

**CANADA ENERGY REGULATOR NATIONAL ENERGY BOARD (NEB) REGULATED PIPELINES**

Special Provision No. 199F59

~~April 2022~~December 2017

**1.0 SCOPE**

~~This Special Provision covers the compliance requirements of The Contractor shall comply with~~ regulations pursuant to Section ~~335112~~ Damage Prevention of the ~~Canadian Energy Regulator National Energy Board~~ Act (CER Act) when using power-operated equipment or explosives within the prescribed area.

The ~~CER~~NEB Act and Regulations ~~referenced below~~ must be read in conjunction with and are intended to supplement the general requirements of the Ontario Occupational Health and Safety Act and Regulations for Construction Projects, specifically Section 228, Precautions Concerning Services of Ontario Regulation 213/91.

**2.0 REFERENCES**

This Special Provision refers to the following publications:

~~Canadian Energy Regulator National Energy Board~~ Act, (S.C. 2019, c. 28, s. 10) ~~Section 335112(1) and 112(2)~~

~~NEB~~Canadian Energy Regulator Pipeline Damage Prevention Regulations – Authorizations (SOR/2016-124)

~~NEB~~Canadian Energy Regulator Pipeline Damage Prevention Regulations - Obligations of Pipeline Companies (SOR/2016-133)

~~NEB~~Pipeline Damage Prevention - Ground Disturbance, Construction and Vehicle Crossings, June 2016

**3.0 DEFINITIONS**

For the purpose of this specification, the following definitions apply:

Ground Disturbance means any activity that may disturb the ground within the prescribed area, as defined in the CER Act.

Prescribed Area means a strip of land measured 30 metres perpendicularly on each side from the centreline of a pipe controlled by the Canada Energy Regulator (CER), as defined in the CER Pipeline Damage Prevention Regulations – Authorizations~~NEB~~.

~~Ground Disturbance~~ means any activity that may disturb the ground within the prescribed area.

**4.0 COMPLIANCE MEASURES**

~~The Contractor shall contact a~~All pipeline owners listed below shall be contacted and request from them a copy of their technical guidelines for work adjacent to their pipelines shall be requested.

Pipeline Owner	Contact Information
*	*

[\* Designer Fill-Ins for Table Above, See Notes to Designer]

Activities requiring permission from the pipeline owner include, but are not limited to;

- a) Construction of a facility across, on, along, or under a pipeline, including the pipeline right of way;
- b) Ground disturbance activities in the prescribed area;
- c) Ground disturbance using explosives or mechanical equipment within the prescribed area;
- d) Operation of a vehicle or mobile equipment across a prescribed area, outside the travelled portion of a highway or public road, or;
- e) Seismic/vibration activity within the prescribed area.

~~The Contractor shall submit a~~ written application shall be submitted to the pipeline owner in accordance with the requirements of the pipeline owner, seeking permission to perform the ~~w~~Work under this Contract.

~~The Contractor shall immediately submit a~~ copy of the approved application shall be immediately submitted to the Contract Administrator once received from the pipeline owner.

~~The Contractor shall comply with a~~All conditions, requirements and procedures of the pipeline owner shall be complied with and until written permission has been received no and not proceed with the ~~w~~Work shall proceed until written permission has been received.

Once the pipeline owner has given its permission, ~~the Contractor shall comply with~~ the following shall be complied with:

- a) Initiate a locate request at least ~~three~~3 Working Days before the day on which the construction or ground disturbance activity is planned in the prescribed area, by calling Ontario One Call, or by calling the pipeline ~~ownereompany~~ where there is no Ontario One Call centre, to have the pipe located and marked.
- b) Witness the pipe being located and marked and become familiar with the meaning of the pipeline markings.
- c) Review ~~CER Act~~NEB requirements and any additional requirements of the pipeline owner in the approved application with all ~~p~~Persons working on your behalf and keep a copy of the approved application on site.
- d) Expose the pipe by hand digging or other acceptable excavation techniques approved by the pipeline ~~ownereompany~~ prior to any mechanical excavation within ~~three~~3 metres of the pipe.
- e) Notify the pipeline ~~ownereompany~~ 24 hours prior to backfilling over the pipe or facilities, where the pipe or facilities have been exposed.
- f) Follow the instructions of the pipeline ~~ownereompany~~'s authorized field representative.
- g) Immediately notify the pipeline ~~ownereompany~~ if any contact is made with the pipe or its coating.

~~The Contractor shall comply with t~~The following rules shall be complied with for ground disturbance within ~~three~~3 metres of the pipe. Ground disturbance using mechanical equipment is not permitted within ~~three~~3 metres of the pipe except under the following conditions:

a) When the excavation runs parallel to the pipe and;

- i. the pipe has been exposed by hand at sufficient intervals to confirm the pipe's location or;
- ii. the pipeline ~~ownereompany~~ has used a method that would permit it to confirm the pipe's exact location and has informed the ~~p~~Person of that location.

b) When the excavation crosses the pipe and;

- i. the pipe has been exposed by hand at the point of crossing or;
- ii. the pipeline ~~ownereompany~~ has used a method that would permit it to confirm the pipe's exact location, has informed the ~~p~~Person of that location and has confirmed that the pipe is at least 60 cm deeper than the proposed excavation.

~~A~~and

c) When the ground conditions render it impractical to locate the pipe using any of the methods set out in (a) and (b), the pipeline ~~ownereompany~~ directly supervises any excavation.

~~The Contractor shall not move or alter t~~The pipe or its fittings shall not be moved or altered, or in any other way interfere with the pipe without the written consent of the pipeline owner.