

Project Name	Coastal GasLink Pipeline Project	Inspection Status	Final
EA Certificate #	E14-03	Inspection No.	IR2022-046
Project Status	Certified	Inspection Start	2022-10-04
Sector	Energy	UTM	10 N 552651 6093782
Trigger	Planned Inspection	Inspection Type	Field
Project Description	The Coastal GasLink Pipeline Project (Project) is an approximately 650 kilometer (km) long natural gas pipeline connecting facilities in northeast British Columbia (BC) to the LNG Canada facility near Kitimat.		
Location Description	The Project is near Groundbirch (40 km west of Dawson Creek) in northeast BC to the LNG Canada facility near Kitimat. This inspection covered work being carried out in Section 3 of Work Pack 2. The Universal Transverse Mercator (UTM) referenced above is approximately in the center of the sections of where the inspection took place.		
Inspection Summary	<p>On October 04 and 05, 2022, Environmental Assessment Office (EAO) Senior Compliance and Enforcement (C&E) Officer Christie Lombardi, EAO C&E Deputy Director Chris Parks and EAO C&E Officer Kathleen Dyke (collectively, EAO C&E) inspected the Project against requirements of the Environmental Assessment Certificate (EAC) #E14-03 (Appendix 1-4) and Work Execution Plans (WEPs) as per the July 14, 2022 Compliance Agreement (Agreement) (Appendix 5).</p> <p>The Project was in Construction at the time of inspection.</p> <p>Project areas inspected included locations between, approximately, Kilometer Point (KP) 143+200 to 157+000. The areas inspected fall within WEPs approved by EAO as documented: KP154+000 to 157+000 - July 23, 2022, KP146+200 to 149+200 - August 22, 2022 and KP143+200 to 146+200 - September 13, 2022.</p> <p>On October 14, 2022, Order EN2022-028 was issued to the Project to comply with the July 14, 2022 Compliance Agreement (Agreement) and cease works on unapproved variations to WEPs.</p> <p>On October 19, 2022, this inspection included a phone call debrief with Project staff regarding field inspection observations.</p> <p>On November 4, 2022, EAO C&E provided the preliminary inspection record to the Certificate Holder. On November 15, 2022, the Certificate Holder provided comments pertaining to the preliminary inspection record. CGL was afforded an additional opportunity to discuss the preliminary record verbally with EAO Director of Compliance and Enforcement Ben York on Monday November 21, 2022. EAO C&E updated the record, where warranted, based on the CGL submission.</p> <p>The compliance determinations in this report reflect the findings from the inspection dates noted above. These determinations can change at any time upon information gathered through future inspections or if new information is obtained by EAO C&E.</p>		
In Attendance	ESC Lead, Prime Contractor; Environmental Inspector, Work Pack 2, TC Energy; Environmental Coordinator, Work Pack 2, TC Energy; and, Project Engineer, Work Pack 2, TC Energy		

Certificate Holder	Coastal GasLink Pipeline Ltd.
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INSPECTION DETAILS

Requirement 1:

Compliance Agreement Under Section 55 of the *Environmental Assessment Act* (Appendix 5)

Article 2 – Compliance Obligations

Section 2.5 Work Execution Plan Amendment

- 1) To amend a Work Execution Plan, the Holder must follow the review and approval process set out in section 2.3(1) with respect to the proposed amendment.
- (2) Without limiting (1), in considering any request to approve an amendment, the EAO may require the Holder to prepare and submit a reasonably detailed written request that sets out the circumstances that led to the request for such an amendment.
- (3) If the EAO approves the amendment under (1), the applicable Work Execution Plan will be deemed to have been replaced by the amended Work Execution Plan.
- (4) Notwithstanding section 2.5(1)-(3), the Holder may deviate from a Work Execution Plan if (a) the Holder encounters unanticipated environmental conditions not provided for in the Work Execution Plan, and (b) the Holder's deviation from the Work Execution Plan is anticipated by the Holder to reasonably result in equal or less adverse environmental effects than following the Work Execution Plan. If the Holder makes such changes, the Holder must notify the EAO and the Independent Reviewer as soon as practicable, and the EAO reserves the right to decide if the Holder is in compliance with this provision.
- (5) The EAO may on its own initiative request that the Holder amend an otherwise approved and properly implemented Work Execution Plan if, based on field observations, the Work Execution Plan is observed to be ineffective.

Findings:

On October 4 to 5, 2022, EAO C&E inspected against:

- WEP KP154+000 to KP157+000 (Appendix 7);
- WEP KP143+200 to KP146+200 (Appendix 8); and,
- WEP KP146+200 to KP149+200 (Appendix 9)

No amendments to these WEPs were approved by nor requested of EAO by October 4, 2022. No notification of deviations was approved by or requested of EAO by October 4, 2022.

The following are examples of what was observed in the field versus the Site Specific Erosion and Sediment Control Plans (SSESCPs) included in the WEPs.

- Examples of substantive deviations from WEP include:

- A travel lane consisting of rig mats, road base or similar material, and culverts has been constructed through the WEP area (Photo 1). The travel lane is not specified in the WEP. The WEP does state “Non-contact crossings will be used on water bars to prevent and minimize erosion on the ROW”. However, the surface of the travel lane is subject to erosion and sediment transport. Control of this erosion has not been considered in the WEP. The travel lane extends beyond the noncontact water bar crossings. While EAO C&E recognizes that equipment must move along the Right of Way (ROW), the travel lane as constructed intersects measures specified by the WEP and in some cases reduces their effectiveness, is not consistently maintained such that specified measures are impacted, see also Requirement 3. In addition, the presence of the travel lane likely impacts the Revised Universal Soil Loss Equation (RUSLE) calculations for the SSES CPs;
- Rock lined ditch incomplete at approximately KP154+700. The ditch terminates in a spoil pile as opposed to sediment traps as specified by the SSES CP (Photo 2);
- No sediment traps in place as specified in SSES CP on right bank approach to the Anzac River at approximately KP154+700 and KP154+750;
- Pump discharge to an unapproved location at approximately KP155+000, right bank of Anzac River;
- A spoil or stripping pile has been placed immediately adjacent to wetland WL0733 at approximately KP148+525 (Photo 3). The pile is composed of mineral soil and ROW stripping, and subject to erosion. No controls exist between this pile and the wetland. No pile identified at this location on the SSES CP;
- No sediment fence or woody debris berm along wetland as specified by SSES CP between approximately KP148+350 and KP148+525 (Photo 4); and
- Riparian vegetation not retained between approximately KP148+375 and KP148+500 as specified in WEP (Photo 4). Vegetation has been hand-cut, but not “retained” as specified by WEP;

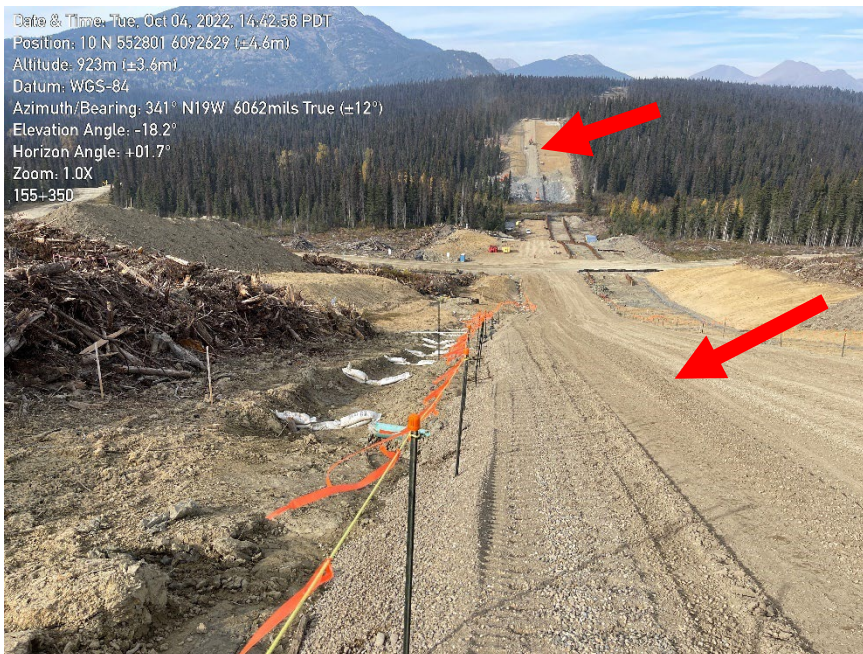


Photo 1: KP155+350. Low chain view of travel lane between approximately KP154+500 to KP155+250. Note water bars do not continue through travel lane. No controls on travel lane.



Photo 2: KP154+800. Rock lined ditch not complete, terminates into spoil pile down slope near Environmentally Sensitive Receptors (ESRs), Anzac River below.



Photo 3: Approximately KP148+550. Soil and stripping piles not shown in WEP. No observation of sediment fence or woody debris berms specified in the WEP for sediment erosion control between sediment laden water and wetland WL0733. No observation of sediment erosion control between soil pile and sediment laden water.



Photo 4: KP148+400 to KP148+500. Retained riparian vegetation not present, as shown in WEP. Wetland 0733 present in the background.

The variations from the approved WEPS do not meet the criteria for variation from the WEPS set out in Section 2.5(4) of the Agreement. The variations do not meet the test of a “field fit” because they are not in response to an unanticipated environmental condition and are not “as good or better” than the prescribed measures. Further, EAO had not been notified of filed fits as of the date of the inspection, as required by the Agreement. The observations noted at the time of the inspection provide evidence of non-compliance with respect to unapproved variations to the approved WEPS.

Compliance Determination: Out – order EN2022-028 issued October 14, 2022

Requirement 2:

Compliance Agreement Under Section 55 of the *Environmental Assessment Act* (Appendix 5)

Article 2 – Compliance Obligations

Section 2.4 Work Execution Plan Implementation

For each Identified Area, the Holder must:

(2) after receiving approval under section 2.3(1)(b) or (c), implement the applicable Work Execution Plan until such time that the portion of the Identified Area covered by the Work Execution Plan demonstrates final site stabilization in relation to ESC risks to ESRs as determined by a Qualified Professional to the satisfaction of EAO.

Findings:

The WEPS provide specifications for the installation of specific measures. The following are examples of implementation measures not in accordance with WEP specifications. On October 4, 2022, EAO C&E observed locations of check dams not installed per specification at KP155+000 to KP155+350:

- Check dams not installed per specification throughout the area inspected. Check dams are installed on slopes that exceed the specification, are spaced too far apart, are not keyed in.

The observations noted at the time of the inspection provide evidence of non-compliance with the requirement to implement the WEP.

Compliance Determination: Out – order EN2022-028 issued October 14, 2022

Actions Required by Certificate Holder & Additional Comments

None at this time

Enforcement Summary

SEE APPENDIX 6 FOR ENFORCEMENT ORDER EN2022-028 ISSUED UNDER SECTION 55 OF THE ENVIRONMENTAL ASSESSMENT ACT ON OCTOBER 14, 2022 (REQUIREMENTS 1-4, ABOVE).

EAO C&E MAY INSPECT TO DETERMINE IF THE COASTAL GASLINK PIPELINE PROJECT HAS BEEN BROUGHT BACK INTO COMPLIANCE WITH THESE REQUIREMENTS. CONTINUED NON-COMPLIANCE WITH THESE REQUIREMENTS MAY RESULT IN ADDITIONAL ENFORCEMENT UNDER THE ENVIRONMENTAL ASSESSMENT ACT. SEE REGULATORY CONSIDERATIONS SECTION FOR ADDITIONAL INFORMATION.

Regulatory Considerations

None at this time.

Inspection Conducted by



Kathleen Dyke
Compliance & Enforcement Officer



Chris Parks
Deputy Director, Compliance and Enforcement

Date Preliminary Report Sent to Certificate Holder

2022-11-04

Date Finalized

2023-01-05

Appendices

Appendix 1- Environmental Assessment Certificate # E14-03
Appendix 2- Schedule A
Appendix 3- Schedule B
Appendix 4- CGL Certificate E14-03 Amendment 1
Appendix 5 - 2022-07-14_CGL Compliance Agreement
Appendix 6- EN2022-028
Appendix 7- 154+000 to KP 157+000_CGL_WEP_Approved_2022-07-23
Appendix 8- WEP_KP143+200-146+200_Rev_04-SIGNED
Appendix 9- WEP KP146+200 to 149+200 – Rev_04-SIGNED

Environmental Assessment Office - Compliance & Enforcement Branch

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