

APPENDIX 3

Regulations Applicable to Crossing Pipelines TSSA Guidelines for Development and Set-Back

Sections of the Technical Standards & Safety Act, 2000

Offences

37. (1) Every person who,

(a) contravenes or fails to comply with any provision of this Act, the regulations or a Minister's order ... is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 2000, c. 16, s. 37 (1).

Duties of employers, contractors

41. Every contractor and employer shall take all reasonable precautions to ensure that they and their agents and employees comply with this Act, the regulations or a Minister's order. 2000, c. 16, s. 41.

Sections of Ontario Regulation 210/01 - Oil and Gas Pipeline Systems

Ascertaining pipeline locations

9.(1) No person shall dig, bore, trench, grade, excavate or break ground with mechanical equipment or explosives without first ascertaining from the licence holder the location of any pipeline that may be interfered with. O. Reg. 210/01, s.9(1).

(2)The licence holder shall provide as accurate information as possible on the location of any pipeline within a reasonable time in all the circumstances. O.Reg. 210/01, s.9(2).

No interference with pipeline

10. No person shall interfere with or damage any pipeline without authority to do so. O.Reg. 210/01, s.10.

Unsafe condition

17. Where the director has reason to believe that an unsafe condition exists in a pipeline, an operating company shall uncover any part of the pipeline at the written request of the director

Sections of Ontario Regulation 223/01 - Code Adoption Document

(7) Clause 10.5 is amended by adding the following clause:

10.5.5 Right-of-Way Encroachment.

10.5.5.1 It shall be prohibited to install patios or concrete slabs on the pipeline right-of-way or fences across the pipeline right-of-way unless written permission is first obtained from the operating company.

10.5.5.2 It shall be prohibited to erect buildings including garden sheds or to install swimming pools on the pipeline right-of-way. Storage of flammable material and dumping of solid or liquid spoil, refuse, waste or effluent, shall be also forbidden.

10.5.5.3 Operating companies shall be allowed to erect structures required for pipeline system operation purposes on the pipeline right-of-way.

10.5.5.4 No person shall operate a vehicle or mobile equipment except for farm machinery and personal recreation vehicles across or along a pipeline right-of-way unless written permission is first obtained from the operating company or the vehicle or mobile equipment is operated within the travelled portion of a highway or public road.

The TSSA Act and Regulations are administered by the Fuels Safety Division (FSD) of the Technical Standards and Safety Authority (TSSA) as authorized by the Ministry of Consumer and Business Services (MCBS) in Ontario.

Other applicable standards to crossings and construction around pipelines.

CSA Standards

- Z662, Oil and Gas Pipeline Systems
- C22.3, No. 6-Principles and Practices of Electrical Coordination between Pipelines and Electric Supply Lines
- C22.3, No. 4 Control of Electrochemical Corrosion of Underground Metallic Structures

Ontario Hydro

- Technical Specifications for Pipelines on Ontario Hydro Rights of Way

Highway Traffic Act (Ministry of Transportation)

- Work on public roadways

National Energy Board (NEB)

- Onshore Pipeline Regulations OPR

Transport Canada

- Standards Respecting Pipeline Crossings Under Railways TC E-10
- Navigable Waters Protection Act, R.S.C. 1970, Chap. N-19

Transportation of Dangerous Goods Act (TDG)

- Transportation of flammable or hazardous materials

Ontario Environmental Protection Act (EPA)

- Spill Reporting
- Waste Management

Ontario Water Resources Act (OWRA)

- Ditch Pumping

Federal/Provincial Fisheries Act (Dept. Fisheries and Oceans/MNR)

- Work in streams or waters with fish habitat



FUELS SAFETY DIVISION

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GUIDELINES FOR DEVELOPMENT IN THE VICINITY OF OIL AND GAS PIPELINE FACILITIES

CRITERIA

The following guidelines pertain to developments in the vicinity of steel oil and gas pipelines with a maximum operating pressure (MOP) greater than 1900 kPa.

DEFINITIONS

Pipeline operator means the individual, partnership, corporation, public agency, or other entity that operates the pipeline system.

Specified Minimum Yield Strength (SMYS) means the minimum yield strength prescribed by the specification or standard under which the pipe material is purchased.

Yield strength means the stress at which material exhibits the specified limiting offset or produces a specified total elongation under load in a tensile test as specified in the specification or standard under which the material is purchased.

USE OF EASEMENT

For pipelines located on easements, the entire width of the oil and gas pipeline easement shall be kept clear of all structures. The easements may be incorporated into subdivision plans as green space, walkways, or bicycle paths but shall not be incorporated into individual lots. With prior approval of the pipeline operator, certain other uses such as light weight vehicle parking lots or temporary storage areas may be acceptable, provided that the goods or materials can be removed quickly in case of an emergency. The piling up of garbage, dirt or industrial waste shall not be permitted at any time.

Limits of the easement parallel to the pipeline shall be identified with fencing or equivalent markings to prevent gradual encroachment by adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering.

MINIMUM SETBACKS

For oil and gas pipelines operating at a stress level below 40% of SMYS no additional setbacks are required beyond the limits of the easement.

For oil and gas pipelines operating at a stress level in excess of 40% SMYS, a minimum setback of 20 meters shall be maintained from the centerline of the pipeline to dwellings intended for human occupancy. A minimum setback of 200 meters shall be maintained from the centerline of pipelines to institutions where rapid evacuation may be difficult, such as hospitals, nursing homes, penal institutions, and institutions for the physically and mentally handicapped.

PUMPS AND COMPRESSORS

Dwellings intended for human occupancy shall be situated to provide a minimum setback of 100 meters from pumps and compressors