

Project Name	Coastal GasLink Pipeline Project (CGL)	Inspection Status	Final
EA Certificate #	E14-03	Inspection No.	IR2022-057
Project Status	Certified	Inspection Start	2022-10-24
Sector	Energy	UTM	10 N 552651 6093782
Trigger	Planned Inspection	Inspection Type	Administrative
Project Description	The Coastal GasLink Pipeline Project (Project) is an approximately 650 kilometre (km) long natural gas pipeline connecting facilities in northeast British Columbia (B.C.) to the LNG Canada facility near Kitimat.		
Location Description	The Project is near Groundbirch (40 km west of Dawson Creek) in northeast B.C. 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 24, 2022, Environmental Assessment Office (EAO) Compliance and Enforcement Branch (CEB) initiated an administrative inspection on the Project against the Environmental Assessment Certificate (EAC) #E14-03 (Appendix 1-4) and Work Execution Plan (WEP) 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 where information was requested include Kilometre Point (KP) 154+500 to 155+500.</p> <p>The following requirement was inspected against:</p> <ol style="list-style-type: none"> 1. Compliance Agreement, Section 2.4 Work Execution Plan Implementation with respect to Work Execution Plan: 154+000 to 157+000 Section 4: Inspections and Maintenance; and, 2. <i>Environmental Assessment Act</i> Section 63(2)(2). <p>On December 14, 2022, Officer Shayla Frechette (Officer Frechette) provided the preliminary inspection record to CGL.</p> <p>On January 13, 2023, the CGL provided comments pertaining to the preliminary inspection record. These comments were reviewed and edits were made to the record by the EAO CEB to identified errors of fact or omission prior to finalizing.</p> <p>On March 2, 2023, Officer Frechette provided the preliminary inspection record to the CGL for a second review.</p> <p>On March 24, 2023, CGL provided comments pertaining to the second preliminary inspection record. These comments were reviewed by the EAO CEB. No errors of fact or omission were identified.</p> <p>The compliance determination in this report reflects the findings from the inspection date noted above. These determinations can change at any time upon information gathered through future inspections or if new information is obtained by EAO CEB.</p>		
In Attendance	Not Applicable		

Certificate Holder	Coastal GasLink Pipeline Ltd.
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INSPECTION DETAILS

<p>Requirement 1:</p> <p>Compliance Agreement Under Section 55 of the Environmental Assessment Act (Appendix 5)</p> <p>Article 2 – Compliance Obligations</p> <p>Section 2.4 Work Execution Plan Implementation</p> <p>(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;</p> <p>Work Execution Plan: 154+000 to 157+000</p> <p>Section 4: Inspections and Maintenance</p> <p>Trained ESC personnel will conduct routine inspections of all temporary and permanent ESC measures installed as outlined below. Inspections will document the results identified, through an ESC Inspection report. Monitoring will consist of the following:</p> <ul style="list-style-type: none"> • On a daily basis in areas of active construction or equipment operation. • Once every 7 calendar days in areas with no construction or equipment operation where successful stabilization has occurred: and • All worksites (active or inactive) within 24 hours of >15mm of rainfall or precipitation. <p>Monitoring will be reduced to:</p> <ul style="list-style-type: none"> ○ Bi-weekly (once every 2 weeks) during frozen conditions. Frozen conditions are defined to be when the ground is frozen, and all surface water freezes during the night; ○ Monthly for areas that are completely snow covered (>15 cm) and exposing the ESC measures to monitor jeopardizes the integrity of the measures. ○ During times of limited access, a combination of helicopter and UTV/Argos will be used for both monitoring and maintenance. Aerial surveillance will be used preferentially for monitoring, with repair/maintenance crews using UTVs where accessing the features will not cause more harm. <ul style="list-style-type: none"> • A daily environmental repair list will be generated from the ESC Tracker and delivered to the applicable foreman every day. Specific EPMs and SCDs requiring repair or maintenance will be listed with pictures available through the ESC Tracker to avoid confusion and allow focus on key areas. These measures are included with the deficiency list, with a target to be repaired within 48 hours of identification.

- Adaptive management is a continuous improvement method and will be part of ESC planning to ensure the appropriate mitigation measures are being employed. Adaptive management actions, such as modification or change to an ESC measure or devices, may be required as a result of inspection, maintenance, or changing conditions. Updates to SSESCPs will be completed following the failure of correctly installed and maintained ESC measures to protect an ESR.
- ESC monitoring/inspection records are included with the deficiency list.

Findings:

On October 24, 2022, EAO CEB Officer Kathleen Dyke (Officer Dyke) requested daily inspection records from a trained erosion and sediment control personal (ESC monitor) for kilometer point (KP) 154+500 to 155+500 for September 20 to October 4, 2022.

On October 31, 2022, CGL Manager of Regulatory Services (MRS) provided the requested monitoring data (Appendix 6). The information provided by the MRS was a spreadsheet, which contained the date of inspection, trained ESC personnel initials, comments, monitor status, ESC type, KP location and when the locations was last monitored.

Officer Frechette reviewed the records and noted two inspections dates out of the fifteen-day span request:

- September 26, 2022; and,
- October 4, 2022.

On December 12, 2022, Officer Frechette confirmed with CGL Senior Regulatory Analyst that grade blasting, followed by blasting of the Bore Bay and sheet pile installation was active during the September 20 to October 4, 2022, period (Appendix 7).

On December 14, 2022, Officer Frechette provided CGL with a Preliminary Inspection Record, affording CGL the opportunity to identify any factual errors or omissions.

On January 13, 2023, CGL responded to the Preliminary Inspection Record stating the following:
“After an internal audit process, Coastal GasLink understands that while the Prime Contractor was completing the required inspections, field notes were not consistently being transferred into a digital format. Since the initial submission of documents provided to EAO, the Prime Contractor has advanced their WEP documentation process to better meet the requirements of the Compliance Agreement”. And “Coastal GasLink has since confirmed that during the September 20 to October 4, 2022, period of time the Prime Contractor completed field inspections daily with the exception of Sundays (September 25 and October 2) when crews were off, and no work was occurring”.

Additionally, CGL provided EAO CEB with updated inspection records for September 20, 2022 to October 4, 2022. EAO CEB noted that on October 4, 2022, the original records noted that repairs to ESC measures required maintenance at KP 154+600 (water bar), 154+620 (water bar), 154+650 (silt fence), 154+700 (silt fence), 154+850 (silt fence), 155+020 (water bar) and 154+980 to 155+050 (mulch), which differs from the updated inspection records provided to EAO CEB on January 13, 2023 (Appendix 6 & 8).

The administrative findings provide evidence of non-compliance with respect to daily inspection records by ESC monitors in areas of active construction or equipment operation.

Compliance Determination: Out - Notice of Non-Compliance

Requirement 2:***Environmental Assessment Act (2018)***

49(5) A person must, on request of a compliance and enforcement officer

(b) provide the compliance and enforcement officer with information relevant to the purposes of the inspection

63(2) A person who does any of the following commits an offence

(c) makes a statement in a record filed or provided under this Act that is false or misleading with respect to a material fact or that omits to state a material fact, the omission of which makes the statement false or misleading

Findings:

On October 24, 2022, EAO CEB Officer Dyke requested daily inspection records for September 20, 2022, to October 4, 2022, for KP 154+500 to 155+500.

On October 31, 2022, CGL provided two days of inspection records for the requested timeframe and KP Range. The records indicated that on October 4, 2022, seven repairs were required within the KP Range, one of which noted: *"EAO noted not keyed in on north corner closest to the water course"* (Appendix 6).

EAO CEB Officer notes from inspection of the KP Range on October 4, 2022, include the following observations:

- KP 154+600 Water bar to inlet to culvert plugged which requires maintenance;
- KP 154+650 a sediment fence buried by a pile on slope, which requires maintenance; and,
- KP 154+700 a sediment fence was not adequately installed and observed erosion under the sediment fence.

These observations are consistent with the monitoring data for October 4, 2022, provided by CGL on October 31, 2022.

On December 14, 2022, EAO CEB Officer Frechette provided CGL with a Preliminary Inspection Record, affording CGL the opportunity to identify any factual errors or omissions.

On January 13, 2023, CGL responded with a second set of daily inspection records, which included monitoring records for all days of active construction. CGL provided the following statement regarding the second set of daily inspection records: *"through both an internal audit process and our response to this inspection record, CGL had identified gaps in the record keeping related to WEP implantation in Work Package 2 (including Section 3). It appears that while the Prime was completing the required inspections on WEP areas (which were in turn verified by CGL personnel who witnessed these inspections), field notes from these inspections were not being properly recorded in a standardized format and then maintained in an easily accessible digital format. Coastal GasLink has since addressed this issue with the Prime and a new ESC inspection template and record keeping process has been established. In light of that process, inspection records from KP154-157 for Sept 20-Oct 4 are included in the attached submission."*

The records provided by CGL on January 13, 2023, indicated that all structures and measures within the KP Range on October 4, 2022, were in good working condition and that no corrective actions were required (Appendix 8). This information does not align with the October 31, 2022, inspection records provided by CGL, specifically for October 4, 2022, where the initial inspection records indicated seven repairs were required. Additionally, these inspection records do not align with EAO CEB's field observations from October 4, 2022.

It appears that the inspection records provided by CGL on January 13, 2023, which state that no repairs or maintenance were required within the KP Range on October 4, 2022, are false and misleading when comparing to the October 31, 2022, inspection records provided by CGL and EAO CEB’s field observations, both of which noted multiple locations where maintenance was required.

Section 63(2)(c) of the *Environmental Assessment Act (2018)* (the *Act*) states the following:

(2) A person who does any of the following commits an offence

(c) makes a statement in a record filed or provided under this Act that is false or misleading with respect to a material fact or that omits to state a material fact, the omission of which makes the statement false or misleading.

On March 2, 2023, EAO CEB provided CGL a second Preliminary Inspection Record affording CGL the opportunity to identify any factual errors or omissions.

On March 24, 2023, CGL provided a response back stating the following: *“Coastal GasLink is writing to acknowledge that the Work Execution Plan (WEP) inspection records filed with EAO Compliance and Enforcement Branch (CEB) on October 31, 2022 and January 13, 2023, include contradictory statements around the status of ESC mitigation within the WEP 154+00 to 157+000.”* and *“As outlined in the January 13, 2023 response the prime contractor retroactively compiled their records using a combination of emails, field notes and timesheets. The result of this was Daily ESC Monitoring Checklist which were then files directly with EAO CEB with out modification by CGL on January 13, 2023.*

EAO CEB notes that it would be reasonable for CGL to review and verify documentation provided by a prime contractor prior to providing it to EAO CEB in response to a request for information for inspection purposes. Therefore, the administrative findings provide evidence of a contravention under Section 63(2)(c) of the *Act* with respect to information provided to EAO CEB under Section 49(5)(b) of the *Act*.


Please see the Regulation Considerations section below for additional information regarding an offense of Section 63(2)(b) of the *Act*.

Compliance Determination: Out - Referred to an Administrative Penalty

Actions Required by Certificate Holder & Additional Comments
None at this time.
Enforcement Summary
Requirement 2 has been referred to a Decision Maker for an Administrative Penalty.
Regulatory Considerations
<p>Future non-compliances with respect to Requirement 1 will be inspected against Enforcement Order EN2022-028, which was issued to CGL on October 14, 2022 (Appendix 9).</p> <p>Section 60(1)(c) of the <i>Act</i> states the following: Subject to the regulations, if the chief executive assessment officer is satisfied on a balance of probabilities that a person has (c) made a statement in a record filed or provided under this Act that is false or misleading with respect to a material fact or that omits to state a material fact, the omission of which makes the statement false or misleading,</p>

the chief executive assessment officer may serve the person with a determination requiring the person to pay an administrative penalty in the amount specified in the determination.

Inspection Conducted by

 Shayla Frechette Senior Compliance & Enforcement Officer	Date Preliminary Report Sent to Certificate Holder 2023-03-02
	Date Finalized 2023-05-12

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- SAEG_ESC_Monitoring_Data_KP154+500 to 155+500 -Sept 20 to Oct 4
- Appendix 7- 2022-12-12 Email- CGL- Information request response
- Appendix 8- Updated ESC monitoring data
- Appendix 9- EN2022-028 Coastal GasLink Order

Environmental Assessment Office - Compliance & Enforcement Branch

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