



**ORDER ZO-F073-003-2013**

**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 Forty Mile Gas Co-op Ltd. (Forty Mile) dated 25 March 2013, for leave to abandon the pipelines in Order XG-F73-4-98, filed with the National Energy Board (Board) under File No. OF-Fac-Gas-F073-2013-01 01.

**BEFORE** the Board on 6 December 2013.

**WHEREAS** the Board received an application (Application) dated 25 March 2013, for leave to abandon three, 26 mm diameter pipelines, including above-ground risers, metres and associated piping (Gas Distribution System) in Order XG-F73-4-98 which are located at the Canadian Customs Port of Entry office building, Wild Horse (SE 4-1-2 W4M) at an estimated cost of \$1,500 (Project);

**AND WHEREAS** the Board issued Notice of Hearing MHW-003-2013 on 14 August 2013, 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-003-2013 proceeding as contained in the Application and supplemental filings, and considers it to be in the public interest to grant the relief requested;

**AND WHEREAS** the Board is of the view that carrying out the Project is not likely to cause significant adverse environmental effects on federal lands pursuant section 67 of the *Canadian Environmental Assessment Act, 2012*;

**IT IS ORDERED** pursuant to paragraph 74(1)(d) and section 20 of the NEB Act, that Forty Mile is granted leave to commence abandonment activities in respect of the Gas Distribution System;

.../2

**IT IS FURTHER ORDERED** that pursuant to subsection 19(1) of the NEB Act, the Gas Distribution System shall not be considered abandoned pursuant to paragraph 74(1)(d) of the NEB Act until the Board is satisfied that Forty Mile has performed the following conditions to the Board's satisfaction:

1. Forty Mile shall comply with all of the conditions contained in this Order, unless the Board otherwise directs.
2. Forty Mile shall cause the Gas Distribution System to be abandoned in accordance with the specifications, standards, commitments made and other information referred to in its Application or in its related submissions.
3. Forty Mile 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 its related submissions.
4. Forty Mile shall cause the Gas Distribution System to be abandoned in accordance with Clause 12.10.2.4 of Canadian Standards Association Z662-11, *Oil and Gas Pipeline Systems*.
5. Forty Mile shall file with the Board, at least 14 days prior to the commencement of abandonment activities, an Environmental Protection Plan (EP Plan) for the Project. The EP Plan shall communicate to Forty Mile's employees, and any contractors, the environmental protection procedures that are applicable to the abandonment of the Gas Distribution System. The EP Plan shall also describe the environmental protection procedures and measures used to mitigate environmental impacts from abandonment activities associated with this Project, including, but not limited to:
  - a) spill prevention and response procedures during abandonment activities; and
  - b) a description of how any potential contamination will be identified during abandonment activities (for example, by visual or olfactory indicators, soil vapour testing, or soil sampling).
6. a) In the event that during abandonment activities, Forty Mile discovers soil contamination on its utility right-of-way (URoW) that is in excess of federal or applicable provincial environmental criteria, Forty Mile shall file with the Board, within seven days of discovering the contamination, the following information:
  - a.1) location [Universal Transverse Mercator (UTM) coordinates or latitude/longitude] of the contamination;

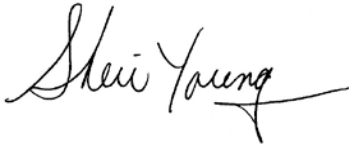
.../3

- a.2) identified contaminants of concern and details of their origin; and
  - a.3) a detailed plan to remediate the site to the most stringent federal or provincial criteria, or if remediation has already been undertaken, a summary of all actions taken to mitigate any impacts related to the discovered contamination.
- b) If no soil contamination in excess of federal or provincial environmental criteria is identified during abandonment activities, Forty Mile shall confirm this in the Post Abandonment Report, referred to in Condition 7.
7. Forty Mile shall submit to the Board for approval, within 120 days after completion of abandonment activities, a Post Abandonment Report (PAR). The PAR shall include:
- a) A report on reclamation that:
    - a.1) includes photographs and a brief description of landscape and land cover on and off the URoW; and
    - a.2) demonstrates that the state of land at the area disturbed during abandonment activities and the remainder of the URoW are comparable to adjacent lands.
  - b) The PAR shall also include, either:
    - b.1) confirmation that no soil contamination in excess of federal or provincial environmental criteria was identified during abandonment activities (as per Condition 6b); or if any contamination was discovered during abandonment activities,
    - b.2) a report on remediation confirming that all contamination has been remediated to the most stringent federal or provincial environmental criteria. The report on remediation shall describe all applied remedial activities and summarize the methods and results of any soil and ground water sampling and analyses conducted.
8. Forty Mile shall file with the Board for approval, within 120 days following completion of all abandonment activities, a letter acknowledging that it has ongoing financial responsibility for monitoring and for any potential future required remediation of the Gas Distribution System for as long as it retains ownership of it.

.../4

9. Forty Mile shall file with the Board, within two years of the date of completion of all abandonment activities, 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.
  
10. Unless the Board otherwise directs prior to 6 December 2014, this Order shall expire on 6 December 2014, unless abandonment activities in respect of the Project have commenced by that date.

NATIONAL ENERGY BOARD

A handwritten signature in cursive script that reads "Sheri Young". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Sheri Young  
Secretary of the Board