information on TSB reportable pipeline occurrences see the following web page: http://www.tsb.gc.ca/eng/incidents-occurrence/pipeline/index.asp</p> <p>It is possible that events occurring in the US may cause a precautionary shutdown of the Canadian portion of the Puget system. Do not notify TSB of the precautionary shutdown without VP Ops approval.</p>

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Transportation Safety Board (Pipeline Incident - Marine Incident discussed below under Westridge-specific requirements) (cont'd)	See above	<u>Agreement</u> (4) The Board and the operator of the pipeline may enter into an agreement regarding a format and time frame for reporting pipeline occurrences that are not likely to require immediate Board response. <u>Definitions</u> (5) The following definitions apply in this section. "CSA Z662" means Canadian Standards Association Standard Z662 entitled Oil and Gas Pipeline Systems, as amended from time to time. "design limits" means the design limits and criteria for a pipeline that are prescribed by the standards and codes under which the pipeline is designed, constructed and operated. "HVP" means high vapour pressure as defined in CSA Z662. "LVP" means low vapour pressure as defined in CSA Z662. "operator" means the company that operates the pipeline or portion of the pipeline. "safety zone" means the area extending 30 m perpendicularly from the centre of a pipeline on either side of the pipeline.	See above
Department of Fisheries and Oceans Mandatory Timeline Immediately. Contact 1-800-222-6514 (in Alberta - Alberta Ministry of Environment) or 1-800-663-3456 (in BC - BC Provincial Emergency Program). If deposit occurs at the Westridge Marine Terminal, contact the pollution prevention officer/Coast Guard, as discussed below under Westridge-specific requirements.	An occurrence that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery, or a serious and imminent danger of such an occurrence. A deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any detriment to fish habitat or fish or the use by humans of fish results or may reasonably be expected to result therefrom. KMC Reporting Procedure * Contact appropriate authority by telephone ASAP following incident.	Fisheries Act, s. 34(1) (definitions) and s. 38(4)-(5) 34(1) "deleterious substance" means (a) any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, or (b) any water that contains a substance in such quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state that it would, if added to any other water, degrade or alter or form part of a process of degradation or alteration of the quality of that water so that it is rendered or is likely to be rendered deleterious to fish or fish habitat or to the use by man of fish that frequent that water, and without limiting the generality of the foregoing includes (c) any substance or class of substances prescribed pursuant to paragraph (2)(a), (d) any water that contains any substance or class of substances in a quantity or concentration that is equal to or in excess of a quantity or concentration prescribed in respect of that substance or class of substances pursuant to paragraph (2)(b), and (e) any water that has been subjected to a treatment, process or change prescribed pursuant to paragraph (2)(c); "deposit" means any discharging, spraying, releasing, spilling, leaking, seeping, pouring, emitting, emptying, throwing, dumping or placing; "water frequented by fish" means Canadian fisheries waters. 38(4) Every person shall without delay notify an inspector, a fishery officer or an authority prescribed by the regulations of an occurrence that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery, that is not authorized under this Act, or of a serious and imminent danger of such an occurrence, if the person at any material time (a) owns or has the charge, management or control of the work, undertaking or activity that resulted in the occurrence or the danger of the occurrence; or (b) causes or contributes to the occurrence or the danger of the occurrence. (5) If there occurs a deposit of a deleterious substance in water frequented by fish that is not authorized under this Act, or if there is a serious and imminent danger of such an occurrence, and detriment to fish habitat or fish or to the use by humans of fish results or may reasonably be expected to result from the occurrence, then every person shall without delay notify an inspector, a fishery officer or an authority prescribed by the regulations if the person at any material time (a) owns or has the charge, management or control of (i) the deleterious substance, or (ii) the work, undertaking or activity that resulted in the deposit or the danger of the deposit; or (b) causes or contributes to the occurrence or the danger of the occurrence. (7) As soon as feasible after the occurrence or after learning of the danger of the occurrence, the person shall provide an inspector, fishery officer or an authority prescribed by the regulations with a written report on the occurrence or danger of the occurrence	The Deposit Out of the Normal Course of Events Notification Regulations designates the Alberta Ministry of Environment and the British Columbia Provincial Emergency Program as those persons to be notified under s. 38(4) and (5) of the Fisheries Act. In the case of a deposit at the Westridge Marine Terminal, the pollution prevention officer referred to in the Pollutant Discharge Reporting Regulations is designated as the person to be notified under s. 38(4) and (5). This contact information is provided below under Westridge-specific requirements.

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<p>Environment Canada</p> <p>Mandatory</p> <p>Timeline By telephone, and a written report, as soon as possible in the circumstances</p> <p>Contact 1-800-222-6514 (in Alberta - Alberta Ministry of Environment) or 1-800-663-3456 (in BC - BC Provincial Emergency Program). If release occurs at the Westridge Marine Terminal, contact the pollution prevention officer/Coast Guard, as discussed below under Westridge-specific requirements.</p>	<ul style="list-style-type: none">An uncontrolled, unplanned or accidental release of a substance into the environment or the reasonable likelihood of such a release into the environment. A “substance” is defined in regulations and includes propane and gasoline.A release of 100L or more of a petroleum product from a storage tank system located on federal or aboriginal land (other than specific storage tank systems identified in s. 2(2) of the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulation). See explanatory note regarding potential inapplicability of this reporting requirement to storage tank systems regulated by the NEB. <p>KMC Reporting Procedure</p> <p>*Releases causing offsite air emissions or liquid releases must be reported.</p>	<p>Canadian Environmental Protection Act, s. 193 (definitions), s. 201(1)-(2); Environmental Emergency Regulations, Schedule 1 (list of substances) and s. 9</p> <p>193 “environmental emergency” means (a) an uncontrolled, unplanned or accidental release, or release in contravention of regulations or interim orders made under this Part, of a substance into the environment; or (b) the reasonable likelihood of such a release into the environment.</p> <p>201(1) Subject to any regulations made under subsection 200(1) or any interim orders made under section 200.1, if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency. (2) Subsection (1) applies to any person who (a) owns or has the charge, management or control of a substance immediately before the environmental emergency; or (b) causes or contributes to the environmental emergency</p> <p>9(1) When an environmental emergency occurs in respect of a substance set out in column 1 of Schedule 1, the person who is designated, for the purpose of paragraph 201(1) (a) of the Act, to be provided with a written report is the Regional Director of the Environmental Enforcement Division of the Enforcement Branch of the Department of the Environment in the region where the environmental emergency occurs. (2) The report must include the following information: (a) the name, civic address and telephone number of the person who owns or has the charge, management or control of the substance released; (b) the date, time and location of the release; (c) the name and CAS registry number of the substance released; (d) the quantity of the substance released or, if the quantity cannot be determined, an estimate of it; (e) the identification of the container from which the substance was released and a description of its condition; (f) the location of the release and a description of potential negative effects on the environment or on human life or health; (g) a description of the circumstances and of the cause of the release, if known, and of the measures taken to mitigate any negative effects on the environment or on human life or health; (h) the identification of all persons and agencies that were notified as a result of the release; and (i) all measures taken or planned to be taken to prevent similar releases.</p> <p>Canadian Environmental Protection Act, s. 212(1)-(2); Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations, s. 1 (definitions), s. 2 (relevant portions) and s. 41. 212. (1) If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release. (2) Subsection (1) applies to any person who (a) owns or has the charge, management or control of the substance immediately before its release or its likely release into the environment; or (b) causes or contributes to the release or increases the likelihood of the release.</p> <p>1 “petroleum product” means, other than an allied petroleum product, a single hydrocarbon or a mixture of at least 70% hydrocarbons by volume, refined from crude oil, with or without additives, that is used or could be used as a fuel, lubricant or power transmitter, and includes used oil, but does not include propane, paint and solvents. “spill” means any loss of a petroleum product or an allied petroleum product in liquid form from a storage tank system, including a loss during a transfer of such a product to or from a storage tank system, but not including a loss that does not reach outside the storage tank system’s secondary containment. “storage tank system” means a tank or commonly connected tanks and all piping, vents, pumps, sumps, diking, overfill protection devices, spill containment devices and oil-water separators. In the case of a system located at an airport, the system ends at the pump discharge “tank” means a closed container with a capacity of more than 230 L that is designed to be installed in a fixed location</p> <p>2(1) These Regulations apply to any storage tank system located in Canada in which petroleum products or allied petroleum products are stored and (c) that is located on federal land or aboriginal land (2) These Regulations do not apply to (a) storage tank systems located in a building that provides secondary containment equivalent to a maximum hydraulic conductivity of 1 x 10-6 cm/s, on a continuous basis; (c) storage tank systems that have aboveground tanks in which the aggregate capacity of the tanks is 2 500 L or less and the systems are connected to a heating appliance or emergency generator; or (d) storage tank systems regulated under the National Energy Board Act or the Canada Oil and Gas Operations Act.</p>	<p>The Release and Environmental Emergency Notification Regulations designates the Alberta Ministry of Environment and the British Columbia Provincial Emergency Program as those persons to be notified under the relevant CEPA provisions. In the case of a release at the Westridge Marine Terminal, the pollution prevention officer referred to in the Pollutant Discharge Reporting Regulations is designated as the person to be notified under the relevant CEPA provisions. This contact information is provided below under Westridge-specific requirements. Note that the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulation do not apply to storage tank systems regulated under the National Energy Board Act (s. 2(2)(d)). See Osler Memorandum dated September 11, 2011 regarding whether certain storage tanks on federal lands (Jasper Park) are regulated by the NEB and hence excluded from the application of this Regulation. To err on the side of caution, the report should be made.</p>

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Environment Canada (cont'd)	See above	41(1) For the purposes of paragraph 212(1)(a) of the Canadian Environmental Protection Act, 1999, the written report must contain the following information: (a) the names of both the owner and the operator of the storage tank system; (b) the identification number of the storage tank system; (c) the date on which the spill, if any, occurred; (d) the type of each petroleum product or allied petroleum product that is the subject of the report; (e) the quantity of each petroleum product or allied petroleum product that is the subject of the report or, if the quantity cannot be determined, an estimate of that quantity; (f) a description of the circumstances of the spill, if any, and any mitigating measures taken; and (g) a description of the measures taken following the spill, if any, to prevent a subsequent occurrence. (2) In the event of a spill of less than 100 L of a petroleum product or an allied petroleum product, the report under paragraph 212(1)(a) of the Canadian Environmental Protection Act, 1999 is not required.	See above
Minister of Labour (Pipeline Incident - Marine Incident discussed below under Westridge-specific requirements) Mandatory Timeline Within 24 hours for telephone reports and within 14 days for written reports Contact 1-800-641-4049	Telephone Reports: Any accident, occupational disease, or other hazardous occurrence that resulted in: <ul style="list-style-type: none">the death of an employeea disabling injury to two or more employeesthe loss by an employee of a body member or a part thereof or the complete loss of the usefulness of a body member or a part thereofthe permanent impairment of a body function of an employeean explosiondamage to a boiler or pressure vessel that results in fire or the rupture of the boiler or pressure vesselany damage to an elevating device that renders it unserviceable, or a free fall of an elevating device. Written Reports: Where the results of an investigation into an accident, occupational disease, or hazardous occurrence affecting an employee in the course of employment discloses that the hazardous occurrence resulted in any one of the following circumstances: <ul style="list-style-type: none">a disabling injury to an employeean electric shock, toxic atmosphere or oxygen deficient atmosphere that caused an employee to lose consciousnessthe implementation of rescue, revival or other similar emergency proceduresa fire or an explosion	Canada Occupational Health and Safety Regulations, s. 15.1 (definitions), s. 15.5, s. 15.8 15.1 “disabling injury” means an employment injury or an occupational disease that (a) prevents an employee from reporting for work or from effectively performing all the duties connected with the employee’s regular work on any day subsequent to the day on which the injury or disease occurred, whether or not that subsequent day is a working day for that employee, (b) results in the loss by an employee of a body member or part thereof or in the complete loss of the usefulness of a body member or part thereof, or (c) results in the permanent impairment of a body function of an employee; 15.5 The employer shall report to the Minister, by telephone or telex, the date, time, location and nature of any accident, occupational disease or other hazardous occurrence referred to in section 15.4 that had one of the following results, as soon as possible but not later than 24 hours after becoming aware of that result: (a) the death of an employee; (b) a disabling injury to two or more employees; (c) the loss by an employee of a body member or a part thereof or the complete loss of the usefulness of a body member or a part thereof; (d) the permanent impairment of a body function of an employee; (e) an explosion; (f) damage to a boiler or pressure vessel that results in fire or the rupture of the boiler or pressure vessel; or (g) any damage to an elevating device that renders it unserviceable, or a free fall of an elevating device. 15.8 (1) The employer shall make a report in writing, without delay, in the form set out in Schedule I to this Part setting out the information required by that form, including the results of the investigation referred to in paragraph 15.4(1)(a), where that investigation discloses that the hazardous occurrence resulted in any one of the following circumstances: (a) a disabling injury to an employee; (b) an electric shock, toxic atmosphere or oxygen deficient atmosphere that caused an employee to lose consciousness; (c) the implementation of rescue, revival or other similar emergency procedures; or (d) a fire or an explosion. (2) The employer shall submit a copy of the report referred to in subsection (1) (a) without delay, to the work place committee or the health and safety representative; and (b) within 14 days after the hazardous occurrence, to the Minister.	For more detail on Canada Labour Code reporting requirements see the following web page: http://www.hrsdc.gc.ca/eng/labour/publications/health_safety/hoir.shtml
Recommended Reporting Requirements			
National Security Information Network Mandatory Timeline Immediately by telephone. Contact 1-800-420-5805. For an emergency or an act in progress, call 911 or your local police department.	Suspicious activity around energy facilities, including taking pictures, videos or notes; asking suspicious questions; threats; monitoring activities; acts of vandalism; suspicious or abandoned packages or deliveries; unauthorized persons on-site or trying to access site; unauthorized vehicles lingering or abandoned near a facility; lost or stolen employee keys or uniforms. KMC Reporting Procedure *Also notify KMC Manager Security and Emergency Response ASAP*	"Security of pipelines" is included in the NEB's mandate under the National Energy Board Act.	For more information, please see the National Energy Board's web page for pipeline security management: https://www.neb-one.gc.ca/sftnvmmt/scrt/pplnscrtmngmnt/pplnscrtymngmnt-eng.html and specifically, the web page that outlines the national security information network and when a report should be made: https://www.neb-one.gc.ca/sftnvmmt/scrt/pplnscrtmngmnt/2009prtctngcnd-eng.html

Regulatory Body	Incident Triggering Report	Legislative Source for Reporting Requirement	Notes and Sources of Additional Information
Additional Reporting Requirements for Incidents in Alberta			
Mandatory Reporting Requirements			
Minister of Environment (Canada) and the Superintendent, Jasper National Park, Parks Canada Agency Mandatory Timeline Immediately by telephone and follow up with written report. Contact Jasper Park Warden Service/Parks Canada Dispatch Office: 780-852-6155 (after hours emergency call 911) Park Superintendent: 780-852-6171	Any anticipated or adverse environmental impacts attributable to the use of the "Lands", as defined in the Temporary Construction Easement Agreement dated August 9, 2007 between Her Majesty the Queen (Parks Canada Agency) and Trans Mountain Pipeline Inc.	Easement Agreement dated August 9, 2007, Art. 6.04 "The Company covenants and agrees to provide the Minister with written notice of any anticipated or adverse environmental impacts attributable to the Company's use of the Land immediately upon discovery by the Company....."	The Superintendent, Jasper National Park, as signatory to the Agreement should be notified in addition to the Minister. This is the sole Easement Agreement provided for preparation of these Guidelines. Reporting requirements in other Easement Agreements for Jasper Park, if any, should be consulted.
Alberta Environment and Sustainable Development Mandatory Timeline Immediately, with a written report within 7 days. Contact 1-800-222-6514 (environmental emergency 24 hour hotline)	When a pipeline transporting oil breaks on Crown land or in a forested area. A release of a substance into the environment that may cause, is causing or has caused an adverse effect (impairment or damage to the environment, human health or safety or property).	Environmental Protection and Enhancement Act, s. 1(b) and (hhh), 110 and 111, Release Reporting Regulation, s. 4 1(b) "adverse effect" means impairment of or damage to the environment, human health or safety or property; 1(hhh) "release" includes to spill, discharge, dispose of, spray, inject, inoculate, abandon, deposit, leak, seep, pour, emit, empty, throw, dump, place and exhaust; 110(1) A person who releases or causes or permits the release of a substance into the environment that may cause, is causing or has caused an adverse effect shall, as soon as that person knows or ought to know of the release, report it to (a) the Director, (b) the owner of the substance, where the person reporting knows or is readily able to ascertain the identity of the owner, (c) any person to whom the person reporting reports in an employment relationship, (d) the person having control of the substance, where the person reporting is not the person having control of the substance and knows or is readily able to ascertain the identity of the person having control, and (e) any other person who the person reporting knows or ought to know may be directly affected by the release. (1.1) Where (a) a person released or caused or permitted the release of a substance into the environment before September 1, 1993, and (b) the activity that resulted in the release was permanently discontinued before that date, the person shall as soon as that person is aware that an adverse effect has occurred or is occurring in respect of that release, report the release to the persons specified in subsection (1). (2) The person having control of a substance that is released into the environment that may cause, is causing or has caused an adverse effect shall, immediately on becoming aware of the release, report it to the persons referred to in subsection (1)(a), (b), (c) and (e) unless the person having control has reasonable grounds to believe that those persons already know of the release. (3) A police officer or employee of a local authority or other public authority who is informed of or who investigates a release of a substance into the environment that may cause, is causing or has caused an adverse effect shall immediately notify the Director of the release unless the police officer or employee has reasonable grounds to believe that it has been reported by another person. 111(1) A person who is required to report to the Director pursuant to section 110 shall report in person, by telephone or by electronic means and shall include the following in the report, where the information is known or can be readily obtained by that person: (a) the location and time of the release; (b) a description of the circumstances leading up to the release; (c) the type and quantity of the substance released; (d) the details of any action taken and proposed to be taken at the release site; (e) a description of the location of the release and the immediately surrounding area. (2) In addition to a report under subsection (1), the person shall report in writing where required by the regulations. (3) A person who reports under subsections (1) and (2) shall give to the Director any additional information in respect of the release that the Director requires. (4) A person who reports under subsection (1) or (2) shall comply with any additional requirements set out in the regulations. 4(1) A person referred to in section 110(2) of the Act who makes a report under section 111(1) of the Act by telephone or by electronic means shall within 7 days ensure that the Director is in receipt of a written report made by the person in accordance with subsection (3). (2) The Director may, on the request of the person reporting under section 111(1) of the Act, waive the requirement of subsection (1) of this section where, in the Director's opinion, the report provided under section 111(1) of the Act is satisfactory and (a) no adverse effects are likely to occur as a result of the release, or (b) the adverse effects caused by the release have been adequately controlled. (3) A written report must include the following information, where reasonably available: (a) the date and time of the release; (b) the location of the point of the release; (c) the duration of the release and the release rate; (d) the composition of the release showing with respect to each substance (i) its concentration, and (ii) the total weight, quantity or amount released	

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Alberta Environment and Sustainable Development (cont'd)	See above	(e) a detailed description of the circumstances leading up to the release; (f) the steps or procedures which were taken to minimize, control or stop the release; (g) the steps or procedures which will be taken to prevent similar releases; (h) any other information required by the Director. (4) Where the Director receives a written report the Director may require, by written notice given to the person who submitted the report, the submission of additional information specified in the notice by the time specified in the notice. (5) A person who receives a notice under subsection (4) shall comply with it in accordance with its terms.	See above
Additional Reporting Requirements for Incidents in British Columbia			
Mandatory Reporting Requirements			
Emergency Management BC (also known as PEP or Provincial Emergency Program) Mandatory Timeline Immediately. Contact 1-800-663-3456 and 1-800-OILS-911 (for marine spills)	A polluting substance escapes or is spilled or waste is introduced into the environment (100L or more) KMC Reporting Procedure * Any offsite air emissions or releases	Environmental Management Act, s. 79(1) and (5); Spill Reporting Regulation, s. 1(definitions), s. 2 and Schedule 79(1) In this section, "polluting substance" means any substance, whether gaseous, liquid or solid that, in the opinion of the minister, is capable of causing pollution if it were to (a) escape into the air, (b) be spilled onto any land or into any body of water, or (c) escape onto any land or into any body of water. (5) If a polluting substance escapes or is spilled or waste is introduced into the environment other than as allowed or authorized by (a) section 6 [waste disposal], or (b) a bylaw under section 31 [control of air contaminants in Greater Vancouver], the person who had possession, charge or control of the substance or waste immediately before the escape, spill or introduction must, immediately after he or she learns of the escape, spill or introduction, report the escape, spill or introduction in accordance with the regulations. 1 "spill" means a release or discharge into the environment, not authorized under the Act, of a substance in an amount equal to or greater than the amount listed in Column 2 of the Schedule opposite that substance in Column 1 2(1) For the purposes of section 79 (5) of the Act, a person who had possession, charge or control of a substance immediately before its spill shall immediately report the spill to PEP by telephoning 1-800-663-3456. (2) Where it appears to a person observing a spill that a report under subsection (1) has not been made, he or she shall make the report referred to in this section. (3) A report under this section shall include, to the extent practical, (a) the reporting person's name and telephone number, (b) the name and telephone number of the person who caused the spill, (c) the location and time of the spill, (d) the type and quantity of the substance spilled, (e) the cause and effect of the spill, (f) details of action taken or proposed to comply with section 3, (g) a description of the spill location and of the area surrounding the spill, (h) the details of further action contemplated or required, (i) the names of agencies on the scene, and (j) the names of other persons or agencies advised concerning the spill. Appendix Item 5: Class 3: Flammable Liquids as defined in section 2.18 of the Federal Regulations: 100 L	For more information on Environmental Emergency Reporting in BC, see the following web page: http://www.env.gov.bc.ca/eemp/overview/eer.htm
Drinking Water Officer Mandatory Timeline Promptly. Contact Drinking Water Health Authority Contacts vary depending on location. See the following web page: http://www.health.gov.bc.ca/protect/dw_ha_contacts.html	A spill reportable under s. 79(5) of the BC Environmental Management Act that may result in a threat to drinking water.	Drinking Water Protection Act, s. 24(1) 24(1) If a person (a) is required to report under (i) section 11 [mandatory reporting of health hazards] of the Public Health Act in respect of a toxic spill, or (ii) section 79(5) [spill prevention and reporting] of the Environmental Management Act, and (b) considers that the event reported may result in a threat to drinking water, the person must also promptly report the situation to the drinking water officer.	Reporting requirements under section 79(5) of the BC Environmental Management Act are discussed in the row above.

Regulatory Body	Incident Triggering Report	Legislative Source for Reporting Requirement	Notes and Sources of Additional Information
Additional Reporting Requirements for Incidents at Westridge Marine Terminal			
Mandatory Reporting Requirements			
<p>Transportation Safety Board (Marine Incident)</p> <p>Mandatory</p> <p>Timeline As soon as possible. A written report must be provided to the Board within 30 days.</p> <p>Contact 613-720-5540 (24-hour hot line to on-duty standby investigator)</p> <p>Report of a Marine Occurrence Form: http://www.tsb.gc.ca/eng/incidents-occurrence/marine/1808E-20140926.pdf</p>	<p>A marine occurrence where:</p> <ul style="list-style-type: none">A person sustains a serious injury or is killed as a result of being on board the ship or falling overboard from the ship, or coming into contact with any part of the ship or its contents.A person falls overboard from the shipA crew member whose duties are directly related to the safe operation of the ship is unable to perform their duties as a result of a physical incapacitation which poses a threat to the safety of persons, property or the environmentThe ship sinks, founders or capsizes, is involved in a collision or risk of a collision, sustains a fire or an explosion, goes aground, makes unforeseen contact with the bottom without going aground, sustains damage that affects its seaworthiness or renders it unfit for its purpose, is anchored, grounded or beached to avoid an occurrence, is missing or abandoned, fouls a utility cable or pipe, or an underwater commodity pipeline, sustains a total failure of the navigation equipment, the main or auxiliary machinery, or the propulsion, steering, or deck machinery, all or part of the ship's cargo shifts or falls overboard or there is an accidental release on board or from the ship consisting of a quantity of dangerous goods or an emission of radiation that is greater than the quantity or emission levels specified in Part 8 of the Transportation of Dangerous Goods Regulations. <p>KMC Reporting Procedure</p> <p>* For KMC vessels only</p>	<p>Transportation Safety Board Regulations, s. 3</p> <p><u>Marine Occurrences</u> <u>Report to the Board</u></p> <p>3(1) The operator of the ship, other than a pleasure craft, whether or not they are the owner, the master, the ship's pilot, any crew member of the ship and the harbour master, that have direct knowledge of a marine occurrence must report the following marine occurrences to the Board:</p> <p>(a) a person is killed or sustains a serious injury as a result of</p> <p>(i) boarding, being on board or falling overboard from the ship, or</p> <p>(ii) coming into direct contact with any part of the ship or its contents;</p> <p>(b) a person falls overboard from the ship;</p> <p>(c) a crew member whose duties are directly related to the safe operation of the ship is unable to perform their duties as a result of a physical incapacitation which poses a threat to the safety of persons, property or the environment;</p> <p>(d) the ship</p> <p>(i) sinks, founders or capsizes,</p> <p>(ii) is involved in a collision or a risk of a collision,</p> <p>(iii) sustains a fire or an explosion,</p> <p>(iv) goes aground,</p> <p>(v) makes unforeseen contact with the bottom without going aground,</p> <p>(vi) sustains damage that affects its seaworthiness or renders it unfit for its purpose,</p> <p>(vii) is anchored, grounded or beached to avoid an occurrence,</p> <p>(viii) is missing or abandoned,</p> <p>(ix) fouls a utility cable or pipe, or an underwater pipeline,</p> <p>(x) sustains a total failure of</p> <p>(A) the navigation equipment if the failure poses a threat to the safety of any person, property or the environment,</p> <p>(B) the main or auxiliary machinery, or</p> <p>(C) the propulsion, steering, or deck machinery if the failure poses a threat to the safety of any person, property or the environment;</p> <p>(e) all or part of the ship's cargo shifts or falls overboard; or</p> <p>(f) there is an accidental release on board or from the ship consisting of a quantity of dangerous goods or an emission of radiation that is greater than the quantity or emission levels specified in Part 8 of the Transportation of Dangerous Goods Regulations.</p> <p><u>Information to Report</u></p> <p>(2) The report must contain the following information:</p> <p>(a) the name or identification number, nationality and type of the ship and, if applicable, a general description of the cargo on board the ship;</p> <p>(b) the date and time of the occurrence;</p> <p>(c) the names of the operator, owner and agents of the ship and, if applicable, the name of the authorized representative referred to in subsection 14(1) of the Canada Shipping Act, 2001;</p> <p>(d) the name of the master of the ship and, if applicable, the name of the ship's pilot;</p> <p>(e) the technical specifications of the ship such as its tonnage, length and type of propulsion;</p> <p>(f) if the ship is equipped with a voyage data recorder or a simplified voyage data recorder,</p> <p>(i) the type of recorder, including its make and model, and</p> <p>(ii) any action taken or planned to save the data on the recorder;</p> <p>(g) the last point of departure and the intended destination of the ship, including the date and time of the departure;</p> <p>(h) the number of crew members, passengers and other persons on board at the time of the occurrence;</p> <p>(i) the number of crew members, passengers and other persons involved in the occurrence who were killed or sustained serious injuries as a result of the occurrence;</p> <p>(j) the local weather, sea and, if applicable, ice conditions at the time of the occurrence;</p> <p>(k) the location of the occurrence by reference to an easily defined geographical point, or by latitude and longitude;</p> <p>(l) a description of the occurrence and the extent of any resulting damage to the ship, the environment and any other property;</p> <p>(m) if applicable, a list of any dangerous goods released on board or from the ship, including the shipping name or UN number of the dangerous goods;</p> <p>(n) if the ship is missing or inaccessible,</p> <p>(i) the last known position of the ship by reference to an easily defined geographical point, or by latitude and longitude, including the date and time that the ship was at that position, and</p> <p>(ii) the actions taken or planned to locate or gain access to the ship;</p> <p>(o) a description of any action taken or planned to protect persons, property and the environment;</p> <p>(p) the name and title of the person making the report and the phone number and address at which they can be reached; and</p> <p>(q) any information specific to the occurrence that the Board requires.</p> <p><u>Time Limit</u></p> <p>(3) The person making the report must send to the Board</p> <p>(a) as soon as possible and by the quickest means available, all the information required under subsection (2) that is available at the time of the occurrence; and</p> <p>(b) the remainder of that information as soon as it becomes available within 30 days after the occurrence.</p>	<p>For more information on TSB reportable marine accidents or incidents see the following web page: http://www.tsb.gc.ca/eng/incidents-occurrence/marine/index.asp</p>

Regulatory Body	Incident Triggering Report	Legislative Source for Reporting Requirement	Notes and Sources of Additional Information
Transportation Safety Board (Marine Incident) (cont'd)	See above	<p><u>Agreement</u> (4) The Board and any person mentioned in subsection (1) may enter into an agreement regarding a format and time frame for reporting marine occurrences that are not likely to require immediate Board response.</p> <p><u>Exemption</u> (5) If a person making a report has sent any information described in subsection (2) to the Board (a) the Board may exempt other persons from the requirement to send that information; and (b) if the person is a member of a company, any other person from that company is exempt from the requirement to send that information.</p> <p><u>Report to radio ship reporting station</u> (6) A report made to a radio ship reporting station is considered to have been made to the Board.</p> <p><u>Towing ship</u> (7) In this section, a reference to an operator, whether or not they are the owner, or a master of a ship includes, in the case of a ship being towed by another ship, the operator, whether or not they are the owner, and master of the towing ship.</p> <p><u>Definitions</u> (8) The following definitions apply in this section. "collision" means an impact, other than an impact associated with normal operating circumstances, between ships or between a ship and another object. "master" means the person who is in command or charge of a ship, but does not include a licensed marine pilot while the pilot is performing pilotage duties under the Pilotage Act. "operation" means the activities for which a ship is used at any time other than when the ship is in dry dock or laid-up. "pilot" means any person who is not a member of the ship's crew and who has the conduct of the ship. "pleasure craft" means a ship that is used for pleasure and not for a commercial purpose. "radio ship reporting station" means a Canadian Coast Guard radio station, a Marine Communications and Traffic Services Centre, a Canadian marine radio station operated by the St. Lawrence Seaway Management Corporation or a Canadian harbour radio station. "risk of collision" means a situation in which a ship comes so close to being involved in a collision that a threat to the safety of any person, property or the environment exists.</p>	See above
Port Metro Vancouver Mandatory Timeline Without delay, with a written report as soon as possible Contact 604-665-9086 or 604-665-9346 (after hours emergency)	<ul style="list-style-type: none">An incident causing a dangerous situation in a portA situation that causes or is likely to cause death, bodily injury, or other emergency situation in a port damages or is likely to damage property or the environmentAn incident involving material loss or damageAn explosion, fire, accident, grounding, strandingAn incident of pollution <p>KMC Reporting Procedure *For Westridge incidents only</p>	<p>Port Authorities Operations Regulations, s. 15(c), s. 17, and s. 18</p> <p>15 Every person who by act or omission causes a dangerous situation in a port shall (c) notify the port authority without delay as to the nature of the dangerous situation and the precautions that have been taken and their location.</p> <p>17 If a situation causes or is likely to cause death, bodily injury or any other emergency situation in a port damages or is likely to damage property or the environment, every person directly involved in the situation and, in the case of an activity conducted under a contract, lease, licence or authorization, the person authorized to conduct the activity shall (a) without delay, notify the port authority that there is an emergency situation; (b) submit a detailed report of the emergency situation to the port authority as soon as possible after it begins; and (c) at the request of the port authority, submit with the report to the port authority a copy of each report of the emergency situation that the person makes to municipal, provincial and federal authorities.</p> <p>18 A person who does anything in a port that results in an incident involving material loss or damage or an explosion, fire, accident, grounding, stranding or incident of pollution shall submit a detailed report of the incident to the port authority without delay.</p>	For more information, please see Port Metro Vancouver's security and emergency web page: http://www.portmetrovancover.com/en/users/securityandemergency.aspx

Regulatory Body	Incident Triggering Report	Legislative Source for Reporting Requirement	Notes and Sources of Additional Information
<p>Pollution Response Officer designated under the Canada Shipping Act, 2001 (Transport Canada) and Canadian Coast Guard</p> <p>Mandatory</p> <p>Timeline Immediately using the quickest means available with a written report the Department of Transport Marine Safety Office</p> <p>Contact 1-800-889-8852 (24-hour Coast Guard Pacific)</p>	<p>Any discharge of oil or the probability that such a discharge will occur in respect of the loading and unloading of oil to or from a ship at an oil handling facility.</p> <p>KMC Reporting Procedure</p> <p>* For Westridge incidents only</p>	<p>Canada Shipping Act, 2001, s. 2 and 165 (definitions); Vessel Pollution and Dangerous Chemicals Regulations, Pollutant Discharge Reporting Regulations, s. 133</p> <p>2 “oil handling facility” means a facility, including an oil terminal, that is used or that will be used in the loading or unloading of petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products, to or from vessels.</p> <p>185 “discharge” means a discharge of a pollutant that directly or indirectly results in the pollutant entering waters, and includes spilling, leaking, pumping, pouring, emitting, emptying, throwing and dumping.</p> <p>“pollutant” means</p> <p>(a) a substance that, if added to any waters, would degrade or alter or form part of a process of degradation or alteration of the quality of the waters to an extent that is detrimental to their use by humans or by an animal or a plant that is useful to humans; and</p> <p>(b) any water that contains a substance in such a quantity or concentration, or that has been so treated, processed or changed, by heat or other means, from a natural state, that it would, if added to any waters, degrade or alter or form part of a process of degradation or alteration of the quality of the waters to an extent that is detrimental to their use by humans or by an animal or a plant that is useful to humans.</p> <p>It includes oil and any substance or class of substances that is prescribed for the purpose of Part 8 (Pollution Prevention and Response — Department of Transport and Department of Fisheries and Oceans) to be a pollutant.</p> <p>133(1) The operator of an oil handling facility who is required to have an oil pollution emergency plan under paragraph 168(1)(d) of the Act must, as soon as feasible,</p> <p>(a) report any discharge or anticipated discharge of oil to the federal emergency telephone number identified in the oil pollution emergency plan; and</p> <p>(b) report in writing any discharge or anticipated discharge of oil to the Department of Transport Marine Safety Office nearest to the facility.</p> <p>(2) The report shall include the following information:</p> <p>(a) the identity of any vessel involved;</p> <p>(b) the name and address of the oil handling facility;</p> <p>(c) the name and position of the person who is responsible for implementing and coordinating the oil pollution emergency plan;</p> <p>(d) the date, time and location of the discharge or the estimated date, time and location of the anticipated discharge;</p> <p>(e) the nature of the discharge or anticipated discharge, including the type and quantity of oil involved;</p> <p>(f) a description of the response actions to be taken;</p> <p>(g) on-scene conditions; and</p> <p>(h) any other relevant information.</p>	<p>For a copy of the Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants, see the following web page: http://www.tc.gc.ca/eng/marinesafety/tp-tp9834-menu-1684.htm The Deposit Out of the Normal Course of Events Notification Regulations and the Release and Environmental Emergency Notification Regulations designate the pollution prevention officer referred to in the Pollutant Discharge Reporting Regulations as the person to be notified under s. 38(4) and (5) of the Fisheries Act and the relevant provisions of the Canadian Environmental Protection Act discussed above.</p>

APPENDIX C

DETAILED INCIDENT REPORT



National Energy Board
Calgary, Alberta

1

DETAILED INCIDENT REPORT

Type or print in black pen

Board Use Only

NEB Incident No. _____ Date Received _____ NEB Investigator _____

Investigator's Comments _____

Secretary
National Energy Board
444 Seventh Avenue S.W.
Calgary, Alberta T2P 0X8 • Fax: (403) 292-5503

PART A - OPERATOR INFORMATION

Name of Company _____

Address of Company _____

Pipeline Name _____

PART B - TIME, WEATHER AND LOCATION OF INCIDENT

Date (month) _____ (day) _____ (year) _____

Hour (24 hour system & time zone) _____

Weather temperature: _____ °C precipitation: _____ windspeed & direction: _____

CSA Class Location ☐ 1 ☐ 2 ☐ 3 ☐ 4

Location (provide specific location using a chainage description (MLV, kmP), land survey description or prominent landmarks)

PART C - ORIGIN OF SPILL/RELEASE

Facility Involved:

☐ Line Pipe ☐ Tank Farm ☐ Pump Station ☐ Compressor Station ☐ Regulator/Meter Station ☐ Gas Plant

☐ Other Related Facility (specify) _____

Equipment Involved:

☐ Pipe ☐ Valve ☐ Pressure relief device ☐ Fitting ☐ Compressor ☐ Pump ☐ Pressure vessel ☐ Tank

☐ Instrumentation

☐ Other (specify) _____

PART D - SPILLS AND RELEASES (Report LVP and HVP spills only if in excess of 1.5 m³)

☐ Gas ☐ LVP ☐ HVP ☐ Toxic Substance

Name of product/substance _____

Volume spilled/released _____ m³ Volume recovered _____ m³

Was there a fire? ☐ Yes ☐ No

Was there an explosion? ☐ Yes ☐ No

PART O - WITNESS INFORMATION

NAME _____ TELEPHONE NO. () _____
 _____ () _____
 _____ () _____
 _____ () _____
 _____ () _____

PART P - BASIC CAUSES OF INCIDENT *(Identify all basic causes contributing to the incident. Basic Cause - means the real or root causes of why the unsafe acts and unsafe conditions as described in the immediate cause occurred. Several Basic Causes may be assigned for one incident.)*

- ☐ Inadequate training ☐ Inadequate work standards or procedures ☐ Inadequate materials, tools or equipment
☐ Inadequate design/maintenance ☐ Non-compliance with work standards or procedures
☐ Other (specify) _____

Additional comments on selected basic cause: _____

PART Q - CORRECTIVE ACTIONS TAKEN TO PREVENT SIMILAR INCIDENTS *(If no corrective action taken, state reasons why)*

PART R - NAME OF PERSON CONDUCTING A COMPANY INCIDENT INVESTIGATION

Name _____
 Title _____
 Telephone () _____ Fax () _____

PART S - NAMES OF OTHER AGENCIES INVESTIGATING INCIDENT

Agency _____	Agency _____
Telephone _____	Telephone _____
Contact Name _____	Contact Name _____
Agency _____	Agency _____
Telephone _____	Telephone _____
Contact Name _____	Contact Name _____

PART T - NAME AND TITLE OF COMPANY REPRESENTATIVE FILING REPORT

Name _____ Signature _____
 Title _____
 Telephone () _____ Fax () _____ Date (time) _____ (month) _____ (day) _____ (year) _____

APPENDIX D

REPORTABLE SPILL VOLUMES

Product	Parks Canada	Alberta Environment	BC MOE	NEB	TDG
Acetylene	Spills in sensitive areas that cannot be fully cleaned-up and remediated in the short-term	>100 L (container capacity)	>10 kg	Any adverse effect	>100 L (container capacity)
Acids, battery	Same as above	>5 kg or L	>5 kg or L	Any adverse effect	>5 kg or L
Antifreeze (glycols)	Same as above	>50 kg or L	>50 kg or L	Any adverse effect	Most are N.R. Check product to see if TDG-regulated
Cleaners (non-toxic, non-flammable)	Same as above	>50 kg or L	>50 kg or L	Any adverse effect	Most are N.R. Check product to see if TDG-regulated
Crude Oil	Same as above	>200 L	>100 L	>1.5 m ³	N.R.
Diesel	Same as above	>200 L	>100 L	>1.5 m ³	>200 L
Gasoline	Same as above	>200 L	>100 L	>1.5 m ³	>200 L
Herbicides/Pesticides	Same as above	>5 kg or L	>5 kg or L	Any adverse effect	Most are N.R. Check product to see if TDG-regulated
Hydraulic Oil	Same as above	>200 L (if hazardous >1 kg)	>100 L	>1.5 m ³	N.R.
Jet Fuel	Same as above	>200 L	>100 L	>1.5 m ³	>200 L
Oxidizers	Same as above	>50 kg or L	>50 kg or L	Any adverse effect	>50 kg or L
Lube Oil (mineral)	Same as above	>200 L	>100 L	>1.5 m ³	N.R.
Lube Oil (synthetic)	Same as above	>200 L (if hazardous >1 kg)	>100 L	Any adverse effect	Most are N.R. Check product to see if TDG-regulated
Methanol	Same as above	>200 L	>100 L	>1.5 m ³	>200 L
Paint	Same as above	>200 L	>100 L	Any adverse effect	>200 L
Pigging Fluids	Same as above	>200 L (if hazardous >1 kg)	>100 L (if hazardous >1 kg)	Any adverse effect	Most are N.R. Depends on lab analysis
Scrubber Fluids	Same as above	>200 L (if hazardous >1 kg)	>100 L (if hazardous >1 kg)	Any adverse effect	Most are N.R. Depends on lab analysis
Solvents	Same as above	>200 L	>100 L	Any adverse effect	Most are N.R. Check product to see if TDG-regulated
Used Oil	Same as above	>200 L (if hazardous >1 kg)	>100 L	>1.5 m ³	N.R.

- Notes:**
- Internal reporting requirements for KMC (greater than 19 litres/5 US gallons)
 - **Contained Spill:** A spill that occurs within and does not extend beyond a KMC facility property line, right-of-way boundaries or the designated construction site (includes temporary workspace, approved pits/stockpile sites and approved Project access routes)
 - **Uncontained Spill:** A spill that extends beyond the boundaries of a contained site described above
 - Please refer to Project Construction Health and Safety Management Plan for further guidance in Emergency Response, incident reporting, and ERL Criteria.
 - KM Incident & Investigation Report form CSM-001 is available on the Kinder Morgan website at http://www.kindermorgan.com/pages/work/contractor_co/safety_req.aspx
 - BC MOE = British Columbia Ministry of the Environment

APPENDIX E

EMERGENCY CONTACTS

Contact	Location	Phone Number
FEDERAL		
NEB	Canada	1-800-899-1265
DFO Observe, Record and Report Hotline	Alberta and BC	1-800-465-4336
ALBERTA		
Royal Canadian Mounted Police/Police	Edmonton	911 or 1-780-412-5424
	Stony Plain	1-780-968-7200
	Edson	1-780-723-8822
	Hinton	1-780-865-2455
Alberta Health Services: Emergency Medical Services (Ambulance)	Gateway EMS Station (Edmonton)	911 or 1-780-342-1172
	West View Health Centre (Stony Plain)	1-780-968-3600
	Edson Healthcare Centre (Edson)	1-780-723-3331
	Hinton Healthcare Centre (Hinton)	1-780-865-3333
Hospital/Clinic	University of Alberta Hospital (Edmonton)	1-780-407-8822
	Royal Alexandra Hospital (Edmonton)	1-780-735-4111
	West View Health Centre (Stony Plain)	1-780-968-3600
	Edson Healthcare Centre (Edson)	1-780-723-3331
	Hinton Healthcare Centre (Hinton)	1-780-865-3333
Fire	Edmonton	911 or 311 1-780-442-5445
	Stony Plain	1-780-963-3551
	Edson	1-780-723-3178
	Hinton	1-780-865-6020
AER 24-hour Emergency Line	Energy/Environmental Emergency & Operational Complaint Number	1-800-222-6514
AEP- 24-hour Emergency Hotline	Edmonton	1-800-222-6514
Western Canadian Spill Service Oil Spill Co-operative – 24-hour Emergency	Alberta	1-866-541-8888
Forest Fires	Alberta	310-FIRE (3473)
Trans Mountain – EHS	Edmonton	1-780-449-5903
Trans Mountain Operations Supervisor	Stoney Plain/Edmonton	1-780-449-5980
Trans Mountain. – 24-hour Emergency Line	Alberta	1-888-876-6711
BC		
Royal Canadian Mounted Police/Police	Valemount	911 or 1-250-566-9800
	Clearwater	1-250-674-2237
	Barriere	1-250-672-9918
	Kamloops	1-250-828-3000
	Merritt	1-250-378-4262
	Hope	1-604-869-7750
	Abbotsford	1-604-859-5225
	Burnaby	1-604-294-7922
Emergency Medical Services (Ambulance)	Valemount	911 or 1-250-566-4703
	Clearwater	1-250-674-3344
	Barriere	1-250-672-9244
	Kamloops	1-250-828-4770
	Merritt	1-250-378-5912
	Hope	1-604-869-5112
	Abbotsford	1-800-461-9911
	Burnaby	1-604-872-5151

Contact	Location	Phone Number
Hospital/Clinic	Valemount Health Centre (Valemount)	1-250-566-9138
	Dr. Helmcken Memorial Hospital (Clearwater)	1-250-674-2244
	Barriere Community Health Centre (Barriere)	1-250-672-9731
	Royal Inland Hospital (Kamloops)	1-250-374-5111
	Nicola Valley Health Centre (Merritt)	1-250-378-2242
	Fraser Canyon Hospital (Hope)	1-604-860-7732
	Abbotsford Regional Hospital (Abbotsford)	1-604-851-4700
	Burnaby Hospital (Burnaby)	1-604-434-4211
Fire	Valemount	911
		1-250-566-9800
	Clearwater	1-250-674-3733
	Barriere	1-250-672-9711
	Kamloops	1-250-372-5131
	Merritt	1-250-378-5626
	Hope	1-604-869-5671
	Abbotsford	1-604-853-3566
	Burnaby	1-604-294-7190
BC MOE 24-hour Spill Line	BC	1-800-663-3456
BC MOE Spill Response	BC	1-877-952-7277
BC OGC 24-hour Incident Reporting	BC	1-800-663-3456
Conservation Officer Service	BC	1-250-356-7669
Western Canadian Spill Service Oil Spill Co-operative – 24-hour Emergency	BC	1-866-541-8888
Forest Fires	BC Forest Fires Reporting Centre	1-800-663-5555
Trans Mountain – EHS	Burnaby	1-604-268-3008
Trans Mountain – EHS (Kamloops)	Kamloops	1-250-371-4017
Trans Mountain Operations Supervisor	Burnaby	1-604-268-3040
Trans Mountain Operations Supervisor	Sumas	1-604-268-3080
Trans Mountain Operations Supervisor	Kamloops	1-604-268-4040
Trans Mountain Operations Supervisor	Clearwater	1-250-587-6350
Trans Mountain – 24-hour Emergency Line	BC	1-888-876-6711

APPENDIX F

CONTRACTOR COMPLIANCE MANAGEMENT PLAN (CCMP)

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 - Document and track training that is provided to personnel.
 - MOC
 - Inspection program in accordance with KMC ISLMS and Owners Environmental Inspection Team
 - Construction pre-job meeting
5. Compliance Verification
 - Monitoring of construction during all phases and ensuring compliance with regulatory requirements
6. Evidence of Compliance
 - Document proof of compliance with regulatory requirements in support of NEB Condition 139
7. Compliance Reporting
 - Incident reporting and tracking
 - TMEP HSMP, ERP, Environmental Plans, and CMP
 - Communicating reportable incidents to RCT
 - Non-compliance reporting
 - Communicating regulatory non-compliance events to RCT
 - Corrective actions and preventative actions
 - Continuous improvement
8. Compliance Performance
 - KPIs
 - Trending
 - Reporting
9. Communication Protocol between Contactor and RCT
 - Required reporting
 - Monthly compliance meetings
 - Significant event meetings

Notes: The Contractor's Compliance Management Plan (CCMP) must be consistent with and complement the **Contractor Environmental Management Plan**.

APPENDIX G

INSPECTION MEASUREMENT AND MONITORING PROCEDURE

10.2 INSPECTION, MEASUREMENT AND MONITORING PROCEDURE

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10.2 INSPECTION, MEASUREMENT AND MONITORING PROCEDURE

1.0 INTRODUCTION

1.1 Purpose

1.1.1 The Inspection, Measurement and Monitoring (IMM) Procedure is part of the Integrated Safety and Loss Management System (ISLMS). It establishes the Kinder Morgan Canada (KMC) requirements for ISLMS Management Programs (“Programs”) to plan, conduct, evaluate, and report on inspection, measurement, and monitoring (IMM) activities, in accordance with the requirements of *10.1 Inspection Measurement and Monitoring (IMM) Standard (the “IMM Standard”)*. The requirements set out within this Procedure include:

- the design and implementation of an annual Monitoring Plan;
- the development and implementation of monitoring procedures and templates to conduct monitoring activities;
- the evaluation of Monitoring results and development of Corrective and Preventative Actions (CAPAs); and,
- the Management Review of and Reporting on monitoring activities.

1.1.2 The *National Energy Board Onshore Pipeline Regulations (OPR) Section 6.5(1)(u)* requires that KMC establish and implement a process for inspecting and monitoring its activities and facilities and for taking corrective and preventative actions if deficiencies are identified. This Procedure has been developed in accordance with these requirements.

1.2 Applicability

1.2.1 This Procedure is applicable to all Programs identified in accordance with Section 3.0 of *2.1 Integrated Safety and Loss Management System (ISLMS)*. Each Program is responsible for establishing, implementing, evaluating and reporting on a Program-specific Monitoring Plan.

1.3 Responsibilities

1.3.1 Program Managers

1.3.1.1 Document an annual Monitoring Plan for the Program’s planned inspection, measurement and monitoring activities, in accordance with the IMM Standard and this Procedure.

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- 1.3.1.2 Communicate the Program's Monitoring Plan to applicable KMC employees and contractors, in accordance with the Program's Internal Communications Plan.
- 1.3.1.3 Ensure all non-conformances identified through monitoring activities have been addressed.
- 1.3.1.4 Ensure quality control reviews of monitoring forms are undertaken and documented.
- 1.3.1.5 Complete a documented annual review of the Program's Monitoring Plan, as well as monitoring activity results and associated trends.
- 1.3.1.6 Provide a summary of the Program's annual review of its monitoring for Management Review.

1.3.2 Program Directors

- 1.3.2.1 Review and provide final approval of the Program's Monitoring Plan.
- 1.3.2.2 Review and provide feedback on the Program's annual review of its Monitoring Plan and the results / trends identified through its monitoring activities.

1.3.3 Compliance Department

- 1.3.3.1 Monitor Program compliance to the IMM Standard and this Procedure.
- 1.3.3.2 Complete all revisions to the IMM Standard and this Procedure and ensure appropriate communication and training of employees and contractors.
- 1.3.3.3 Provide Program Manager and Director training on the development of a Program Monitoring Plan.
- 1.3.3.4 Provide guidance to Program Managers on the development and updating of their Monitoring Plan.
- 1.3.3.5 Review and provide feedback on Program Monitoring Plans and the annual summary of results / trends to ensure quality and consistency.
- 1.3.3.6 Consolidate significant results and trends from monitoring activities across Programs for inclusion in the Quality Assurance Annual Report.

1.4 Definitions

- 1.4.1 **Monitoring:** The act of watching, observing, listening to, or checking (something) for a special purpose over a period of time. Within this Procedure,
-

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monitoring is a blanket term; inspection, measurement, and surveillance are specific forms of monitoring.

- 1.4.2 **Inspection:** The examination and assessment of one or more characteristics of assets, resources, and / or environment, and the comparison of the results with established criteria to determine conformance.
- 1.4.3 **Inspector:** The individual(s) conducting the inspection on behalf of KMC.
- 1.4.4 **Measurement:** A figure, extent, or amount ascertained through the assessment of the inspected item, and its comparison with a benchmark standard value.
- 1.4.5 **Monitoring Plan:** An ISLMS Management Program document that outlines the purpose, rationale, timing, and evaluation of monitoring activities performed within the Program.
- 1.4.6 **Performance Measurement:** The act of evaluating the performance of monitoring activities against objectives and targets, including evaluating overall trends identified from monitoring activities.
- 1.4.7 **Surveillance:** The act of carefully watching someone or something in order to prevent or detect non-conformance. Surveillance is an aspect of monitoring that focuses on certain parameters during periods of activity.

2.0 REQUIREMENTS

2.1 General

- 2.1.1 Each Program that conducts monitoring activities shall adhere to four key phases within the overall monitoring process as identified in Figure 1. (see *Appendix A –Inspection, Measurement and Monitoring Process Flow*).

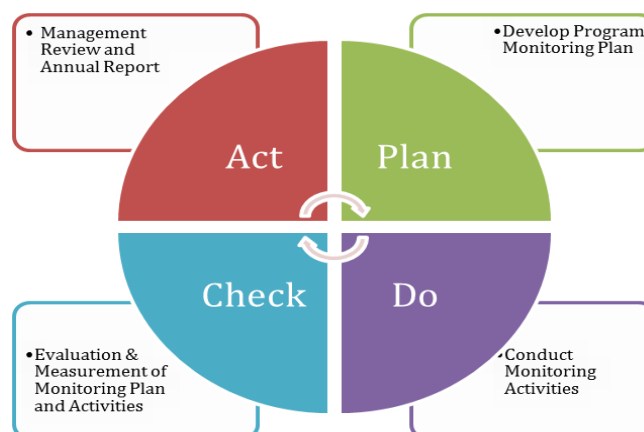


Figure 1: The Monitoring Process

10.2 INSPECTION, MEASUREMENT AND MONITORING PROCEDURE

2.2 Plan

2.2.1 Each Program shall annually develop a Monitoring Plan to document and coordinate the monitoring activities to be performed. Refer to section 3.1 *Develop Monitoring Plan* for additional information.

2.3 Conduct

2.3.1 Each program shall conduct monitoring activities, in accordance with its Monitoring Plan and the guiding procedures referenced in the Plan. Refer to section 3.2 *Conducting Monitoring* for additional information.

2.4 Check and Correct

2.4.1 Each Program shall evaluate the results of monitoring activities and develop corrective and preventative actions (CAPAs) to address any deficiencies and opportunities for improvement.

2.4.2 Each Program shall also complete an annual review of monitoring outcomes against objectives and analyze trends to identify any systemic issues and CAPAs. Additionally, the program will document any improvements to the program's Monitoring Plan for the subsequent year. Refer to section 3.3 *Evaluate, Measure and Mitigate Monitoring* for additional information.

2.5 Review and Report

2.5.1 Each Program will present the results of its annual review of monitoring activities at the Quality Assurance Management Review Meeting, in accordance with 2.6 *ISLMS Management Review Procedure*.

2.5.2 A summary of significant results from each Program's annual review of its monitoring activities will be consolidated for inclusion in the Quality Assurance Annual Report, for review and sign-off by the KMC President and Accountable Officer. Refer to section 3.4 *Management Review and Reporting Monitoring* for additional information.

3.0 PROCEDURE

3.1 Develop Monitoring Plan

3.1.1 Purpose of Monitoring Plan

3.1.1.1 The Monitoring Plan:

- permits accountability and transparency for monitoring;

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- documents the Program's plan for conducting monitoring activities for each calendar year;
- serves as a repository for monitoring information, such as referenced processes, timelines, applicable hazards and responsible roles; and,
- it allows programs to prioritize monitoring activities based on a holistic review and understanding of a variety of information.

3.1.2 Content of Monitoring Plan

3.1.2.1 Each Program shall develop a Monitoring Plan identifying the monitoring activities to be conducted and their frequency.

3.1.2.2 The contents of the Monitoring Plan shall align with the requirements of *10.1 Inspection, Measurement and Monitoring Standard*.

3.1.2.3 The Monitoring Plan should be based on Program-specific evaluation of various inputs, including:

- a review of the Program's annual risk assessment results and the monitoring approaches which identify hazards or potential hazards or verify that controls implemented to reduce risk are functioning effectively;
- the trends in and lessons learned from Program-specific incidents and near misses;
- the annual Program review of the monitoring activities conducted during the prior year;
- the legal requirements, policies, and processes which mandate that certain monitoring activities are conducted;
- the Goals and Objectives of the Program;
- other factors such as worker safety, facility protection, conditions of the natural environment and needs of external stakeholders and Aboriginal Communities; and,
- any other relevant historical data or experiences.

3.1.2.4 Each program shall document their Monitoring Plan using the Program Monitoring Plan template (see *Appendix B – Program Monitoring Plan Template*). The Monitoring Plan Template is maintained by the

10.2 INSPECTION, MEASUREMENT AND MONITORING PROCEDURE

Compliance Department and provided annually for each program to document their Monitoring Plans.

3.1.3 Review and Approve Monitoring Plan

3.1.3.1 The Compliance Department is available to provide guidance regarding the development of the Monitoring Plans to ensure they meet the requirements of the ISLMS and the applicable legal requirements.

3.1.3.2 The Program Manager shall review the Monitoring Plan with their Program Director to ensure quality and consistency prior to submitting it to the Compliance Department. These reviews shall also ensure that Monitoring Plans:

- identify monitoring activities to address key program risks;
- meet ISLMS requirements as outlined in the IMM Standard and this Procedure; and,
- do not contain any gaps or overlaps across Programs.

3.1.3.3 Once the Plans have been finalized, including Program Director and Compliance Department review and approval, they will be maintained by the Compliance Department.

3.2 Conduct Monitoring

3.2.1 Document Monitoring Procedures

3.2.1.1 Procedures for each type of monitoring activity shall be documented and referenced in the Monitoring Plan (*See Appendix B – Monitoring Procedure Template (Optional)*) Each Monitoring Procedure must include:

- the rationale or context for the monitoring activity;
 - the purpose of the monitoring activity, including whether the activity is intended to identify new hazards or potential hazards, update the status of known hazards, or verify the effectiveness of controls.
 - the roles and qualifications for planning and conducting the monitoring and supervising the monitoring (if required);
 - safety considerations in conducting the activity;
 - a description of key steps to be performed and their sequence; and,
-

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- references to specific supporting documentation and required equipment and materials.

3.2.2 Prepare Monitoring Activity

3.2.2.1 Prior to performing any monitoring activity, the following information must be documented in the form of a work order, inspection form, statement of work, project plan, or other document (a “Monitoring Form”).

- The type or nature of monitoring activity to be performed.
- A date and / or timeline for conducting the monitoring activity.
- A reference to the Procedure for conducting the monitoring activity.
- The role of the employees and / or contractors conducting the monitoring activity.
- Identification of the specific parameters that are being monitored and the criteria being used to evaluate them (including specific parameters and criteria identified in legal requirements).
- The required equipment and materials to be used for the monitoring activity
- A justification for any variances from established standards or approaches.
- Frequency or recurrence of monitoring activity.

3.2.2.2 The Monitoring Form shall include places to record the results of the monitoring activity and the signature of the person conducting the monitoring activity.

3.2.2.3 Each Program should undertake and document a reasonable quality control review (or self-audit) of it’s Monitoring Forms.

3.2.3 Complete Monitoring Activity

3.2.3.1 Internal and external notification of the planned monitoring must be performed as per the Program monitoring Procedures and Internal and External Communication Plans.

3.2.3.2 Each monitoring activity must comply with Environment, Health, and Safety (EHS) standards. The activity cannot begin until all EHS requirements have been met.

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- 3.2.3.3 The monitoring shall be conducted in accordance with the Monitoring Procedure.
- 3.2.3.4 If sampling is conducted, the samples shall be retained in accordance with the relevant legal requirements.
- 3.2.3.5 Any non-conformances shall be documented, along with a description of the non-conformation.
- 3.2.3.6 All completed Monitoring Forms must be filed in accordance with the Program Records Management Procedure and Records Matrix, as per the requirements of ISLMS 5.3 *Records Management Standard*.

3.3 Evaluate, Measure and Mitigate Monitoring

3.3.1 Managing Non-Conformances

- 3.3.1.1 Non-conformances identified through the monitoring activity shall be noted on the Monitoring Form. Where practical, opportunities for improvement should also be identified.
- 3.3.1.2 All corrective and preventative actions (CAPAs) to address non-conformances identified during monitoring activities (and opportunities for improvement, if deemed appropriate for implementation) shall be documented and tracked through to completion using the Workflow Issue Management System (WIMS). If IVARA work orders are required they should be referenced in the WIMS Issue or Action.

3.3.2 Annual Review of Monitoring Plan and Activities

- 3.3.2.1 Each program shall complete a documented annual review of their Monitoring Plan and results of its monitoring activities.
 - 3.3.2.2 The annual review shall be conducted using the Monitoring Plan Template at the end of each calendar year and shall include:
 - an evaluation of the achievement of Monitoring Plan targets and schedules;
 - the methodologies applied and any variances in implementation;
 - a summary of significant findings and CAPAs from monitoring activities;
 - any trends in the findings from monitoring activities; and
 - any recommendations for subsequent changes to the Monitoring Plan.
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10.2 INSPECTION, MEASUREMENT AND MONITORING PROCEDURE

3.4 Management Review and Reporting on Monitoring

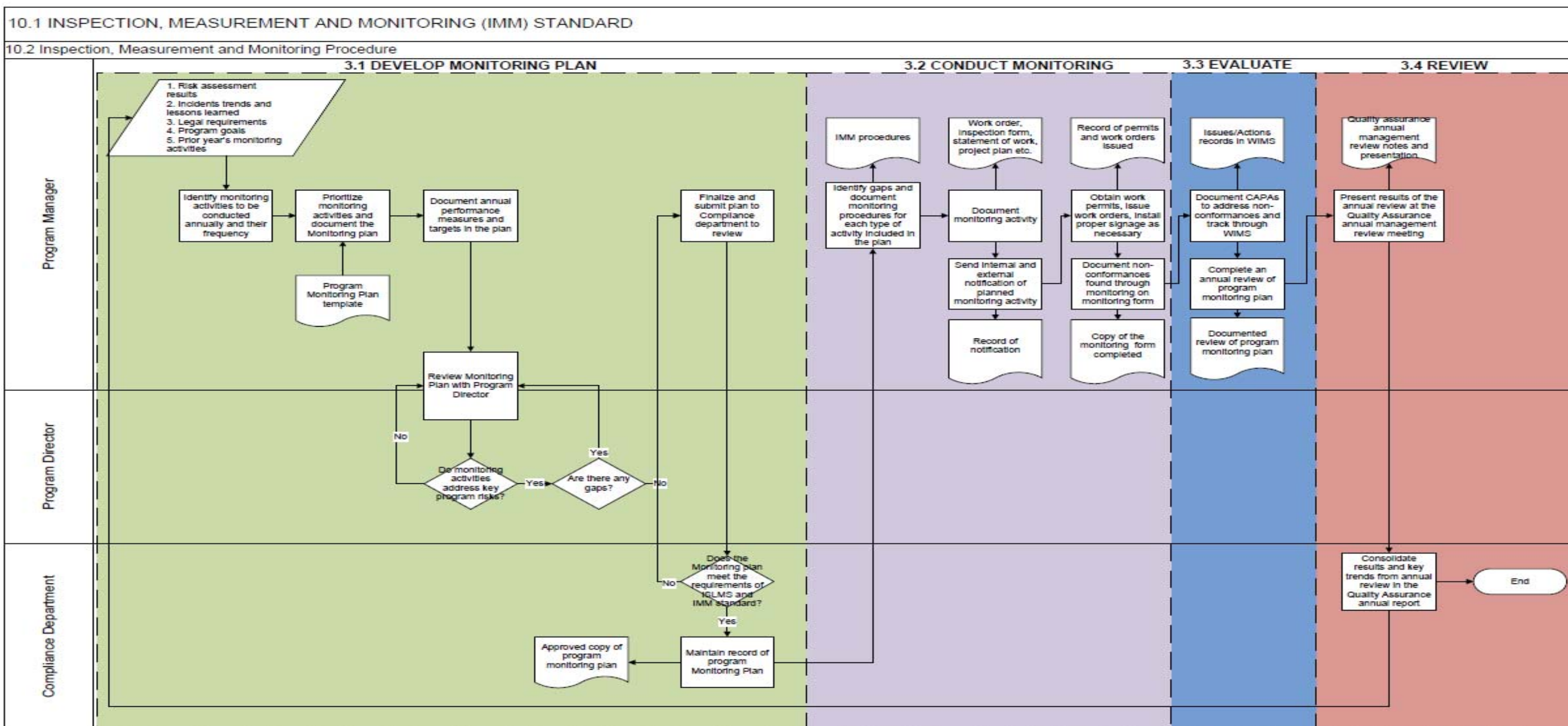
- 3.4.1 Each Program Monitoring Plan will identify and document key performance objective(s) and target(s) for each monitoring activity.
- 3.4.2 Performance evaluation and measurement of the Monitoring Plan and results of the monitoring activities will be conducted at the end of each calendar year.
- 3.4.3 A summary of this annual review will be presented by each Program at the Annual Quality Assurance Management Review meeting, in accordance with *2.6 ISLMS Management Review Procedure*.
- 3.4.4 Program monitoring results and key trends will be consolidated and documented in the Quality Assurance Annual Report prepared by the Compliance Department for review and sign-off by the Accountable Officer, in accordance with *2.6 ISLMS Management Review Procedure*.

4.0 REFERENCES

- 4.1 0100 Integrated Safety and Loss Management System
Located online in the folder E:\Manuals\ISLMS
 - *2.1 Integrated Safety and Loss Management System*
 - *5.3 Records Management Standard*
 - *10.1 Inspection Measurement and Monitoring Standard*
 - 4.2 0200 Quality Assurance Program
Located online in the folder E:\Manuals\ISLMS
 - *2.6 ISLMS Management Review Procedure*
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10.2 INSPECTION, MEASUREMENT AND MONITORING PROCEDURE

APPENDIX A – INSPECTION, MEASUREMENT AND MONITORING PROCESS FLOW



APPENDIX B – PROGRAM MONITORING PLAN TEMPLATE

2017 Inspection, Measurement, and Monitoring Plan		2017 Inspection, Measurement, and Monitoring Plan Year End Results	
Program: _____	Program Director: _____	Percentage of Monitoring Activity Targets Met	75%
	Program Manager: _____	Percentage of Monitoring Activities with a Significant Finding(s)	50%

[illegible]

Responsibility:	Supervisor	Frequency of Occurrence:	As required
Process Description: This is a sample of what a guiding process could look like. It would set a standard approach to conducting IMM activities that could apply to individual Management Programs. Each Program will have their own processes and procedures, which should align with the steps identified here. The value of this guiding process is to communicate a standard approach that can be used by all programs, and to identify key requirements such as points to log/document activities, and when/if to contact other programs.			
Primary Objective: Ensure that KMC is in compliance with regulations Protect safety and quality of facilities and environment			
Reference Program Documents (Examples): Facilities Inspection Standard		Environmental Protection Plan	
	Description	Responsibility	
IP-1	A routine or scheduled monitoring activity is required		
IP-2	Assign responsibility for monitoring activity		
IP-3	Determine whether additional resources or other programs /departments that are needed		
IP-4	Coordinator resources with other ISLMS Programs		
IP-5	Plan monitoring activity and document it in a monitoring form.		
IP-6	Review monitoring form		
IP-7	Determine whether the monitoring criteria meet monitoring requirements		
IP-8	Determine whether external stakeholders will need to be notified		
IP-9	Notify external parties, if required		
IP-10	Prepare for monitoring activity		
IP-11	Conduct monitoring activity and collect data		
IP-12	Analyze the collected data and document results		
IP-13	Determine whether documentation and results are sufficient		
IP -14	Document and complete any CAPAs based on the results		
IP-15	File documented results in record management system		