



ORDER ZO-R738-001-2015

IN THE MATTER OF the *National Energy Board Act* (NEB Act) and the regulations made thereunder; and

IN THE MATTER OF an application made by Ruger Energy Inc. (Ruger) dated 2 October 2014, for leave to abandon the Alsask Pipeline, filed with the National Energy Board (Board) under File OF-Fac-Oil-R738-2014-01 01.

BEFORE the Board on 30 March 2015.

WHEREAS the Board received an application (Application) dated 2 October 2014, pursuant to paragraph 74(1)(d) of the NEB Act for leave to abandon the approximately 580 metre Alsask Pipeline (Pipeline) which crosses the provincial border between Alberta and Saskatchewan and is located between Legal Survey Description 102/01-25-27-1 W4 and 100/03-27-27-29 W3, at an estimated cost of \$2,000 (Project);

AND WHEREAS the Pipeline was deactivated, pursuant to Board Order MO-031-2012 issued on 4 October 2012;

AND WHEREAS the Board issued Notice of Hearing MHW-002-2014 on 20 November 2014 establishing the public hearing process for the Board's consideration of the Application;

AND WHEREAS the Board received no comments about the Project from interested persons;

AND WHEREAS the Board has considered all directly related relevant matters, including environmental matters, applicable to the Project pursuant to the NEB Act;

AND WHEREAS the Board has considered the evidence in the MHW-002-2014 proceeding as contained in the Application and supplemental filings, and considers it to be in the public interest to grant the relief requested;

IT IS ORDERED that, pursuant to paragraph 74(1)(d) of the NEB Act, Ruger is granted leave to abandon the Pipeline;

IT IS FURTHER ORDERED that, pursuant to subsection 19(1) of the NEB Act, this Order shall come into force upon the performance, to the satisfaction of the Board, of all of the following conditions:

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1. Condition Compliance

Ruger shall comply with all of the conditions contained in this Order, unless the Board otherwise directs.

2. Project Design, Location, Activities

Ruger shall cause the Pipeline to be abandoned in accordance with the specifications, standards, commitments made and other information referred to in the Application or in Ruger's related submissions.

3. Environmental Protection Measures

Ruger shall implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations, procedures and its commitments for the protection of the environment included in or referred to in the Application or in Ruger's related submissions.

4. Phase I Environmental Site Assessment

Ruger shall file with the Board, at least 30 days prior to commencing abandonment activities, the results of a Phase I Environmental Site Assessment (ESA). The Phase I ESA shall be conducted in accordance with the most recent version of CSA Standard Z768-01 to investigate and describe the likelihood of any historical contamination, or potentially hazardous materials, associated with the Pipeline.

5. Wildlife Assessment

Ruger shall file with the Board, at least 30 days prior to commencing abandonment activities, a Wildlife Assessment which includes:

- a) Results of a desktop wildlife study for the Project area, conducted by a qualified wildlife biologist, which identifies the potential for species of ecological importance to occur within the Project area, including species listed in the *Species at Risk Act* and provincially-listed species of concern. The desktop wildlife study must describe any mitigation measures to be implemented; and,
- b) An assessment of whether the results of the desktop wildlife study in (a) indicate that a field survey is warranted. If a field survey is warranted, the filing shall include:
 - b.1) confirmation that a field survey, led by a qualified wildlife biologist, will be conducted prior to commencing abandonment activities;
 - b.2) confirmation that mitigation measures recommended by the wildlife biologist pursuant to the field survey will be implemented; and
 - b.3) a plan that will be implemented to communicate the mitigation measures recommended by the wildlife biologist pursuant to the field survey to employees and contractors.

6. *Environmental Protection Plan*

Ruger shall file with the Board, at least 30 days prior to commencing abandonment activities, an Environmental Protection Plan (EPP) for the Project. The EPP shall communicate to the Board, Ruger's employees, and any contractors, the environmental protection procedures and mitigation and monitoring commitments that will be implemented for the Project, and shall include, but not be limited to:

- a) procedures for planned abandonment activities and reclamation including soils handling and re-vegetation or vegetation management techniques;
- b) any wildlife mitigation measures identified in the desktop wildlife study required by Condition 5(a);
- c) measures to identify and characterize any contamination encountered during abandonment activities (for example, by visual or olfactory indicators, soil vapour testing, or soil sampling) and a contingency plan to be implemented in the event that potential contamination is encountered; and
- d) procedures for spill prevention, response and reporting during abandonment activities.

7. *Heritage Resources*

Ruger shall file with the Board at least seven days prior to commencing abandonment activities:

- a) Confirmation that the Saskatchewan Ministry of Parks, Culture and Sport has granted heritage clearance regarding the excavation and removal of a riser at Legal Survey Description 100/03-27-27-29 W3; and
- b) Copies of any correspondence from the Ministry regarding the heritage clearance.

8. *Notice of Contamination*

In the event that, during abandonment activities, a spill occurs or Ruger discovers soil, surface water and/or groundwater contamination that is in excess of the Applicable Criteria¹, Ruger shall file with the Board, within seven days of encountering the contamination, a Notification of Contamination (NOC) which shall include:

- a) the location of the contamination (Universal Transverse Mercator (UTM) coordinates or latitude/longitude);
- b) identified contaminants of concern and details of their origin, if known;

¹ Where 'Applicable Criteria' is referred to in this Order, the NEB will accept remediation criteria established by the province in which the remediation site is located, provided provincial criteria are as or more stringent than the Canadian Council of Ministers of the Environment (CCME) standards. The NEB requires the use of CCME standards when CCME standards are the more stringent.

- c) nearby receptors of immediate concern;
- d) a summary of all actions taken to date to mitigate any impacts related to the discovered contamination;
- e) tabulated results of relevant laboratory analyses completed to date and Applicable Criteria; and
- f) a summary of communications to all potentially affected parties.

9. Project Status Update

Ruger shall file a Project Status Update with the Board confirming that all Pipeline components have either been removed or the activities in Clause 10.16.2 of CSA Z662-11 regarding abandonment in place have been carried out, as applicable. The Project Status Update shall be filed within seven days of the date these activities are completed.

10. Contaminant Investigation and Remediation

Within 45 days of filing the Project Status Update required by Condition 9, Ruger shall file with the Board:

- a) confirmation by an officer of the Company that the Phase I ESA required by Condition 4 did not identify potential contamination associated with the Pipeline and that no contamination exceeding Applicable Criteria was encountered during abandonment activities to date; or
- b) a plan, for approval, which includes a detailed description of procedures to be implemented for:
 - b.1) investigation of all existing or potential contamination, identified pursuant to the Phase I ESA required by Condition 4, or encountered during abandonment activities and reported as required by Condition 8, and
 - b.2) remediation of all contamination in exceedance of the most stringent Applicable Criteria.

The plan shall be consistent with the process described in the NEB's *Remediation Process Guide*, and may include conducting a Phase II ESA, preparing a Remedial Action Plan (RAP) and/or conducting remediation, as required to achieve compliance with Condition 12(b)(ii). The plan shall include dates by which Ruger will report to the Board results of the planned activities and any proposed revisions to the plan in response to those results.

11. Post-Abandonment Financial Responsibility

Ruger shall file with the Board, for approval, within 120 days of filing the Project Status Update required by Condition 9, a letter acknowledging that it has ongoing financial responsibility for monitoring, and for any potential future required remediation of the Pipeline for as long as Ruger retains ownership of the Pipeline.

12. Closure Report

Within two years of filing the Project Status Update required by Condition 9, Ruger shall submit to the Board, for approval, a Closure Report, which includes the following:

- a) Either:
 - a.1) Confirmation by an officer of the Company that no contamination exceeding Applicable Criteria was encountered during abandonment activities; or,
 - a.2) A Remediation Report which demonstrates that all contamination associated with the Pipeline has been remediated and that compliance with the Applicable Criteria has been achieved.
- b) The following documentation demonstrating that the land along the length of the Pipeline right of way (RoW) is currently in a state that it is comparable to the surrounding environment:
 - b.1) A copy of an Alberta Reclamation Certificate and a Saskatchewan Acknowledgement of Reclamation issued for the Pipeline RoW, and copies of all documentation submitted to the applicable provincial regulators with the applications for the Reclamation Certificate and Acknowledgment of Reclamation, excluding any document previously submitted to the NEB; or
 - b.2) A Reclamation Report, including supporting documentation, which demonstrates that the Pipeline RoW meets applicable provincial reclamation criteria, or provide justification as to why additional reclamation work is not warranted.

13. Conditions Compliance by a Company Officer

Ruger shall file with the Board, within 30 days following Board approval of the Closure Report required by Condition 12, confirmation, by an officer of the company, that the Project was completed, and that all abandonment activities were conducted in compliance with the conditions of this Order. If compliance with any of these conditions cannot be confirmed, the officer of the company shall file with the Board details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is an officer of the company.

14. Sunset Clause

Unless the Board otherwise directs prior to 30 March 2016, this Order shall expire on 30 March 2016, unless abandonment activities in respect of the Project have commenced by that date.

NATIONAL ENERGY BOARD

Original signed by L. George for

Sheri Young
Secretary of the Board