

Appendix 2

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, a Minister's order or an alternate rule;
- (b) knowingly makes a false statement or furnishes false information under this Act, the regulations, a Minister's order or an alternate rule;
- (c) contravenes or fails to comply with a term or condition of an authorization;
- (d) contravenes or fails to comply with an order or requirement of a director or an inspector, or obstructs an inspector, 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, or, if the person is a body corporate, to a fine of not more than \$1,000,000. 2000, c. 16, s. 37 (1); 2009, c. 28, s. 14 (1); 2019, c. 4, Sched. 7, s. 29 (2, 3).

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, a Minister's order or an alternate rule. 2000, c. 16, s. 41; 2019, c. 4, Sched. 7, s. 31.

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 10.6 is amended by adding the following clause:

10.6.7 Right-of-Way Encroachment.

10.6.7.1 No person shall construct, erect or install any structure or tangible item on or within the pipeline right-of-way, including but not limited to patios, concrete slabs, buildings, pool houses, garden sheds, swimming pools, hot tubs, fish or other man-made ponds, saunas or fences, unless written permission is first obtained from the operating company.

10.6.7.2 No person shall deposit or store any flammable material, solid or liquid spoil, refuse, waste or effluent on or within the pipeline right-of-way.

10.6.7.3 Notwithstanding the above, operating companies may erect structures required for purpose of pipeline system operation on the pipeline right-of-way.

10.6.7.4 No person shall operate a vehicle or mobile equipment except for farm machinery or personal recreation vehicles across or within 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 already existing in the pipeline right-of-way.

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
- Z663, Land use Planning in the Vicinity of Pipeline Systems
- Z247, Damage Prevention for the Protection of Underground Facilities
- Z246.1, Security Management For Petroleum and Natural Gas Industry Systems
- C22.3, No. 6-Principles and Practices of Electrical Coordination between Pipelines and Electric Supply Lines
- C22.3, No. 4Control 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

Canadian Energy Regulator (CER)

- 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