

VIA ELECTRONIC SUBMISSION

October 7, 2019

National Energy Board
Suite 210, 517 Tenth Avenue S.W.
Calgary, Alberta T2R 0A8

To: Ms. Sheri Young, Secretary of the Board

Dear Ms. Young:

**Re: Trans Mountain Pipeline ULC (“Trans Mountain”)
Trans Mountain Expansion Project (“Project”)
OC-065
Condition 106: Construction Progress Reports
CER File: OF-Fac-Oil-T260-2013-03 61**

On August 30, 2018, the Federal Court of Appeal issued a Decision, the effect of which was to cancel the Order-in-Council that had approved the Certificate of Public Convenience and Necessity. Construction activities were wound down in a safe, secure and environmentally appropriate manner.

On September 21, 2018 [[A94120](#)], Trans Mountain indicated that it will continue to file information with the Board, such as this monthly Condition 106 report, to reflect the status of safety, environmental and security issues or non-compliances, and measures taken to resolve issues or non-compliances, and other requirements of Condition 106. This will ensure the Board’s record is current and complete.

On June 18, 2019, the Governor General in Council, on the recommendation of the Minister of Natural Resources, directed the National Energy Board (“NEB” or “Board”) to issue CPCN OC-65, and various Amending Orders, to Trans Mountain to permit the Project to proceed, subject to 156 conditions. As a result of the decision of the federal Cabinet and the issuance of a Certificate of Public Convenience and Necessity by the NEB on June 21, 2019, Trans Mountain has resumed its planning and scheduling activities for the Project.

Please find enclosed Trans Mountain’s compliance filing in fulfillment of Condition 106 for the month of September 2019.

Condition 106: Construction progress reports

The text of Condition 106, as established by the Board, is as follows:

Trans Mountain must file with the NEB monthly construction progress reports from commencing construction until after commencing operations. The reports

must include information on the progress of activities carried out during the reporting period, including:

- (a) safety, environmental and security issues or non-compliances that occurred during the reporting period;*
- (b) measures undertaken to resolve safety and environmental issues or non-compliances identified in a);*
- (c) confirmation that security issues identified in a) have been addressed;*
- (d) a description and the location of any change made to geohazard mitigation measures pursuant to Condition 51; and*
- (e) the location of any pressure tests carried out during the reporting period and a description of any unsuccessful pressure tests, including the reasons for the lack of success of each.*

The Construction Progress Report includes a concordance table that shows where each aspect of the Condition is addressed in the attached material.

Summary of Material Filed

Enclosed for submission is the following document:

- Construction Progress Report for Trans Mountain Expansion Project: Condition 106 (Monthly Update for Period September 2019), hereinafter the "Report"

The Report was prepared to address the requirements of Condition 106 and includes information on the progress of activities at the Westridge Marine Terminal, Burnaby Terminal, all pipeline spreads, and temporary infrastructure sites in Spreads 1, 2, 3, 4, 5 and 7 carried out during the reporting period.

As noted in previous filings for May and June, a change has been made in the reporting of spills. For the month of May 2019 and going forward, Trans Mountain will document only 'reportable' spills in this Report, i.e., those that exceed a regulatory threshold or meet other defined criteria. Please see section 1.2 'Definitions' in the Report for more detail. This aligns the current reporting standards.

Should you have any questions or wish to discuss this matter further, please contact the undersigned at regulatory@transmountain.com or (403) 514-6400.

Yours truly,

Original signed by

Scott Stoness
Vice President, Regulatory and Compliance
Trans Mountain Canada Inc.

Enclosure: Construction Progress Report Monthly Update for September 2019



TRANSMOUNTAIN

Trans Mountain Pipeline ULC

Monthly Update for September 2019

NEB Condition 106


 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	1 of 13

TABLE OF CONCORDANCE

Condition 106 is applicable to the following legal instruments: OC-065, as amended (CPCN), AO-005-OC-2 (OC2), AO-004-OC-49 (OC49), AO-001-XO-T260-007-2016 (TEMP), AO-002-XO-T260-008-2016, as amended (Pump 1), AO-002-XO-T260-009-2016, as amended (Pump 2), AO-002-XO-T260-010-2016, as amended (Tanks) and AO-001-MO-015-2016 (Deact). Table 1 describes how this report addresses the Condition requirements applicable to Construction Progress Reports.

**TABLE 1 -LEGAL INSTRUMENT CONCORDANCE WITH NEB CONDITION 106:
CONSTRUCTION PROGRESS REPORTS**

NEB Condition 106	OC-065 (CPCN)	AO-005-OC-2 (OC2)	AO-004-OC-49 (OC49)	AO-001-XO-T260-007-2016 (TEMP)	AO-002-XO-T260-008-2016 (PUMP1)	AO-002-XO-T260-009-2016 (PUMP2)	AO-001-XO-T260-010-2016 (TANKS)	AO-001-MO-015-2016 (DEACT)
Trans Mountain must file with the NEB, monthly construction progress reports from commencing construction until after commencing operations . The reports must include information on the progress of activities carried out during the reporting period, including:	See below.	N/A – No activities occurred during this reporting period.	N/A – No activities under this legal instrument occurred during this reporting period.	See below.	N/A – No activities occurred during this reporting period.	N/A – No activities occurred during this reporting period.	N/A – No activities occurred during this reporting period.	N/A – No activities occurred during this reporting period.
a) safety, environmental and security issues, or non-compliances that occurred during the reporting period;	Refer to section 4.0	See above.	See above.	N/A to this reporting period	See above.	See above.	See above.	See above.
b) measures undertaken to resolve safety and environmental issues or non-compliances identified in a);	Refer to Section 4.2	See above.	See above.	N/A to this reporting period	See above.	See above.	See above.	See above.
c) confirmation that security issues identified in a) have been addressed;	N/A to this reporting period	See above.	See above.	N/A to this reporting period	See above.	See above.	See above.	See above.
d) a description and the location of any change made to geohazard mitigation measures pursuant to Condition 51; and	N/A to this reporting period	See above.	See above.	N/A to this reporting period	See above.	See above.	See above.	See above.
e) the location of any pressure tests carried out during the reporting period and a description of any unsuccessful pressure tests, including the reasons for the lack of success of each.	N/A to this reporting period	See above.	See above.	N/A to this reporting period	See above.	See above.	See above.	See above.



 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	2 of 13

TABLE OF CONTENTS

1.0	Introduction.....	3
1.1	Report Overview	3
1.2	Definitions.....	4
1.3	Work Areas and Phases	5
2.0	Phase 1: Westridge Marine Terminal.....	7
3.0	Phase 2 : Edmonton Terminal	7
4.0	Phase 4: Burnaby Terminal.....	8
4.1	Environment Summary	8
4.2	Non-compliance Summary	8
5.0	Phase 27: Spread 2.....	9
6.0	Phase 30: Spread 5.....	9
7.0	Phase 39: Burnaby Tunnel	10
8.0	Temporary Infrastructure.....	11
8.1	Spreads 1 and 2 – Stockpile Sites	11
8.2	Spread 3 – Stockpile Sites	11
8.3	Spread 4 – Stockpile Sites	11
8.4	Spread 5 – Stockpile Sites	12
8.5	Spread 7 – Stockpile Sites	12
	8.5.1 Environment Summary.....	12

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	3 of 13

1.0 INTRODUCTION

Trans Mountain Pipeline ULC (Trans Mountain) submitted a facilities application to the National Energy Board (NEB) in December 2013 for the Trans Mountain Expansion Project (the Project or TMEP). On November 29, 2016, the Governor in Council concluded that the Project was in the public interest of Canada. A Certificate of Public Convenience and Necessity allowing the Project to proceed, subject to 157 conditions, was issued on December 1, 2016. Condition 106 requires Trans Mountain to file Construction Progress Reports (Report) on a monthly basis from the commencement of construction until after commencing operations.

On August 30, 2018, the Federal Court of Appeal issued a Decision, the effect of which was to cancel the Order-in-Council that had approved the Certificate of Public Convenience and Necessity for the Trans Mountain Expansion Project (OC-064). Construction activities were wound down in a safe, secure and environmentally appropriate manner.

On June 18, 2019, the Governor General in Council, on the recommendation of the Minister of Natural Resources, directed the National Energy Board (“NEB” or “Board”) to issue CPCN OC-065, and various Amending Orders, to Trans Mountain to permit the Project to proceed, subject to 156 conditions.

Trans Mountain submits this Report pursuant to Condition 106, Construction Progress Reports, for the time period of September 1-30, 2019 (reporting period).

1.1 Report Overview

This Report includes information on the progress of activities related to the active phases within the listed work areas carried out during the reporting period, inclusive of:

- Safety, environmental and security issues or non-compliance issues that occurred during the reporting period (Condition 106(a));
- Measures undertaken to resolve safety and environmental issues or non-compliances (Condition 106(b));
- Confirmation that security issues have been addressed (Condition 106(c));
- Description and location of any change made to geohazard mitigation measures pursuant to Condition 51 (Condition 106(d)); and
- The location of any pressure tests carried out during the reporting period and a description of any unsuccessful pressure tests, including the reasons for the lack of success of each (Condition 106(e)).

Trans Mountain confirms that no changes were made to geohazard mitigation measures pursuant to Condition 51 (Condition 106(d)) and no pressure tests were carried out (Condition 106(e)) during the reporting period.

Table 2 shows the number of safety, environmental, security, and non-compliance issues that occurred during the reporting period.


 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	4 of 13

TABLE 2: TOTAL NUMBER OF SAFETY, ENVIRONMENTAL, SECURITY AND NON-COMPLIANCE ISSUES FOR THIS REPORTING PERIOD

Description	Total Number of Issues
Medical Aids	0
Lost Time Incidents	0
Higher Potential Near Miss	0
Property Damage (> \$5,000)	0
Other	0
Environmental Issues	0
Security	0
Non-Compliance (Spills)	2

1.2 Definitions

To meet the requirements of Condition 106 (a)-(d), Trans Mountain has developed criteria to define the nature and severity of the events reported to the CER in the course of construction. The following definitions are used throughout this report.

Safety issues, as defined in the Trans Mountain Canada Inc. (TMC) Integrated Safety and Loss Management System (ISLMS), are reported in terms of:


- Medical aids – a work-related injury or illness that requires the attention of a physician or of a licensed medical practitioner under the direction of a physician, whereby an actual medical procedure was administered.
- Lost time incidents – incidents or medical aids that result in days away from work.
- Higher potential near miss – circumstances that could have resulted in a reportable serious event under a slightly different situation.
- Property damage >\$5000 – damage to company and/or third-party facilities (including pipelines and associated equipment), equipment, property, vehicles.
- Other – motor vehicle accidents, unintended fire or explosion.

These include safety reporting requirements set out in the Canada Energy Regulator Onshore Pipeline Regulations.

Environmental matters are reported in three ways:

- Issues – Also referred to as an Environmental Event. An Issue or Event is the occurrence of an unplanned environmental impact. Timely, appropriate corrective and preventative actions (CAPA) are evaluated and implemented.
- Deficiency – sometimes also referred to as a near miss. A deficiency is the occurrence of a shortcoming to a requirement that is identified through environmental management processes; appropriate corrective and preventative actions (CAPA) are evaluated and implemented, and environmental impacts are avoided or prevented.
- Spill – An unplanned release that exceeds a quantity reportable under provincial or federal law or regulation, a unplanned release of unknown quantity with the potential to exceed a reportable quantity, or a situation where an unplanned release enters a body of water. As such, spills are non-compliances and will be reported in that section (see below).

Non-compliances received from the CER and other regulators, as well as those identified through environmental management processes and self-disclosed by Trans Mountain, are reported, and their

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	5 of 13

resolution is indicated. Non-compliances identified through regulatory inspections will only be reported following issuance to Trans Mountain of final inspection reports. Non-compliance is defined as an activity that is not in accordance with:

- a) An applicable legal requirement as defined by TMC's Legal Requirements Standard;
- b) TMC's Code of Business Conduct and Ethics Policy; or
- c) A Project-specific regulatory or government requirement.

Reporting of a non-compliance supersedes reporting of an environmental issue or deficiency. Where a non-compliance also involves an environmental issue or deficiency, it is only reported once as a non-compliance.

Security issues are related to potential or actual threats to facilities and construction activities by third-parties.

The actions taken to address, mitigate and resolve all issues are described herein.


1.3 Work Areas and Phases

This report encompasses all construction activities completed during the reporting period. The layout includes each work area the construction pertains to, in alignment with Condition 10.

TABLE 3: PROJECT WORK AREAS

Phase #	Phased Construction Spreads, Regions, or Work Areas	Phase Activity
Terminals		
1	Westridge Marine Terminal	MOBILIZATION STARTED FOR OFFSHORE; LIMITED ONSHORE WORK COMMENCED
2	Edmonton Terminal	NOT STARTED
3	Sumas Terminal	NOT STARTED
4	Burnaby Terminal	STARTED
Line 1 Pumps		
5	Jasper Pump Station	NOT STARTED
6	Black Pines Pump Station	NOT STARTED
7	Kamloops Pump Station ¹	NOT APPLICABLE
8	Sumas Pump Station ¹	NOT APPLICABLE
Line 2 Pumps		
9	Edmonton Pump Station	NOT STARTED
10	Gainford Pump Station	NOT STARTED
11	Wolf Pump Station	NOT STARTED
12	Edson Pump Station	NOT STARTED
13	Hinton Pump Station	NOT STARTED


¹ Not applicable per amended Order AO-001-XO-T260-008-2016, issued July 6, 2018 ([A92862](#)).

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	6 of 13

Phase #	Phased Construction Spreads, Regions, or Work Areas	Phase Activity
Line 2 Pumps (cont'd)		
14	Blue River Pump Station	NOT STARTED
15	McMurphy Pump Station	NOT STARTED
16	Blackpool Pump Station	NOT STARTED
17	Black Pines Pump Station	NOT STARTED
18	Kamloops Pump Station	NOT STARTED
19	Kingsvale Pump Station	NOT STARTED
20	Niton Pump Station Reactivation ²	NOT APPLICABLE
Line 1 Reactivation / Deactivation / Other Activities		
21	Line 1 (valves) ³	NOT STARTED
22	Hinton to BC Border Reactivation	NOT STARTED
23	BC Border to Hargreaves Reactivation	NOT STARTED
24	Darfield to Black Pines Reactivation	NOT STARTED
25	Wolf Pump Station Deactivation ²	NOT APPLICABLE
Line 2 Work Areas		
26	Spread 1	NOT STARTED
27	Spread 2	SAFE SHUT DOWN
28	Spread 3	NOT STARTED
29	Spread 4	NOT STARTED
30	Spread 5	NOT STARTED
31	Spread 5, Condition 39 Coldwater Hydrological	NOT STARTED
32	Spread 5, Condition 7 Ohamil	NOT STARTED
33	Spread 6	NOT STARTED
34	Spread 6, Condition 7 Tzeachten	NOT STARTED
35	Spread 6, Condition 77 Lightning Rock	NOT STARTED
36	Spread 7	NOT STARTED
37	Spread 7, Condition 7 Surrey Bend	NOT STARTED
38	Westridge Delivery Lines	NOT STARTED
39	Burnaby Tunnel	SAFE SHUT DOWN
Temporary Infrastructure: Pursuant to Condition 61 Filing (Filing IDs <u>A88496</u>, <u>A95098</u>, <u>C01116</u>, <u>C02063</u>)		
Spread 1		SAFE SHUT DOWN
Spread 2		SAFE SHUT DOWN
Spread 3		SAFE SHUT DOWN
Spread 4		SAFE SHUT DOWN
Spread 5		SAFE SHUT DOWN
Spread 6		NOT STARTED
Spread 7		SAFE SHUT DOWN

² Not applicable, per Certificates of Public Convenience and Necessity AO-004-OC-2 and AO-003-OC-49, issued February 9, 2018 (A89926).

³ In relation to the Line 1 reactivation segments, the Line 1 valve installations have not started. At other locations along the existing Trans Mountain system (Line 1), the valve installations are being undertaken as an operational activity.


 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	7 of 13

2.0 PHASE 1: WESTRIDGE MARINE TERMINAL

Construction Progress Onshore: Mobilization under OC-065 has commenced: <ul style="list-style-type: none"> Civil works for temporary construction offices and infrastructure were initiated; and Water Treatment equipment was set in place. Foreshore: Turbidity curtains and foreshore sediment control measures continue to be monitored and maintained where rip-rap was removed east of Pier 59. Sheet Piles: Complete for safe shutdown during which: <ul style="list-style-type: none"> All sheet piles for Cells 6, 7, and 9 were driven to depth and accepted, completing circular cell perimeter; total of 396 sheet piles Cells 6, 7 and 9 were filled with aggregate to stabilize cells for safe shutdown Marine Berth Piles: Complete for safe shutdown, during which <ul style="list-style-type: none"> Piles for Mooring Dolphins MD4, MD5 and MD6 driven to depth, accepted and capped for safe shutdown; total of 12 piles Piles for Trestle Bent TS5 driven to depth, accepted and capped for safe shutdown; total of 2 piles Piles for Loading Platform LP1-2 driven to depth, accepted and capped for safe shutdown; total of 14 piles 			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

3.0 PHASE 2 : EDMONTON TERMINAL

Construction Progress <ul style="list-style-type: none"> No construction activity 			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	8 of 13

4.0 PHASE 4: BURNABY TERMINAL

Construction Progress: <ul style="list-style-type: none"> Tree Clearing for expansion started September 5/2019 in the manifold and retention pond area. Excavation for North Creek diversion started September 16/2019. Installation of ESC (Erosion and Sediment controls) measures as per the EPP. 			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	<ul style="list-style-type: none"> No Environmental Issues or Events 20 Environmental Deficiencies identified this reporting period (Section 4.1). 	<ul style="list-style-type: none"> 2 non-compliances identified this reporting period (Section 4.2).

4.1 Environment Summary


Environmental Deficiencies (Near Misses)

Description	Total Number of Issues
Land & Soil (i.e., erosion, subsidence, topsoil loss/degradation, soil compaction, admixing, rutting)	9
Vegetation (i.e., weeds, improper clearing/brushing, improper pesticide use, incorrect seed mix, herbicide release, Clubroot)	0
Water (i.e., improper water discharge, sedimentation/turbidity exceedances, bank slumping, watercourse geomorphology changes)	5
Air & Noise (i.e., attributable/indeterminate odours or noise, air quality exceedances)	0
Fish & Wildlife (i.e., habitat disturbance/destruction, impacted fish/wildlife/migratory birds/Species at Risk)	1
Waste & Hazardous Materials (i.e., improper storage, disposal, or shipping document completion)	5
Contamination (i.e., discovery of contaminated soil/groundwater, attributable/indeterminate sheen) *Excludes contamination from new releases	0
Heritage Resources (i.e., unauthorized disturbance of newly discovered/known heritage resources)	0

4.2 Non-compliance Summary

A summary of non-compliances and their resolution is provided below.

ID #	Description	Date	Measures Taken
Loc.4.18.ENV.09 1819.00000471	At approximately 7:30 AM, a sump overflowed, resulting in a discharge of water bypassing authorized water treatment works into watercourse BC-785j	18 September 2019	Initial response: Additional pumps were installed upon observation of the release. Contact water was pumped to grassy areas to filter out any fine particulates.

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	9 of 13


	resulting in a non-compliance with Waste Discharge Permit 6945. Continuous water quality monitoring in place did not indicate a spike in turbidity levels and no adverse effects to the environment or human health were observed.		Long term actions: An emergency overflow pipe has been installed in the sump that overflowed to divert any unplanned overflow to the south, away from the inlet to the watercourse.
Loc.4.18.ENV.09 2219.00000488	At approximately 9:30 AM, a 2" pump mechanically failed which resulted in the discharge of turbid water bypassing water treatment works to watercourse BC-785k from the Upper Road ditch resulting in a non-compliance with Waste Discharge Permit 6945. One 2" pump continued to direct most of the contact water away from watercourse BC-785k. Increased turbidity was observed in watercourse BC-785k for approximately 1 hour. No adverse effects to the environment or human health were observed.	22 September 2019	Initial response: Crews were immediately dispatched to collect a replacement pump. The pump was replaced and contact water was then redirected away from the watercourse by 10:25 AM. Additional back-up pumps and generators were added to the location in case of an increase in rainfall. Water samples were taken from the inlet, the discharge location, and the outlet of the watercourse flowing through the Burnaby Terminal. Crews monitored the site and had a shift present throughout the night. All work in the immediate area was suspended temporarily to review and adjust where required, erosion and sediment control measures. Long-term actions: All critical sumps will now have two pumps (one primary and one backup) on different float levels. More frequent site inspection will be implemented during expected rain events.

5.0 PHASE 27: SPREAD 2

Construction Progress Safe shutdown is complete. No activity this reporting period.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

6.0 PHASE 30: SPREAD 5


Construction Progress Construction not started. Right-of-way survey underway.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	10 of 13

0	0	0	0
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7.0 PHASE 39: BURNABY TUNNEL

Construction Progress Safe shutdown n is complete. No activity in this reporting period.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	11 of 13

8.0 TEMPORARY INFRASTRUCTURE

8.1 Spreads 1 and 2 – Stockpile Sites


Construction Progress – stockpile storage as of 28 Sept 2019 Enoch Stockpile Site (ENO 055) – Site preparation for safe, secure storage of pipe is complete. Ongoing pipe storage and yard security; 45,403 m of pipe are in storage; 90% of expected capacity. Edson Stockpile Site (EDS 003.2) – Ongoing pipe delivery, storage and yard security; 123,807 m of pipe are in storage; 65% of capacity planned for this site; pipe for Reactivation O&M work= 2015 m of 24" pipe. Northgate Stockpile Site (ENO 047) – Ongoing pipe storage and yard security; 103,198 m of pipe in storage; 104% of planned capacity.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

8.2 Spread 3 – Stockpile Sites

Construction Progress - stockpile storage as of 28 Sept 2019. Valemount (VAL 025) Stockpile site development for safe, secure storage of pipe including grading and installation of security fencing. Acceptance of pipe for storage has begun; 95,314 m of pipe are in storage; 77% of planned capacity. Blue River camp site location – fenced, no activity.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

8.3 Spread 4 – Stockpile Sites

Construction Progress – stockpile storage as of 28 Sept 2019. Vavenby VAV009 Stockpile site developed for safe, secure storage of pipe including grading and installation of security fencing; 77,607 m of pipe are in storage; 50% of planned capacity.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	12 of 13

8.4 Spread 5 – Stockpile Sites

Construction Progress – stockpile storage as of 28 Sept 2019. Domtar Old Mill Site (KAM 013) – ongoing pipe storage and yard security; 79,023 m of pipe are in storage; 154% of planned capacity. Coquilhalla Development Stockpile (HOP 052) – Ongoing pipe delivery, storage and yard security; 37,772 m of pipe are in storage; 24% of planned capacity. Merritt Stockpile (MER 015) – site preparation, grading and fence installation. No pipe stored on site.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	0	0


8.5 Spread 7 – Stockpile Sites

Construction Progress – stockpile storage as of 25 September 2019. Canfor Laydown Site (NEW 044) : Ongoing storage, yard security and parking; 12,271 m of pipe are in storage; 28% of capacity. 150 Glacier, Coquitlam : Office space and storage and maintenance shop leased on existing industrial property. Setup of storage and clean up has begun 4001 Remi Place, Burnaby : 21,000 ft ² warehouse facility leased within existing industrial property; building being configured for use as warehouse and training facility.			
Issues and Non-Compliances			
Safety Issue	Security Issue	Environment Issue	Non-compliance
0	0	<ul style="list-style-type: none"> No Environmental Issues or Events 4 Environmental Deficiencies identified this reporting period (Section 8.5.1). 	0

8.5.1 Environment Summary

Environmental Deficiencies (Near Misses)

Description	Total Number of Issues
Land & Soil (i.e., erosion, subsidence, topsoil loss/degradation, soil compaction, admixing, rutting)	0
Vegetation (i.e., weeds, improper clearing/brushing, improper pesticide use, incorrect seed mix, herbicide release, Clubroot)	0
Water (i.e., improper water discharge, sedimentation/turbidity exceedances, bank slumping, watercourse geomorphology changes)	0
Air & Noise (i.e., attributable/indeterminate odours or noise, air quality exceedances)	0

 TRANSMOUNTAIN	Monthly Update for September 2019 NEB Condition 106	Date:	2019/10/07
		Revision No.:	0
		Page	13 of 13

Description	Total Number of Issues
Fish & Wildlife (i.e., habitat disturbance/destruction, impacted fish/wildlife/migratory birds/Species at Risk)	1
Waste & Hazardous Materials (i.e., improper storage, disposal, or shipping document completion)	3
Contamination (i.e., discovery of contaminated soil/groundwater, attributable/indeterminate sheen) *Excludes contamination from new releases	0
Heritage Resources (i.e., unauthorized disturbance of newly discovered/known heritage resources)	0