



Canada Energy
Regulator

Régie de l'énergie
du Canada

Suite 210
517 Tenth Avenue SW
Calgary, Alberta
T2R 0A8

517, Dixième Avenue S.-O.
bureau 210
Calgary (Alberta)
T2R 0A8

Files OF-Surv-INC-2010 3406
OF-Surv-Gen-T217-01
13 July 2022

Ms. Gail Sharko
Manager, Regulatory and External Affairs
Trans-Northern Pipelines Inc.
5305 McCall Way NE, Unit #109
Calgary, AB T2E 7N7
Email [REDACTED]

Dear Gail Sharko:

**Trans-Northern Pipelines Inc. (TNPI)
Remedial Action Plan (RAP) for Contaminated Site in Ontario at Bronte
Creek (INC2010-034, REM-0091), Condition 6 (a), (b), and (c) of Amending
Safety Order ASO-002-SO-T217-03-2010 (ASO-002)**

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

The purpose of this letter is to:

1. accept the 2021 Bronte Creek RAP as per Condition 6 (a) of ASO-002, including TNPI's plan for removal of hydraulic containment equipment;
2. communicate acceptance of the 20 December 2021 Condition 6 (b) filing;
3. communicate the closure of Condition 6 (b) and (c), the effect of which is to close Condition 6; and
4. communicate ongoing requirements for the Site.

Background

Condition 6 (a) of Amended Safety Order AO-002 compelled TNPI to file a RAP *for acceptance*, with respect to the Bronte Creek Site (INC2010-034, REM-0091). On 18 December 2020, the Commission issued a letter to TNPI compelling it to file an updated 2021 RAP for Bronte Creek site as per the Condition. Canada Energy Regulator (CER) staff have reviewed the 2021 RAP and associated information request (IR) responses filed by TNPI.

1. 2021 RAP Acceptance – Condition 6 (a) of ASO-002.

The 2021 Bronte Creek RAP, supported by TNPI's IR responses, has been reviewed by CER staff and found to be acceptable.

.../2

The 18 December 2020 Letter from the Commission to TNPI noted five key information gaps:

- A – Engagement with potentially affected parties;
- B & C – Long term groundwater monitoring;
- D – Contingency planning; and
- E – Information gaps in the Monitored Natural Attenuation (**MNA**) plan.

Each of these gaps was sufficiently addressed with the information provided in the 2021 RAP and/or the response to CER IR No. 1.

CER staff requested comment from the Ontario Ministry of Environment, Conservation and Parks (**MECP**) on TNPI's 2021 Bronte Creek RAP. A letter of comment was received (dated 30 August 2021) which states that the 2021 RAP, "will not likely result in an adverse effect to the surrounding environment". The MECP comments are reflected in the CER's ongoing expectations for the site.

The Commission is also supportive of TNPI's proposed plans for removal of hydraulic containment equipment from Site, included in Appendix H of the 2021 RAP.

The 2021 RAP satisfies Condition 6 (a) of ASO-002, which will be considered closed as per the date of this letter.

2. 20 December 2021 Annual Status Report

CER staff have reviewed the 2021 Annual Status Report, dated 20 December 2021 and find it to be acceptable.

3. Condition 6 (b) and (c) of ASO-002.

Condition 6 (b) compels TNPI to file annual status reports on the site. Condition 6 (c) requires TNPI to file a remediation closure report for the site once the remedial objectives have been met.

Since ASO-002 was issued, the *CER's Remediation Process Guide* has been updated. The [CER Remediation Process Guide¹ \(Guide\)](#) states:

Site closure will not be granted for sites which are undergoing Risk Management. Companies must implement a Risk Management strategy to manage residual Contamination. They must continue to provide annual updates on Risk managed sites, potentially with a greater level of detail than standard annual updates for sites with Contamination undergoing remedial activities.

As the CER does not grant site closure for sites undergoing Risk Management, it is not possible for TNPI to satisfy Condition 6 (c). Further, the requirement in Condition 6 (b) (to file annual status reports) is already a requirement under the Guide. The Guide also contains detailed requirements related to Risk Management (Section 12). As such, the Commission has decided to close Conditions 6 (b) and (c), as of the date of this letter. The following requirements form part of this Letter:

¹ October 2020, [CER – Remediation Process Guide \(cer-rec.gc.ca\)](#)

4. Commission Requirements:

At a minimum, TNPI shall:

- A. Meet its requirements under section 48 of the *Canadian Energy Regulator Onshore Pipeline Regulations* (Environmental Protection Program) aspects of which can be demonstrated by following *the CER Remediation Process Guide*, including but not limited to Section 12 – Risk Management and Section 13 – Annual Updates.
- B. Provide detailed annual updates for the Bronte Creek contaminated site via the Online Event Reporting system (**OERS**) as per Section 13 of the Guide. In future annual updates, TNPI is advised to continue with annual reporting similar to the type form and quality provided in the 20 December 2021 report. TNPI shall attach the report to the OERS event for Bronte Creek (REM-0091) on the annual update due date (30 June) of each calendar year. The annual status report shall include but not be limited to:
 1. A summary of remediation activities and progress for the preceding year;
 2. A summary of groundwater monitoring results and a detailed evaluation of the results including trends, conclusions, and recommendations on required adjustments or appropriate contingency actions;
 3. Confirmation of whether or not any trigger conditions were identified and, if so, the actions or contingency measures considered/completed;
 4. A summary of interactions with potentially affected parties. If questions or concerns were raised, included how they were addressed by TNPI;
 5. An updated timeline; and
 6. Periodic evaluation of the remedial strategy's effectiveness. Groundwater monitoring data should be presented in a form to demonstrate/support the continuing benefit of long-term MNA monitoring program over time.

This Letter should be considered a decision of the Commission pursuant to subsection 64(1) of the *Canadian Energy Regulator Act* and the above requirements and directions should be treated accordingly.

Yours sincerely,

Ramona Sladic
Secretary of the Commission