



Bulletin 1. Third Party Contamination

The intent of the requirement for companies operating facilities under Canada Energy Regulator (CER) jurisdiction to report Third Party Contamination is pursuant to the CER's purpose to ensure that facilities are operated and abandoned in a manner that is safe and secure and that protects people, property and the environment.

Third Party Contamination means On-Site Contamination that can be established through confirmed analytical sampling or fingerprinting, or other such methods that the CER considers acceptable, that can be shown to be not emanating or migrating from the company's Facilities or Company Owned or Leased Lands or Right-of-Way.

The process outlined within this bulletin is not applicable to sites for which the Third Party Contamination coincides with contamination related to the company's activities.

When an event is reported as Third Party Contamination, it is clearly identified in the publicly posted Notice of Contamination (NOC) on RegDocs. The company must submit the information listed in the checklist below to complete the reporting process for the event.

The following steps summarize the process:

- 1) Conduct the notification and reporting steps described in Section 9.1 of the Remediation Process Guide.

Note: If the contamination has already been reported to the CER via a NOC, do not create a new NOC.

- 2) Manage the Contamination as described in Section 9.2 of the Remediation Process Guide.
- 3) Complete the checklist below, including any further justification, where helpful. Upload the completed checklist and supporting information to the NOC using the Online Event Report System (OERS).
- 4) Upon review of this submission, the CER will either follow up with additional questions to the Company (Information Request) or will accept the evidence and conclude the process in OERS. The company will be notified of the outcome.

Once this information is reviewed and accepted by the CER, annual updates will no longer be required and the CER Online Event Reporting System will show the event has been closed.

Note that the completion of this Third Party Contamination reported event in OERS does not represent Remediation Closure. Remediation Closure is granted via a separate review process which is not applicable to Third Party Contamination.

Third Party Contamination Checklist for Completing Reporting Requirements

Task	Response		Explanation / Justification for response
	Yes	No	
Section 9.1 Report Contamination			
1a. Has the entity which the reporting company believes to be responsible for the contamination been identified?	<input type="checkbox"/>	<input type="checkbox"/>	
1b. Has this entity been notified? If Yes, provide a record of notification with this checklist submission.	<input type="checkbox"/>	<input type="checkbox"/>	
2a. Has the contamination been reported to any other regulatory authorities since the submission of the NOC? If Yes, please provide the contact name(s) and regulatory authority or authorities in the notes. If No, provide further context / justification in the notes.	<input type="checkbox"/>	<input type="checkbox"/>	
2b. Has a record of notifying other regulatory authorities been provided to the CER? (i.e., a copy of an email or notes from a phone call to regulatory authority including date, time, name of individual contacted and file number).	<input type="checkbox"/>	<input type="checkbox"/>	
Section 9.2 Manage Contamination			
3. Were all reasonable precautions taken to ensure (i) worker safety and (ii) safety of other persons at or near the contaminated site while work was performed? Please provide a description of the precautions taken in the Notes.	<input type="checkbox"/>	<input type="checkbox"/>	
4. Will contaminated soils and/or liquids that were/will be transported off-site be disposed of pursuant to applicable laws, unless otherwise specifically exempted from such requirements pursuant to permits issued by regulatory authorities.	<input type="checkbox"/>	<input type="checkbox"/>	
5. Confirm that uncontaminated soil was/will be confirmed (with analytical data) to meet regulatory Remediation Criteria before being used to replace any contaminated material removed from the site.	<input type="checkbox"/>	<input type="checkbox"/>	

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6. Were reasonable efforts made to source soil of a quality which meets the needs of the landowners to maintain or improve equivalent land capability?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Were/will potential mitigation measures be implemented to a) prevent increasing the migration potential and b) prevent creating further impacts to lands, water or receptors (including but not limited to water wells) of contamination? Please describe in the Notes or by attachment.	<input type="checkbox"/>	<input type="checkbox"/>	
8. Were/will potential mitigation measures be implemented to prevent the project activities from providing a conduit for contamination migration? Please describe in the Notes or by attachment.	<input type="checkbox"/>	<input type="checkbox"/>	
9. Will the contamination location(s) be retained in the 'spills and leaks', or contaminated site list (or as company otherwise describes its list or database) which the company maintains of all its locations/sites with contamination, such that it will be identified and managed appropriately for the company's future site activities at this location?	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence that the Contamination is Third Party			
10. Provide a narrative describing why and how the company had concluded that the contamination is third party.	<input type="checkbox"/>	<input type="checkbox"/>	
11. Has evidence (where applicable; data, figures, fingerprinting analysis, chain of title, etc.) been provided to demonstrate that the contamination is third party? Please describe in the notes or by attachment.	<input type="checkbox"/>	<input type="checkbox"/>	