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MAIL ROOM  
SALLE DE COURIER

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NEB/ONE

April 12, 2016

To the National Energy Board (NEB)  
Att.: Ms. Chantal Briand, Regulatory Approaches

**Re.: Comments on the proposed Regulations  
for Pipeline Damage Prevention**

Dear Ms. Briand,

The above proposed Regulations have been publicized in the Canadian Gazette, Part I, of March 19, 2016. I offer the following remarks:

A pipeline cannot only be damaged when an approved excavation is poorly executed close to and at the depth of the pipe, but also by explosives that had been placed on the pipe, unobserved and maybe at night, by vandals or terrorists. Although the pipeline companies are required in articles 8 and 9 to carry out inspections on a pipeline where an approved excavation takes place, the Regulation is silent about the pipeline's obligation to protect against an excavation where damage is intended by vandals or terrorists. Whereas a pipeline company has the primary responsibility for ensuring the safety of the public and the protection of the environment, and the proposed Regulation in article 16(b) talks of "ongoing monitoring" of changes to the land, which might disclose some furtive digging, the Regulation does not set rules for "ongoing" and for "monitoring", although this certainly would guide a pipeline company when instigating measures that would enhance safety and the protection of the environment, and such monitoring, if done frequently enough, would be an effective means of damage prevention.

Concerning pipeline crossings, I fail to see the rationale for differentiating between vehicles or mobile equipment used in agriculture activity and, for example, a forestry activity, or any other commercial undertaking. If a heavy tractor with a multi-plow device is permitted to dig up to 45 cm into the soil which covers a pipeline, why cannot equipment of similar weight also cross the pipeline at any point? And how about vehicles? A bicycle is a vehicle, so are ATVs and snowmobiles. Why do they have to go through an approval process, the time frame of which is not even defined in the Regulation as it is for the approval process for constructing a facility across or along a pipeline, when much heavier loads of agricultural equipment do not have to go through the same process?

This Regulation is about the Damage Protection of a pipeline, but should it not also be concerned with protection of the public and the environment from a pipeline spill? In uninhabited and forested areas, through which, for example, the proposed Energy East Pipeline is routed in most of New Brunswick, the only access to a spill site is via the

service road which was used to lay the pipe, if this road is maintained; otherwise the equipment which is needed to mop up a spill or combat a fire has to drive to one or the other side of the pipe within the Right of Way (RoW) or the prescribed area (PA), as the case may be. Therefore the Regulation should specify the maximum loads for equipment which can drive on the RoW or the PA for maintenance and/or in an emergency, or the Regulation should provide for a service road to be maintained. Barriers should also be required across this area, with gates or other devices on the service road to prevent any illegal use of the road, otherwise there will appear garbage dumps in places within or just outside the RoW (or the PA), which certainly are no improvements to the environment and to the relations with the pipeline's neighbors.

I know that I speak about issues which are not part of this Regulation, but should a Regulation to the NEB Act called "Pipeline Damage Prevention" not include all aspects of damage prevention, such as the prevention of access to the pipeline? Damage to a pipeline can be done in many other ways in addition to digging or crossing, and its prevention is of vital interest not only to the public having to live close to a pipeline but to the general public, and should be to the pipeline companies as well. But this Regulation is only concerned with digging and crossing and, in my experience, the pipeline companies, if not compelled by the NEB, will spend their money mostly on pipeline maintenance and skimp on damage prevention.

I suggest that as a guide to additional damage prevention rules within the NEB Act and the Regulations made thereunder, an Addendum be added to this Regulation with a list of these other damage prevention rules, in order to present a more complete picture of the NEB Act's requirements, and as an aide to pipeline companies to fully comply with their responsibility to protect not only their pipeline but the public and the environment.

Respectfully,

A handwritten signature in cursive script, appearing to read "H. Sauerteig".

(H.Sauerteig)