



Canada Energy
Regulator

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File OF-Fac-Oil-T217-2022-01 01
26 October 2022

Lee Nanos
Team Lead, Regulatory
Trans-Northern Pipelines Inc.
310 – 45 Vogell Road
Richmond Hill, ON L4B 3P6
Email lnanos@tnpi.ca

Dear Lee Nanos:

Trans-Northern Pipelines Inc. (TNPI) – Application for the Mirabel Meter Station Decommissioning Project (Project) under section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations (OPR)*

**Before: K Penney, Commissioner; T. Grimoldby, Commissioner;
W. Jacknife, Commissioner**

The Commission of the Canada Energy Regulator (**Commission**) has considered TNPI's application, dated 8 June 2022, for the Mirabel Meter Station Decommissioning Project, pursuant to section 45.1 of the OPR (**Application**). The Commission has also considered TNPI's 21 September 2022 response to the Commission's Information Request No. 1. The Mirabel Meter Station was previously deactivated pursuant to National Energy Board issued Order MO-001-2005.

Decision

The Commission approves the Project pursuant to section 45.1 of the OPR. The Commission finds that, with TNPI's Project design and proposed mitigation measures, as well as the conditions imposed by the Commission, the carrying out of the Project is not likely to cause significant adverse environmental or socio-economic effects to federal lands. The Commission is also satisfied that the requirements of sections 82 and 86 of the *Impact Assessment Act (IA Act)* have been met.

Commission Analysis and Findings

On 2 August 2022, the Canada Energy Regulator (**CER**) posted a description of the Project (**Reference No. 83869**) and a notice inviting public comment on the Impact Assessment Agency's online Registry pursuant to subsection 86(1) of the IA Act. The public comment period closed on 1 September 2022. The CER received no comments from the public or from Indigenous peoples.

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The Commission is satisfied that the protection of the environment and public safety have been adequately addressed by TNPI. TNPI has committed to following the mitigation measures listed in the Interactions table that was included as part of their application, and in their Environmental Protection Plan (**EPP**). These mitigations include installing erosion and sediment control measures, using existing roads and access routes, and conducting wildlife surveys prior to construction. TNPI has identified historical contamination within the Project site and states that it will remediate the Project site in accordance with its filed Remedial Action Plan.

The Commission assessed activities conducted by TNPI to engage landowners, Indigenous communities, government agencies, and other interested persons to learn about their concerns and interests in relation to this proposed Project. Indigenous communities did not provide any feedback to TNPI during engagement. The Commission is satisfied that engagement has been appropriately conducted and that TNPI has addressed the feedback received from potentially impacted parties. As the Project is taking place on previously disturbed land within the fence line of the existing TNPI Meter Station property, the activities are planned for a short duration, and TNPI has engaged with all potentially impacted Indigenous communities, the Commission is satisfied with the design and implementation of TNPI's engagement activities regarding the proposed Project to date, as well as TNPI's commitment to continue communication and engagement activities prior to and during Project activities.

The Commission has imposed Condition 4 of the Order, which requires TNPI to file an EPP with the CER to confirm the committed to mitigation measures in an area with known contamination. Overall, the Commission finds that, with TNPI's Project design and proposed mitigation measures, in addition to the conditions imposed by the Commission, the carrying out of the Project is not likely to cause significant adverse environmental or socio-economic effects to federal lands.

The Commission has issued Order **MO-034-2022 (Order)** pursuant to section 45.1 of the OPR, approving the Project. A copy of the Order is attached.

The Commission directs TNPI to serve a copy of this letter and the attached Order on all interested parties.

Yours sincerely,

Signed by

Ramona Sladic
Secretary of the Commission

Attachment



ORDER MO-034-2022

IN THE MATTER OF the *Canadian Energy Regulator Act* (**CER Act**) and the regulations made thereunder; and

IN THE MATTER OF an application made by Trans-Northern Pipelines Inc. (**TNPI**), pursuant to section 45.1 of the *Canadian Energy Regulator Onshore Pipeline Regulations* (**OPR**), dated 8 June 2022, filed with the Canada Energy Regulator (**CER**) under File OF-Fac-Oil-T217-2022-01 01.

BEFORE the Commission of the CER (**Commission**) on 20 October 2022.

WHEREAS on 12 January 2005, the National Energy Board issued Order MO-01-2005 to TNPI, granting leave to deactivate the Mirabel Meter Station;

AND WHEREAS TNPI filed an application pursuant to section 45.1 of the OPR, dated 8 June 2022 for the Mirabel Meter Station Decommissioning Project (**Project**);

AND WHEREAS on 21 September 2022, TNPI filed a response to the Commission's Information Request;

AND WHEREAS TNPI submitted that the Mirabel Meter Station has not been in operation for 12 months or more and TNPI has determined that it will not be returned to active service;

AND WHEREAS the Commission has had regard to all considerations that are directly related to the Project and relevant, including environmental matters;

AND WHEREAS the Commission has considered any adverse effects that this Order may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*¹;

AND WHEREAS the Project occurs on federal lands and section 82 of the *Impact Assessment Act* requires that projects must not be carried out on federal lands, unless it is determined that the carrying out of the project is not likely to cause significant adverse environmental effects;

AND WHEREAS the Commission concluded that the Project, with the proposed mitigation measures and conditions imposed by the Commission, is not likely to cause significant adverse environmental effects;

AND WHEREAS the Commission has examined the application and subsequent filings, and considers it to be in the public interest to grant the relief requested by TNPI;

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¹ The use of the term "Indigenous" has the meaning assigned by the definition of "aboriginal peoples of Canada" in subsection 35(2) of the *Constitution Act, 1982* which states:

In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit, and Métis peoples of Canada.

IT IS ORDERED that, pursuant to section 45.1 of the OPR, the applied-for Project is approved subject to the following conditions:

1. TNPI must comply with all of the conditions contained in this Order unless the Commission otherwise directs.
2. TNPI must decommission and maintain the Mirabel Meter Station in its decommissioned state in accordance with the specifications, standards, commitments made and other information referred to in its application or in its related submissions.
3. TNPI must 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 its application or in its related submissions.
4. TNPI must file with the CER, at least 14 days prior to commencing construction, a Project-specific Environmental Protection Plan (**EPP**), which TNPI must implement. The EPP must describe all environmental protection procedures, and mitigation and monitoring commitments, as set out in TNPI's application and subsequent filings. The EPP shall include relevant contingency plans as well as detailed environmental alignment sheets.
5. TNPI must, at least 14 days prior to the commencement of construction of the approved facilities, file with the CER a detailed construction schedule or schedules identifying major construction activities and must notify the CER of any modifications to the schedule or schedules as they occur.
6. Within 30 days of the date that the decommissioning is completed, TNPI must file with the CER a confirmation that the Project was completed in compliance with all applicable conditions in this Order. If compliance with any of these conditions cannot be confirmed, TNPI must file with the CER 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 the accountable officer of TNPI, appointed as Accountable Officer pursuant to s. 6.2 of the OPR.
7. This Order shall expire on 31 October 2025 unless construction of the Project has commenced by that date.

THE COMMISSION OF THE CANADA ENERGY REGULATOR

Signed by

Ramona Sladic
Secretary of the Commission

MO-034-2022