

THE ALBERTA ENERGY REGULATOR

PROCEEDINGS ID NO. 417

IN THE MATTER OF the Regulatory Appeal by
Michael Judd of the AER's decision to approve
Application No. 31097955 and issue
Pipeline Licence No. 62559 to
Pieridae Alberta Production Ltd.
on August 16, 2021
(Regulatory Appeal 1935549)

AER PROCEEDING

VOLUME 2

Calgary, Alberta
November 20, 2024

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1 Proceedings taken at Govier Hall, Calgary,
2 Alberta

3

4 November 20, 2024

Morning Session

5

6 C.L.F. Chiasson

Hearing Commissioner

7

H. Robinson

Hearing Commissioner

8

S.F. Mackenzie

Hearing Commissioner

9

10 B. Kapel Holden

Counsel for the Panel

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A. Lewis

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E. Arruda

AER Staff

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A. Stanislavski

AER Staff

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N. Hymers

AER Staff

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21

D. Naffin

For Pieridae Alberta

22

T. Myers

Production Ltd.

23

T. Machell

24

25

M. Sawyer

Representative for

26

Michael Judd

1 R.M. Johanson, CSR(A) Official Court Reporter
2 A. Vidal, CSR(A), RPR, RMR Official Court Reporter

3

4 (PROCEEDINGS COMMENCED AT 9:01 AM)

5 Opening Remarks

6 THE CHAIR: Please be seated.

7 So good morning to everyone. I'm glad to
8 see it's not snowing so far this morning and
9 that. Welcome back to the hearing.

10 So a few reminders before we get started on
11 the main business of the day. As we mentioned
12 near the close yesterday, we've been advised
13 that there will be a test -- the Province is
14 planning to run a test of the Alberta Emergency
15 Alert system at 1:55 this afternoon.

16 Now, tied in with that reminder is the
17 reminder that everyone have their electronics,
18 their phones, their computers, anything else
19 they've got that's electronic that could be
20 making noise, that you have them turned to
21 silent, please. So I'm not certain how much an
22 emergency alert test may come through if you've
23 got your devices on silent, but there is a
24 possibility that we may get disrupted shortly
25 at that time so just so that everyone is aware.

26 The other thing that we wanted to remind

1 people of before we start is that this hearing
2 is being video cast on the internet, and so
3 anyone in the hearing room, whether you're
4 actively participating in the hearing or in the
5 audience, may be captured on the video cast.
6 So if you have concerns about that, please
7 approach Ms. Arruda, our hearing coordinator,
8 and you can discuss it with her.

9 So are there any matters that we need to
10 discuss before we proceed? No? All right.
11 Thank you.

12 So today we are proceeding with direct
13 evidence and then cross-examination and
14 potentially redirect of Pieridae's witness
15 panel.

16 So, Mr. Naffin, Mr. Myers, we'll turn it
17 over to you.

18 T. MYERS: Thank you, and good
19 morning, Commissioners. It's my pleasure this
20 morning to introduce the witness panel for
21 Pieridae.

22 The members of the witness panel are as
23 follows -- and I'll start closest to the Panel
24 in the front row. So closest to you in the
25 front row is Mr. Erin Maczuga, senior
26 regulatory advisor with Pieridae; next to him

1 is Mr. Paul Kunkel, chief commercial officer
2 with Pieridae; Mr. Ken Scheirer is next to him.
3 He's the commercial engineering manager with
4 Pieridae; Mr. Darrell Archibald, production
5 superintendant with Pieridae; and rounding out
6 the front row is Mr. Luc Simon, integrity
7 inspector with Pieridae.

8 And then in the second row closest to the
9 Panel, again, is Ms. Jacqueline Redburn, team
10 lead national sciences with Trace Associates.
11 Beside her is Mr. Brad Foote, ERP operations
12 manager with Behr Integrated Solutions. And
13 finally Mr. Brian Dew, manager pipeline
14 integrity and engineering services with Acuren.

15 And then behind them there are a couple of
16 support folks, but they won't be providing
17 testimony today.

18 The curriculum vitae for Mr. Kunkel,
19 Mr. Archibald, Mr. Maczuga, and Mr. Simon are
20 each located at Tab 1 of Pieridae's written
21 submission, which is Exhibit 134.02. The CVs
22 for Mr. Dew and Mr. Foote are located at Tab 2
23 of Pieridae's written submission, which is
24 Exhibit 134.03. And updated CVs for
25 Mr. Scheirer and Ms. Redburn are located at
26 Tab 2 of Pieridae's supplemental submission,

1 which is Exhibit 199.01.

2 If I could ask madam court reporter to
3 please swear or affirm the witnesses as they
4 indicate.

5 PAUL KUNKEL, ERIN MACZUGA, KEN SCHEIRER,
6 DARRELL ARCHIBALD, BRIAN DEW, BRAD FOOTE,
7 JACQUELINE REDBURN, Affirmed
8 LUC SIMON, Sworn

9 THE CHAIR: So, Mr. Myers, one
10 thing I just realized as we were going through
11 this, just as a reminder again to everyone,
12 because we have a lot of people and a lot of
13 microphones in play, the system will only
14 manage four microphones open at one time. So
15 as much as possible, if you can remember to
16 turn off your microphones after you've used
17 them, and I think they're all labelled. The
18 red light means "on". So if you see the red
19 light, you know your mic is on. Thank you.

20 Direct Evidence of the Pieridae Alberta
21 Production Ltd. Witnesses

22 T. MYERS: Thank you,
23 Commissioner Chiasson.

24 I'm now going to ask each member of
25 Pieridae's witness panel to provide a brief
26 description of their background, their

1 position, and their role with respect to the
2 subject matter of this proceeding.

3 Q T. MYERS: Mr. Kunkel, I'll
4 begin with you. Can you please describe your
5 background, position, and role with respect to
6 this proceeding.

7 A P. KUNKEL: Good morning. My
8 name is Paul Kunkel, and I'm the chief
9 commercial officer at Pieridae Energy. I
10 joined Pieridae just over a year ago on
11 September 1st, 2023. With nearly 30 years of
12 experience in the energy sector, I have worked
13 in both the oil and gas and power segments.

14 My background includes executive roles in
15 upstream and midstream oil and gas companies,
16 as well as a leadership role at a global
17 management consulting firm. I specialize in
18 corporate strategy, corporate finance, and risk
19 management, as well as commercial operations
20 such as mergers and acquisitions, commodity
21 marketing, and trading.

22 I hold a bachelor of commerce degree with a
23 specialization in finance, and I'm also a CFA
24 charterholder. Today I'm here on the witness
25 panel to discuss Pieridae's company policy and
26 the broader necessity for the subject pipeline.

1 Q Thank you, Mr. Kunkel.

2 Mr. Scheirer, can you please describe your
3 background, position, and role with respect to
4 this proceeding.

5 A K. SCHEIRER: Good morning. My
6 name is Ken Scheirer. I'm a registered
7 professional engineer with APEGA and have
8 nearly 20 years experience in the oil and gas
9 industry, primarily in upstream natural gas
10 development and production operations in
11 Alberta and British Columbia with considerable
12 experience in sour gas operations.

13 I currently hold the position of commercial
14 engineering manager at Pieridae Energy where my
15 primary focus is on expanding our third-party
16 gas processing midstream business. I am also
17 involved in assessing and pursuing new business
18 development and commercial opportunities for
19 the company.

20 A critical aspect of my role is ensuring
21 that projects meet all design, safety, and
22 engineering standards, as well as regulatory
23 requirements to maintain our commitment to
24 operational excellence and compliance.

25 For the purposes of this proceeding, I am
26 here to discuss aspects related to the design

1 and construction of the pipeline as well as the
2 calculation of the emergency planning zone. In
3 my previous role as projects and development
4 engineering manager at Pieridae, the project
5 manager overseeing this pipeline project
6 reported directly to me. Thank you.

7 Q Thank you, Mr. Scheirer.

8 Moving to you, Mr. Archibald. Can you
9 please describe your background, position, and
10 role with respect to this proceeding.

11 A D. ARCHIBALD: My name is Darrell
12 Archibald, and I'm a professional engineer
13 registered with APEGA with 18 years of sour gas
14 operations and engineering technical
15 experience.

16 I have worked at multiple sour gas sites in
17 various technical and operational roles. I was
18 the field supervisor at Waterton 2014 to 2018,
19 and I've been a superintendant since 2018; so
20 for Shell and now Pieridae. I'm responsible
21 for the safe -- safe operation of the subject
22 pipeline and all pipelines, facilities, plant
23 and field, for the Waterton operations.

24 Q Thank you, sir.

25 Mr. Maczuga, I'm going to move back to you.
26 Can you please describe your background,

1 position, and role with respect to this
2 proceeding.

3 A E. MACZUGA: Good morning. My
4 name is Erin Maczuga, and I hold a bachelor of
5 laws and science degree from Victoria
6 University of Wellington.

7 As Pieridae's senior regulatory advisor, I
8 report to Mr. Kunkel and provide leadership and
9 expert advice on regulatory and compliance
10 matters. I've been with Pieridae for
11 approximately two years.

12 Prior to joining Pieridae, I worked at the
13 Alberta Energy Regulator for about 12 years. I
14 began my career in the corporate enforcement
15 section of the ERCB and later played a key role
16 in standing up the Alberta Energy Regulator
17 where I became the director of compliance and
18 enforcement within the environmental and
19 operation performance branch, and, finally, I
20 worked in the regulatory development area.

21 In this proceeding I'm here to speak to
22 Pieridae's public consultation efforts relating
23 to this application. Thank you.

24 Q And rounding out the front row, Mr. Simon, can
25 I please ask you to describe your background,
26 position, and role with respect to this

1 proceeding.

2 A L. SIMON: Certainly. I've
3 been in the oil and gas industry for 37 years.
4 A college diploma in welding engineering
5 technology in Northern College in Kirkland
6 Lake, Ontario. I've been involved with
7 inspection and integrity of various companies,
8 eventually ending up in Waterton at the complex
9 in 2001 and have been employed there since then
10 with specific involvement in the pipeline
11 integrity management programs, materials and
12 coating selections, corrosion control,
13 extensive experience with managing integrity of
14 HDPE-lined pipelines and the evolution of the
15 inspection technology for these traditionally
16 non-inspectable pipelines. My role currently
17 is the same. I manage the pipeline integrity
18 for the subject pipeline. Thank you.

19 Q Thank you.

20 T. MYERS: Commissioners,
21 Pieridae is putting Mr. Dew, Mr. Foote, and
22 Ms. Redburn forward as experts in this
23 proceeding in the following areas. We're not
24 seeking that they be formally qualified as
25 such, but I wanted to provide a bit of a
26 background on their expertise.

1 Ms. Redburn is being put forward as an
2 expert in the areas of environmental assessment
3 and the mitigation of environmental impacts
4 associated with pipeline construction.

5 Mr. Foote is being put forward as an expert in
6 the areas of emergency response planning and
7 emergency planning zone calculation. And
8 Mr. Dew is being put forward as an expert in
9 the areas of pipeline operations and pipeline
10 integrity management.

11 In addition to describing their roles on
12 the witness panel, I'll ask each of these
13 expert witnesses to provide a brief summary of
14 their qualifications and experience in these
15 areas.

16 Q T. MYERS: Ms. Redburn, we'll
17 start with you. Can you please summarize your
18 relevant qualification and expertise as they
19 relate to the areas of environmental assessment
20 and the mitigation of environmental impacts
21 associated with pipeline construction.

22 A J. REDBURN: Good morning. My
23 name is Jacqueline Redburn, and I am the team
24 lead of the national sciences team at Trace
25 Associates. I hold a bachelor of science in
26 botany and a master's in environmental design

1 and environmental science. I have 16 years of
2 experience working as a professional biologist
3 with technical expertise in vegetation and
4 wetland ecology and experience conducting
5 biophysical assessments and supporting
6 regulatory applications. I have previous
7 experience as an expert witness.

8 My role on the witness panel is -- is a
9 result of Trace preparing the 2017
10 environmental assessment for Shell Canada,
11 preparing the 2021 environmental assessment and
12 environmental protection plan included in the
13 pipeline application, as well as the updates to
14 these documents in 2023 and 2022 assessing
15 environmental aspects of the project and
16 designing and implementing environmental
17 protection and mitigation measures since the
18 pre-application phase and working with northern
19 resource analysts, the environmental monitor on
20 the subject pipeline, to implement the
21 environmental protection plan during
22 construction of the subject pipeline.

23 Q And, Ms. Redburn, are you willing and able to
24 fulfill the duty of an independent expert by
25 providing fair, objective, and nonpartisan
26 evidence in this proceeding?

1 A Yes.

2 Q Thank you.

3 Mr. Foote, can you please summarize your
4 relevant qualifications and expertise as they
5 relate to the areas of emergency response
6 planning and emergency planning zone
7 calculations.

8 A B. FOOTE: Good morning. My
9 name is Brad Foote. I am the ERP operations
10 manager for Behr Integrated Solutions. I bring
11 over 24 years of experience in emergency
12 services and emergency management with 12 years
13 specifically in the energy industry focusing on
14 emergency response planning. I have developed
15 emergency response plans and programs for
16 various clients to meet regulatory requirements
17 in Alberta, BC, and Saskatchewan.

18 My educational background includes criminal
19 justice policing along with NFPA 10-01 and
20 10-02 firefighter accreditations. I hold
21 numerous certifications in incident command
22 system and hazmat operations.

23 My expertise encompasses emergency
24 management frameworks, regulatory compliance,
25 and project management for emergency response
26 programs. Additionally, I possess skills in

1 supervisory roles, business planning, public
2 consultation, and the development and
3 facilitation of emergency response exercises.
4 I have received extensive training and
5 certifications in emergency management and
6 public safety through the Alberta Emergency
7 Management Agency and Public Safety Canada.

8 In mid-2022 I was assigned to Pieridae's
9 ERP portfolio as project manager. Since then I
10 have managed the preparation and submission of
11 annual updates to their corporate and Waterton
12 area emergency response plans, including the
13 development of the Waterton 61 site-specific
14 ERP for the subject pipeline.

15 Behr has also conducted emergency planning
16 zone calculations for the subject pipeline as
17 part of the update and development of
18 associated ERPs. Behr will commission and
19 operate proprietary software for Pieridae to
20 implement mass notifications and incident
21 response.

22 Q Mr. Foote, are you willing and able to fulfill
23 the duty of an independent expert by providing
24 fair, objective, and nonpartisan evidence in
25 this proceeding?

26 A Yes.

1 Q Thank you.

2 Mr. Dew, can you please summarize your
3 relevant qualifications and expertise as they
4 relate to the areas of pipeline operations and
5 pipeline integrity management.

6 A B. DEW: Good morning. My
7 name is Brian Dew. I'm the manager pipeline
8 and integrity services for Acuren. I'm a
9 graduate of the University of Alberta from the
10 materials engineering program. I'm a
11 registered professional engineer with APEGA
12 with over ten year's experience in upstream oil
13 and gas pipeline and pressure vessel integrity
14 and regulations.

15 I've worked for owner-operators where I
16 worked with and helped manage the integrity of
17 sour gas pipeline systems, lined pipeline
18 systems, and other liquid and gas pipeline
19 systems across Alberta, BC, and Saskatchewan.
20 While consulting with Acuren, I have supported
21 clients with the creation and implementation of
22 pipeline integrity management programs,
23 pipeline risk assessments, engineering
24 assessments for pipeline changes, and I
25 function as an instructor for pipeline code and
26 regulatory courses.

1 For the purposes of this proceeding, I
2 having provided the following support to
3 Pieridae: implementation of Pieridae's
4 integrity management program, the engineering
5 assessment and its revisions for the resumption
6 of the downstream tie-in pipeline system was
7 completed under my supervision and review, and
8 I've provided technical support and general
9 industrial best practices. Thank you.

10 Q And, sir, are you willing and able to fulfill
11 the duty of an independent expert by providing
12 fair, objective, and nonpartisan evidence in
13 this proceeding?

14 A Yes.

15 Q Thank you.

16 Commission members, if you'll bear with me,
17 I'll have the members of the -- the panel adopt
18 the evidence as it's been filed on the record
19 of this proceeding. I'll save Ms. Kapel Holden
20 from having to do the same through her
21 questions.

22 Mr. Kunkel, Pieridae's written evidence in
23 this proceeding consists of the following:
24 Pieridae's pipeline licence application dated
25 February 19th, 2021, which is located at PDF
26 pages 2 through 36 of Exhibit 2.02; Pieridae's

1 response to statement of concern 31920 dated
2 April 5th, 2021, which is located at PDF pages
3 150 through 174 of Exhibit 2.02; Pieridae's
4 response to SOC 31921 also dated April 5th,
5 2021, located at PDF pages 175 through 181 of
6 Exhibit 2.02; Pieridae's response to the AER's
7 Supplemental Information Request Number 1 dated
8 April 12th, 2021, which is located at PDF pages
9 182 through 361 of Exhibit 2.02; Pieridae's
10 response to the AER's SIR Number 2 dated
11 May 7th, 2021, located at PDF pages 364 through
12 423 of Exhibit 2.02; Pieridae's response to the
13 AER's SIR Number 3 dated June 18th, 2021,
14 located at PDF pages 435 through 497 of
15 Exhibit 2.02; Pieridae's corporate emergency
16 response plan dated October 2022 located at
17 Exhibit 90.02; Pieridae's Waterton 61
18 site-specific ERP dated September 7th, 2022,
19 located at Exhibits 90.03 and 102.02;
20 Pieridae's pipeline integrity management
21 program manual dated August 1st, 2021, which is
22 located at Exhibit 90.05; Pieridae's responses
23 to the information requests submitted by
24 Mr. Judd on September 13th, 2023, which are
25 located at Exhibits 124.02 through 124.18;
26 Pieridae's responses to the IRs submitted by

1 the AER panel dated December 11th, 2023, which
2 are located at Exhibits 129.02 through 129.18;
3 Pieridae's written submission dated
4 December 20th, 2023, which is located at
5 Exhibits 134.01 through 134.06; Pieridae's
6 Waterton area ERP dated October 2023, which is
7 located at Exhibit 190.2; Pieridae's Waterton
8 complex core ERP dated October 2023, which is
9 located at Exhibit 190.3; Pieridae's
10 supplemental submission dated October 31st,
11 2024, located at Exhibit 199.01; the pipeline
12 licence amendment pertaining to the subject
13 pipeline licence located at Exhibit 216.3; and
14 all correspondence and submissions filed by
15 Bennett Jones on behalf of Pieridae on the
16 record of this regulatory appeal proceeding.

17 With that list, Mr. Kunkel, have you either
18 reviewed these materials or were these
19 materials prepared by you or under your
20 direction?

21 A P. KUNKEL: Yes.

22 Q And do you have any corrections that you'd like
23 to make at this time?

24 A No. I do not.

25 Q Are these materials accurate, to the best of
26 your knowledge and belief?

1 A Yes. They are.

2 Q And do you adopt these materials as the written
3 evidence of Pieridae in this proceeding?

4 A Yes.

5 Q Thank you.

6 Ms. Redburn, a shorter list, but the
7 written evidence of Trace in this proceeding
8 consists of the following: Trace's
9 environmental assessment dated February 17th,
10 2021, located at PDF pages 37 through 110 of
11 Exhibit 2.02; Trace's environmental protection
12 plan dated February 17th, 2021, located at PDF
13 pages 111 through 135 of Exhibit 2.02;
14 Pieridae's responses to IRs 58 through 64 and
15 66 through 79 submitted by Mr. Judd, which are
16 located at PDF pages 62 through 70 and 72
17 through 87 of Exhibit 124.02; Pieridae's
18 response to IR 1.1 submitted by the -- by the
19 AER panel located at PDF pages 1 through 4 of
20 Exhibit 129.02; Trace's original environmental
21 assessment dated August 14th, 2017, located at
22 Exhibit 129.03; Trace's EA update dated
23 September 13th, 2023, which is at
24 Exhibit 124.17; Trace's updated EPP dated
25 November 1st, 2022, located at Exhibit 134.04;
26 Trace's response to the report prepared by

1 Mr. David Mayhood dated December 14th, 2023,
2 which is located at Exhibit 134.05; and the
3 Northern Resource Analysts' environmental
4 monitoring report dated October 2023, which is
5 located at Exhibit 134.06.

6 Ms. Redburn, have you either reviewed these
7 materials or were these materials prepared by
8 you or under your direction?

9 A J. REDBURN: Yes.

10 Q And do you have any corrections that you'd like
11 to make at this time?

12 A Yes. I would like to correct a minor edit in
13 Exhibit 124.17. The reference to
14 September 3rd, 2023 on PDF page 8 under
15 Section 7.3 should be September 1st, 2023.

16 Q And with that correction, Ms. Redburn, are
17 these materials accurate, to the best of your
18 knowledge and belief?

19 A Yes.

20 Q And do you adopt these materials as your
21 evidence in this proceeding?

22 A Yes.

23 Q Mr. Foote, the written evidence of Behr in this
24 proceeding consists of the following:

25 Pieridae's Directive 071 ERP application form
26 located at Exhibit 90.04; Pieridae's responses

1 to IRs 2834 through 49 and 51 through 57
2 submitted by Mr. Judd, which are located at PDF
3 pages 27, 33 through 53 and 55 through 61 of
4 Exhibit 124.02; Pieridae's Waterton complex ERP
5 major exercise reports dated August 18th, 2021,
6 and November 24th, 2022, which are located at
7 Exhibit 124.16; the ERCB H2S input page for the
8 subject pipeline, which is located at
9 Exhibit 124.15; Pieridae's responses to IRs 3.1
10 and 3.2 submitted by the AER panel, which are
11 located at PDF pages 16 through 23 of
12 Exhibit 129.02; and Pieridae's responses to the
13 further IRs submitted by the AER panel dated
14 November 1st, 2024, which are located at
15 Exhibits 201.02 through 201.07.

16 Mr. Foote, were these materials prepared by
17 you or under your direction?

18 A B. FOOTE: Yes.

19 Q And do you have any corrections that you'd like
20 to make at this time?

21 A Yes. Under paragraph 50 of Pieridae's written
22 submission, which is Exhibit 134.01, that
23 paragraph states that: (as read)

24 Pieridae elected not to deviate from
25 the default settings of the ERCB H2S
26 model as such deviations are generally

1 intended to reduce the size of the
2 EPZ. Pieridae did deviate from those
3 default settings in two instances:
4 The first instance, the ESD valve
5 closure time, once triggered, was
6 reduced from 60 seconds to 10 seconds.
7 And the second instance, the ESD valve
8 low pressure trigger was reduced from
9 1,500 kPa to 1,000 kPa. Both of these
10 changes were made in order to align
11 with ERCB H2S inputs with the actual
12 operating parameters for the pipeline.

13 Q Thank you, sir.

14 And with that correction, are these
15 materials accurate, to the best of your
16 knowledge and belief?

17 A Yes.

18 Q And do you adopt these materials as your
19 evidence in this proceeding?

20 A Yes.

21 Q Mr. Dew, the written evidence of Acuren
22 consists of the engineering assessment dated
23 August 30th, 2022, located at Exhibit 124.05;
24 the engineering assessment dated April 4th,
25 2022, located at Exhibit 129.08; and the
26 engineering assessment dated October 31, 2022,

1 which is located at Exhibit 129.09.

2 Were these materials prepared by you or
3 under your direction?

4 A B. DEW: Yes.

5 Q And do you have any corrections that you would
6 like to make at this time?

7 A No.

8 Q Are these materials accurate, to the best of
9 your knowledge and belief?

10 A Yes.

11 Q And do you adopt these materials as your
12 evidence in this proceeding?

13 A Yes.

14 Q Okay. Thank you, Panel Members.

15 Mr. Kunkel, we'll turn to you. I
16 understand that you've prepared a brief opening
17 remark or opening statement. I'd ask you to
18 deliver those remarks now.

19 A P. KUNKEL: Thank you very much.

20 Good morning, Commissioner Chiasson and
21 Panel Members. As indicated earlier, my name
22 is Paul Kunkel, and I'm the chief commercial
23 officer at Pieridae Energy. Along with the
24 other witnesses on Pieridae's panel, I'm
25 pleased to be here on behalf of Pieridae to
26 present its case as to why regulatory

1 applications' decision to issue Pipeline
2 Number 62559 should be confirmed.

3 As Pieridae has shown in its written
4 evidence and will further demonstrate over the
5 course of this hearing, Pieridae has the
6 ability to safely construct, operate, and
7 maintain the subject pipeline in satisfaction
8 of all applicable regulatory requirements.

9 Pieridae is an integrated upstream and
10 midstream energy company focused on the
11 development, production, and processing of both
12 sweet and sour natural gas and natural gas
13 liquids. Pieridae owns and operates three
14 major sour gas processing complexes in Alberta,
15 including Caroline, Jumpingpound, and Waterton.
16 The subject pipeline is a key addition to
17 Pieridae's sour gas pipeline network which
18 feeds production into the Waterton complex.

19 Pieridae values its relationships with all
20 stakeholders and is committed to conducting its
21 operations in a manner that minimizes impacts
22 to both the environment and the lives of those
23 who live and work in the areas where Pieridae
24 operates. Pieridae fulfills its commitment
25 through its compliance in applicable regulatory
26 requirements and its implementation of sound

1 internal programs and procedures. Pieridae
2 endeavours to construct, operate, and maintain
3 all its assets to a high standard. The subject
4 pipeline is no exception.

5 The pipeline is required to transport
6 production which ultimately provides feedstock
7 to the Waterton complex. Pieridae in its
8 operations, which will include this pipeline,
9 are important and provide economic benefits to
10 the community. Pieridae's municipal tax
11 contributions represent approximately
12 35 percent of the tax base in the MD of Pincher
13 Creek Number 9, and Pieridae is proud of its
14 involvement with the community, including the
15 financial support it provides for community
16 initiatives. In general, community support for
17 Pieridae is high.

18 Pieridae's position is that regulatory
19 applications was correct in issuing the
20 pipeline licence. Pieridae's position and the
21 decision of regulatory applications are based
22 on comprehensive environmental assessments and
23 mitigation measures, detailed technical
24 evaluations, and rigorous emergency planning
25 documents, each of which were prepared by
26 independent experts and which support the

1 conclusion that the subject pipeline will be
2 properly constructed, maintained, and operated
3 by Pieridae. This conclusion is further
4 supported by the extensive written evidence
5 that Pieridae has prepared and prefiled in this
6 proceeding as well as oral testimony that will
7 be given by members of Pieridae's witness panel
8 during this hearing.

9 I will now touch briefly on the four issues
10 within the scope of this hearing. First,
11 regarding the determination of the emergency
12 planning zone for the subject pipeline.
13 Pieridae engaged qualified experts to perform
14 calculations based on field-proven dimensions,
15 actual operating parameters, and other
16 pipeline-specific information to ensure that
17 all results were accurate. These calculations
18 were also performed in multiple iteration using
19 the AER's ERCB H2S model and were carried out
20 in compliance with Directive 071. The EPZ also
21 correctly accounts for the reduction in volume
22 due to the addition of an internal liner which
23 provides a complete explanation for the smaller
24 EPZ size as compared to Shell's previous
25 application of the same pipeline.

26 Second, regarding Pieridae's emergency

1 preparedness and public protection measures.
2 Pieridae has developed robust emergency
3 response plans which incorporate a variety of
4 response mechanisms that are tailored to
5 specific types of incidents. With respect to
6 sour gas release in particular, Pieridae's ERP
7 contains detailed procedures for identifying
8 the source of a release, locating and
9 communicating with individuals in the affected
10 area, and implementing measures to protect
11 human and health -- human health and safety.
12 Pieridae also has all the equipment needed to
13 effectively implement these procedures,
14 including gas monitors, breathing equipment,
15 and 4X4 vehicles.

16 Third, in regarding the construction and
17 operation of the pipeline, Pieridae has
18 designed to construct the pipeline in
19 accordance with all regulatory requirements and
20 industry standards. With respect to the
21 ongoing monitoring maintenance of the pipeline
22 once it's operational, Pieridae will have
23 access to realtime data regarding the condition
24 of the pipeline and will ensure the ongoing
25 integrity of the pipeline through regular
26 inspections and other preventative measures

1 established by the pipeline integrity
2 management program.

3 Fourth, regarding the potential effects of
4 the pipeline on the environment. Pieridae has
5 already proven the effectiveness of its
6 environmental monitoring and protection efforts
7 as the pipeline was successfully constructed
8 last fall with essentially zero environmental
9 impact. Pieridae's construction of the
10 pipeline employed horizontal directional
11 drilling, a method which is widely accepted as
12 industry best practice to avoid the potential
13 of any impacts to fish in particular.

14 Successful construction of this project is
15 an exact -- excellent example of Pieridae's
16 dedication to doing things right and should
17 give the Panel confidence in Pieridae's ability
18 to safely operate and maintain the pipeline in
19 the years to come.

20 To summarize, Pieridae has provided
21 detailed reliable evidence with respect to each
22 of these four issues, and this evidence leads
23 to the conclusion that the pipeline licence was
24 properly issued. It is clear that regulatory
25 applications made the correct decision in
26 issuing the licence to Pieridae, and Pieridae

1 respectfully asks that the regulatory
2 applications decision to issue Pipeline Licence
3 Number 62559 to Pieridae be confirmed. Thank
4 you.

5 Q Thank you, Mr. Kunkel.

6 Mr. Scheirer, can you please comment on
7 Pieridae's recent construction of the subject
8 pipeline from an operational perspective.

9 A K. SCHEIRER: Yes. Thank you.

10 Construction of the pipeline was
11 successfully completed in late November of
12 2023. Very minimal clearing was required for
13 the construction due to the majority of the
14 construction activities occurring on existing
15 right-of-ways. A small amount of clearing was
16 required for a temporary workspace at the north
17 end of the pipeline right-of-way as well as a
18 narrow path above the HDD section to allow for
19 tracking and monitoring of the HDD boring
20 activities. This construction-clearing
21 activity was completed in early December of
22 2022 to minimize environmental and wildlife
23 impacts.

24 Mechanical construction activities
25 commenced in September of 2023. A majority of
26 the pipeline, approximately 370 metres, was

1 constructed via HDD to minimize potential
2 environmental impacts on the area, including a
3 creek crossing. The HDD bore was executed
4 successfully with no impact to the environment.
5 The remainder of the pipeline was constructed
6 and installed via traditional trenching
7 methods.

8 The installed pipeline was successfully
9 hydrotested twice, once before and once after
10 the HDPE liner was installed. The pipeline was
11 constructed on schedule due to the dry
12 conditions encountered during construction and
13 there being no unexpected delays or issues
14 during these construction activities. Thank
15 you.

16 Q Thank you, sir.

17 And, Ms. Redburn, can you please provide
18 your comments on Pieridae's recent construction
19 of the subject pipeline from an environmental
20 perspective.

21 A J. REDBURN: Project planning,
22 which included appropriate construction timing
23 and using existing rights-of-way and an HDD for
24 pipeline construction along with the
25 implementation of mitigation measures outlined
26 in the EPP and developed on-site as needed. It

1 virtually eliminated the impacts of pipeline
2 construction on the environment.

3 A wildlife sweep and a kickoff meeting were
4 conducted prior to construction, and as a
5 result, an amphibian salvage and the relocation
6 of the HDD entry point were undertaken to avoid
7 impacts to wildlife and an ephemeral
8 watercourse during construction.

9 During the HDD there was no increase in
10 water turbidity in the cross small permanent
11 watercourse, and during activities along the
12 pipeline access, the natural drainage within
13 the cross to ephemeral watercourses was
14 maintained and not impacted because of the use
15 of matting and other mitigation measures.

16 As a result, there were no impacts to fish
17 and amphibians or their habitats which
18 demonstrates the success of project planning
19 outlined in the EA and EPP and implementation
20 of construction mitigation measures, along with
21 the effectiveness of the HDD to avoid
22 environmental impacts.

23 Q Thank you, Ms. Redburn.

24 Mr. Scheirer, back to you. Can you please
25 discuss how the design and operating parameters
26 specific to the subject pipeline will ensure

1 that Pieridae is able to operate it safely.

2 A K. SCHEIRER: Yes. The pipeline
3 was designed in accordance with the AER
4 Pipeline Rules and CSA Z662. It is designed to
5 have a maximum operating pressure of
6 13,000 kilopascals, or kPa. The design
7 incorporates a 7.1 millimetre pipe wall
8 thickness which is approximately 40 percent
9 greater than the required minimum wall
10 thickness of 5.08 millimetres. The expected
11 operating pressure will be less than 1,500 kPa,
12 only a fraction, approximately 12 percent of
13 the maximum allowable operating pressure.

14 The pipeline design incorporates an
15 internal expanded high-density polyethylene or
16 HDPE liner to protect the pipeline against
17 internal corrosion. Pigging facilities were
18 also installed on the pipeline to allow for
19 both maintenance activities as well as in-line
20 inspections to occur to investigate the
21 integrity of the pipeline throughout its
22 operation lifetime.

23 The 10-7 facility is equipped with pressure
24 control valves and emergency shutdown valves to
25 control the operating pressure of the pipeline
26 and protect it from potential overpressure. In

1 our opinion, we believe the design of the
2 pipeline is overly conservative given its
3 intended operations and Pieridae's operating
4 integrity practices that are in place. Thank
5 you.

6 Q Thank you, sir.

7 Mr. Kunkel, can you please comment on the
8 incremental cost of operating and maintaining
9 the subject pipeline in the context of
10 Pieridae's existing operations in the Waterton
11 field as well as more broadly relative to
12 Pieridae's Foothill assets.

13 A P. KUNKEL: Thank you very much. I'm
14 happy to address that question.

15 The incremental costs of operating the
16 pipeline and maintaining the pipeline are not
17 significant at all. In fact, Pieridae operates
18 and maintains approximately 3,500 kilometres of
19 pipelines and an additional 610 metres of
20 pipeline in an area where we already have
21 significant operations. It has a very small
22 impact on the cost in an incremental manner.

23 In fact, production transported through the
24 pipeline will improve system efficiency, cost
25 structure, and overall economics for the area.
26 Also, Pieridae has already constructed the

1 pipeline, including the HDD portion, developed
2 the associated ERP and PP and other key
3 documents needed to safely operate and maintain
4 the pipeline, and has paid for all of these
5 items in full. Thank you.

6 Q Thank you, sir.

7 T. MYERS: Commissioner
8 Chiasson, that concludes Pieridae's direct
9 examination, and the Pieridae witness panel is
10 now available for questioning. Thank you.

11 THE CHAIR: Thank you,
12 Mr. Myers. Thank you, panel.

13 This does seem a little early for a break.
14 Mr. Sawyer, are you prepared to proceed, or
15 would you like a short break to prepare?

16 M. SAWYER: Good morning --
17 excuse me. Good morning, Commissioners. I am
18 prepared to go, but I -- I did have a question.
19 I'm -- excuse me. I am scheduled to wrap up at
20 -- stand by one second. Oh, wrong day. I'm
21 scheduled to wrap up at 2:30 according to
22 schedule.

23 THE CHAIR: Yeah.

24 M. SAWYER: So if I start early
25 now, do I still get to run to 2:30?

26 THE CHAIR: I think we can

1 play it -- I think we can play that by ear,
2 Mr. Sawyer, and --

3 M. SAWYER: Okay. It's a fair
4 question, but I appreciate --

5 THE CHAIR: No. I understand
6 your question. I think we can play that by ear
7 because I recognize that, to some extent, it
8 was a rather arbitrary allocation in making the
9 schedule with respect to how much
10 cross-examination time for this panel as
11 compared to the regulatory applications panel.
12 So there I think -- I would say that on its
13 face there is flexibility there for you.

14 M. SAWYER: So having said that,
15 I'm ready -- I'm to go if it pleases the
16 commission.

17 THE CHAIR: Yes. Let's get you
18 to start, then, and I am thinking that we will
19 look, say, in about 45 minutes or so
20 potentially. We'll check in with you then in
21 relation to taking our morning break. So
22 please proceed.

23 M. Sawyer Cross-examines the Pieridae Alberta
24 Production Ltd. Witnesses

25 Q M. SAWYER: Good morning, panel.
26 I'm going to start off just with some general

1 questions, and we'll see how we go.

2 Can you just confirm for me that -- and for
3 the record that Pieridae is the licence holder
4 for Licence 62559.

5 A P. KUNKEL: Yeah. Pieridae Alberta
6 Production Limited is the licence holder.

7 Q Thank you.

8 And can you confirm for me the purpose of
9 that pipeline is to transport gas from the
10 Waterton 61 wells to an interconnect with an
11 existing Shell Pipeline 23800?

12 A K. SCHEIRER: Yes. That is
13 correct. It would connect to 23800. Segment
14 65 to be exact.

15 Q Yes. Thank you for that.

16 Can Pieridae confirm that in Exhibit 201.4
17 at PDF page 3 Pieridae states that: (as read)

18 The licence pipeline runs from
19 Waterton 161 to the junction of 612
20 with a total of 3,310 metres.

21 Can you confirm that that's what your -- you
22 stated in that report.

23 A Sorry. Can you specify the document
24 page again, please, or could that be brought up
25 on the monitors?

26 Q So that would be Exhibit 201.4, PDF page 3.

1 A And what was the question again, please?

2 Q Excuse me?

3 A I'm sorry. What was your question on that
4 page? What was the date that you were
5 asking --

6 Q What -- what I'm trying --

7 A -- to confirm?

8 Q -- to get at is in that statement you have
9 indicated that the pipeline is 3,310 metres
10 long, and I just want you to confirm that that
11 is what your report states.

12 A I do see the -- the length there of
13 3,310 metres. I believe now that that is an
14 error. That should read -- it should actually
15 read 610 metres. Given the as-constructed
16 length, that would've probably represented the
17 effective length that comes out of the ERCB H2S
18 model.

19 Q Okay. Thank you for that, sir.

20 Just to confirm, though, you've indicated
21 that is an error?

22 A On this attachment, yes --

23 Q Okay.

24 A -- it is.

25 Q Moving along. You've stated that when it is --
26 and this would be in Exhibit 0002.02 at page --

1 PDF page 364. You've stated that when your
2 pipeline is interconnected with the varied
3 2,380 pipeline, it would have a total length of
4 nine -- 2.96 kilometres and that that was the
5 length that was used in the ERCB H2S model to
6 calculate emergency response areas; is that
7 correct?

8 A Sorry. Could you refer to that document again,
9 please, and bring it up on the monitors.

10 M. SAWYER: I believe it's
11 0002.02, page 364.

12 THE CHAIR: Mr. Sawyer, perhaps
13 if we could get you to slow down a little bit
14 with the document references. It'll make it a
15 little easier for our staff to bring it up.

16 M. SAWYER: Okay.

17 THE CHAIR: Thank you.

18 Q M. SAWYER: Mr. Scheirer, what
19 I'm trying to get at with this question is to
20 confirm the -- the combined length of the
21 subject pipeline and the existing Shell
22 pipeline to the 612 junction is 2.96 kilometres?

23 A K. SCHEIRER: That is incorrect --
24 now -- now in -- with our understanding. At
25 the time when that -- when the original model
26 was run, there was some uncertainty as to the

1 actual alignment of the downstream lines in --
2 I believe it was July of 2022. We had
3 surveying crews do line locates and -- and --
4 like, a -- a line locate survey to determine
5 the -- the correct alignment of those lines,
6 and that was then corrected.

7 Q And what was the total combined length, then,
8 sir?

9 A The total combined length? Just one second,
10 please.

11 I believe it is 3.28 kilometres.

12 Q And did you correct that number in your
13 application?

14 A Not in the application, no. That correction --
15 that understanding of the downstream alignment
16 was determined after the application had been
17 made and the licence had been approved.

18 Q So was that correction done on the record of
19 this proceeding?

20 A Yes. You would see -- just one second. I can
21 get you to the most recent documents.

22 So Exhibit 201.7, that is the ERCB H2S
23 batch file CSV. That totals -- it provides
24 the -- the individual segments that make up the
25 complete pipeline. In that file it provides
26 for the total length of the continuous pipeline

1 that would consist of Licence 62559 Segment 1
2 and the downstream lines, Licence Number 23800,
3 Segments 65, 64, 63, and 62.

4 Q Thank you for that, sir.

5 So my question to you is, when you look at
6 those two numbers -- and what you've given us
7 is the final number -- how do you reconcile
8 that with -- with the -- the notion that your
9 pipeline application is for a 640-metre
10 pipeline? Why are you adding on the -- the
11 length of the connecting pipeline into your
12 calculations?

13 A It's a great question. The reason we include
14 the downstream segments is because as
15 constructed and as they connect, there are no
16 line break valves or -- or any other physical
17 device to separate those lines. They are
18 effectively one continuous internal volume from
19 the 10-7 location where the Waterton 61 wells
20 are and the downstream 6-12 compressor site.

21 Q Thank you.

22 Moving along. Is there any other party
23 other than Pieridae that has a working interest
24 in the Waterton 61 wells?

25 A No.

26 D. NAFFIN: I hesitate to rise,

1 Madam Chair. Of course, we're here to talk
2 about the subject pipeline in this proceeding.
3 We're not here to talk about specific licencing
4 of any other facilities, including the
5 Waterton 61 well; so Pieridae objects to our
6 moving beyond the scope of this proceeding.
7 Thank you.

8 THE CHAIR: So, Mr. Sawyer,
9 we'll -- for now, we'll give you space because
10 we recognize that this -- that this does
11 interconnect and that it may affect some of the
12 regulatory steps in it; so we will give you
13 some space at this stage, but, again, as --
14 we're focusing on the licence for this line and
15 the issues as we set.

16 M. SAWYER: Thank you for that.

17 Q M. SAWYER: Next question. In
18 your February 19th, 2022, application to the
19 AER to construct the pipeline, did you
20 reference the Shell Pipeline 23800 in that
21 application?

22 A K. SCHEIRER: I'm not sure. I
23 believe we probably did in the -- in some of
24 the correspondence with stakeholders. I
25 don't -- I'm not familiar on the application
26 itself it listed a downstream connecting

1 pipeline.

2 Q Thank you for that.

3 Can you confirm that the existing Shell
4 Pipeline Licences 2380, Segment 62, 63, 64, and
5 65 are currently filled with nitrogen?

6 A I believe they are filled with air currently.

7 Q And thank you for that.

8 Were they -- when they were suspended in
9 2003, were they not filled with nitrogen at
10 that time?

11 A Actually -- I'm sorry. If I can make a
12 correction. In -- they would have been purged
13 with nitrogen previously in 2003. My confusion
14 was in regards to the newly constructed line.
15 We did not purge it with nitrogen after it was
16 constructed. It's --

17 Q Okay.

18 A -- purged with air, so ...

19 Q Okay. So my question with respect to the
20 existing line -- and it was filled with
21 nitrogen.

22 A In 2003 it was purged with nitrogen, yes.

23 Q And is it not filled with nitrogen now?

24 A It should be. However, they're now --

25 A L. SIMON: I'll -- I'll add to
26 that. We attempted to do an in-line inspection

1 on the Licence 62, 63, 64, and 65 in
2 November -- or -- sorry -- October 2023. So it
3 was pigged with fluids, and then it was pushed
4 out with field gas and flared off to zero
5 pressure and then blinded.

6 Q So, Mr. Simon, to be clear, up until that point
7 in the history, it was filled with nitrogen?

8 A Prior to that it was nitrogen in that pipeline.

9 Q Thank you for that.

10 Could one of you tell me what -- what is
11 the purpose of filling an out-of-service
12 pipeline with nitrogen?

13 A This is a standard procedure to -- to
14 discontinue a pipeline to make it inert or safe
15 to the public.

16 Q And -- and having an inert gas in the pipeline,
17 what would you expect to see in terms of a
18 corrosion environment in that pipeline?

19 A Typically, in a bare steel pipeline, there
20 would be no corrosion activity because it's
21 inert gas.

22 Q But -- but, Mr. Simon, this is not a bare steel
23 pipeline, is it?

24 A That is correct, sir. There is an HDPE liner
25 in that pipeline as well.

26 Q So if you would answer the question in the

1 context of this being a line pipeline, what
2 would you expect in terms of the corrosion
3 environment in a pipeline that's out of service
4 and filled with nitrogen?

5 A One second, please.

6 The expectation is the same as a bare steel
7 line. So into -- it's an inert gas that you
8 have in the pipeline, and you shouldn't expect
9 any corrosion to occur in that time period.

10 Q And so, Mr. Simon, as a layperson, I would
11 interpret that as meaning that you shouldn't
12 have corrosion occurring in that pipeline?

13 A Correct.

14 Q In its application Pieridae included a copy of
15 the ERCB Decision 2013-009, and that was at
16 Exhibit 002.02, page 480. And in that decision
17 the board stated -- and this is in the context
18 of the 2007 pipeline failure of Screwdriver
19 Creek. The board stated: (as read)

20 The board requires Shell to continue
21 to conduct internal inspections of the
22 Carbondale pipeline system once every
23 six months using the Russell tool.

24 So my question to you is since Pieridae
25 purchased the Foothills assets in 2019, has
26 Pieridae continued to conduct internal

1 inspection of the Carbondale pipeline system
2 once every six months using the Russell tool?

3 A So the -- that pipeline, with it being a
4 Shell-licenced pipeline prior to Pieridae's
5 purchase of these acquisitions in 2019, were
6 following Shell's program at that point in
7 time. We've been in communication with the AER
8 annually with our inline inspection results,
9 our corrosion monitoring program, our annulus
10 pressure information, and the ILI part of that
11 would have been conducted as per their plans
12 and approvals from the AER on any changes to
13 that plan. So the frequency may have changed
14 over time with Shell's ownership.

15 Q Thank you for that, Mr. Simon. Does Pieridae
16 have documentation that was authorized by the
17 board?

18 A Yes, that is correct. There is communication
19 between myself and the AER, both Shell and
20 Pieridae on the frequency.

21 Q And would Pieridae undertake to provide a copy
22 of that authorization?

23 D. NAFFIN: So, Madam Chair, I'm
24 trying to be patient. We've been going here
25 for, I'd estimate, 15 or 20 minutes. We've
26 heard very little about the subject pipeline.

1 We're into a separate licenced pipeline. As
2 I've said, I've been hesitant to rise. Now we
3 have a request for an undertaking of an
4 operational matter on a completely separate
5 licenced pipeline, so I don't think that's an
6 appropriate undertaking to ask of this panel in
7 the context of this hearing which the Panel has
8 repeatedly advised relates to four issues on
9 the subject pipeline.

10 THE CHAIR: So, Mr. Sawyer, can
11 you tell the Panel about what the relevance
12 would be of what you've just asked for to the
13 Licence 62559?

14 M. SAWYER: I'd be happy to,
15 Panel.

16 Submissions by M. Sawyer

17 M. SAWYER: On the question of
18 relevancy, you know, we -- we have a causal
19 chain of events here. We have upstream gas
20 supply at the -- at the wells, we have the
21 pipeline that's the subject of this regulatory
22 review, and we have the downstream pipelines
23 that receive that gas. And a reasonable person
24 would look at this and say that the -- the --
25 the condition with respect to either emergency
26 response, operating the pipeline within

1 regulatory requirements, or effect on the
2 environment, it's reasonable that we would look
3 and say, Well, what's the condition of the
4 downhill stream pipeline.

5 Now, Pieridae stated their view, it's not
6 relevant. But I would point out that in their
7 original application, they referenced this
8 pipeline. In their application they have
9 provided three versions of a Waterton
10 reactivation report engineering report, and --
11 and -- in their application. And in doing
12 their ERCB H2S calculations, they've used the
13 volume of gas that's in those segments of
14 pipelines to -- to come up with the results.

15 I mean, I'm not a lawyer, you know, Madam
16 Chairman, but a reasonable person would say,
17 Absolutely, it's relevant. And so I'm not
18 going to go too far down that road, but my line
19 of questioning is to demonstrate that that
20 pipeline is a problem. And -- and -- and if we
21 rule it as irrelevant, you know, there's
22 probably 500 pages of evidence on Pieridae's
23 record that they've submitted that deals
24 specifically with this pipeline, and I ought to
25 be able to question them on that.

26 Submissions by D. Naffin

1 D. NAFFIN: So, Madam Chair --
2 or -- pardon me. Not Madam Chair.
3 Commissioner Chiasson, my apologies. Just a
4 few things in response to that.

5 First of all, this purported causal chain I
6 don't think is compelling in that where does
7 that end? So we're going to have the upstream
8 wells, the subject pipeline, the downstream
9 connecting pipeline all the way to the Waterton
10 complex potentially by Mr. Sawyer's rationale
11 make all of that relevant to this proceeding,
12 which is simply not the case.

13 So, indeed, again, there was clear scoping
14 direction for this proceeding. We're dealing
15 with this subject pipeline and this licence and
16 the four issues that have been raised, so I'd
17 suggest this causal chain business can be
18 dispensed with, with all due respect to -- to
19 my friend, Mr. Sawyer. And, again, it's a
20 separate licenced pipeline facility that is
21 subject to all of the requirements associated
22 with that licence, all of the AER scrutiny, and
23 everything else that comes to bear on that, and
24 it's not relevant to the subject pipeline.
25 With the potential exception, if Mr. Sawyer
26 wants to talk about the gas values using the

1 HP -- the EPZ calculations, for example -- as
2 Mr. Scheirer spoke to this morning, you noticed
3 I didn't jump up at that point because that is
4 one of the hearing issues in scope. So,
5 indeed, if there is passing relevance to issues
6 associated with the subject pipeline, I think
7 those are fair questions. When we're into a
8 detailed analysis and assessment of a separate
9 licenced facility, I think that's out of scope
10 and not an appropriate question and certainly
11 not an appropriate undertaking request of this
12 panel. And I haven't had myself or one of my
13 colleagues count up the page numbers that
14 Mr. Sawyer referenced, but 500 sounds awfully
15 high to me and might be a shade of hyperbole.
16 But in any event, I'll -- I think you
17 understand where I'm coming from. Thank you.

18 THE CHAIR: So, Mr. Sawyer,
19 Mr. Naffin, thank you. We've heard what you
20 both have to say. I would like to consult with
21 my colleagues now.

22 (ADJOURNMENT)

23 Ruling

24 THE CHAIR: Please be seated.

25 So having considered what we've heard from
26 everyone, what the Panel has determined is that

1 we will uphold Pieridae's objection in relation
2 to the undertaking requesting production of
3 correspondence or records as between Shell
4 and/or Pieridae and the AER in relation to
5 monitoring conditions that were originally set
6 through ERCB 2019-009.

7 Mr. Sawyer, if you so desire, you are open
8 to ask about what the current monitoring
9 frequency may be on that, but the Panel does
10 not see the relevance in relation to -- in
11 relation to the history of conditions that may
12 have been imposed on the licences related to
13 the assets connecting into the -- into the --
14 the line that's covered by the 62559 licence
15 and the validity of that licence. So let's
16 proceed.

17 M. SAWYER: Thank you, Madam
18 Chairman. I -- I'm not entirely sure I
19 completely understood what you said. So
20 with -- with respect to my ability to question
21 on the Shell receiving pipeline, what was your
22 answer?

23 THE CHAIR: Mr. Sawyer, my
24 understanding is that you asked Pieridae to --
25 for an undertaking to provide the
26 correspondence record back and forth between

1 Pieridae and/or Shell and the AER/ERCB in
2 relation to the monitoring conditions that
3 would have been imposed through the ERCB
4 2013-009 decision that you referenced. Am I
5 correct there?

6 M. SAWYER: Yes, that's correct.

7 THE CHAIR: And so we've said
8 that we will not -- we will not allow that
9 undertaking.

10 M. SAWYER: Okay. Thank you.

11 M. Sawyer Cross-examines the Pieridae Alberta
12 Production Ltd. Witnesses

13 A K. SCHEIRER: Excuse me. If I
14 may, for a second. I'd like to correct
15 something or provide some clarification on a
16 previous line of questioning.

17 You had asked in regards to the length of
18 the subject pipeline shown on Document 201.4.
19 That is your -- or -- sorry -- our ERP tables.
20 You'd asked around the length being
21 3,310 metres, and I said that was an error.
22 That was actually corrected and clarified. On
23 Exhibit 216.2 it correctly states the licenced
24 length of 610 metres. Thank you.

25 Q M. SAWYER: Gentlemen, can you
26 tell me has Pieridae conducted a blind major

1 exercise with respect to the pipeline -- with
2 respect to a pipeline failure scenario?

3 A D. ARCHIBALD: We included our
4 previous ERPs from 2021, 2022. I do not recall
5 a blind on a pipeline, but we have done
6 tabletops on pipeline.

7 Q Right. And, sir, you understand when I say
8 "blind", I mean an exercise where your staff
9 are not informed ahead of time that you're
10 going to have an exercise. Is that your
11 understanding of the word?

12 A That is my understanding. Like, most --

13 Q Thanks for that.

14 A -- of our ERPs would be blind that way. You'd
15 have -- limited people would understand the --
16 the scope of it -- just to test the team
17 appropriately.

18 Q Okay. Thank you.

19 One of the commitments that was contained
20 in the ERCB decision 2013-009 was to include
21 Mr. Judd's tent camp on the ERP maps. Can
22 Pieridae confirm that it has not included
23 Judd's tent camp on its EPZ maps?

24 A I'm not familiar with that request. We -- I'm
25 not familiar with his tent camp in the ERP. We
26 have engaged with Mr. Judd on different

1 occasions in the -- around our emergency
2 response planning, and I'm not aware of that
3 being provided. I -- I do remember in the
4 records it being discussed, but I've never seen
5 where it was actually supplied.

6 Q But you can confirm that it's not on your maps
7 currently?

8 A I do not know where it would be on the map.

9 Q In Pieridae's letter to Judd dated
10 October 18th, 2024 -- and that's Exhibit 191.2 --
11 Pieridae indicated that the final engineering
12 reports containing results of the in-line
13 inspection for pipeline licences 23800 is not
14 complete. Can you provide an update on whether
15 that report is completed.

16 A K. SCHEIRER: At this time we have
17 not been able to successfully run a subsequent
18 ILI on the downstream lines. The Russell -- NF
19 -- or RFT tool is a -- kind of a one-of-a-kind
20 technology that Shell developed with Russell
21 for -- specifically for HDPE line pipelines. I
22 believe there is only one physical ILI tool
23 that matches the required ID of this pipeline
24 system.

25 When we attempted to run the ILI late in
26 2023, the tool failed. It had -- it turned out

1 to have some electrical malfunctions. We
2 attempted to repair -- they attempted to repair
3 the tool. We thought it was fixed. We
4 subsequently tried to run the ILI tool again,
5 and it failed again. So Russell is working on
6 fixing that tool so that we can run an ILI
7 before we would operate those lines.

8 So that would be our next steps. It would
9 be to -- when the tool is ready and they have
10 crews available to run it, we would look to run
11 the ILI to confirm our understanding of the
12 downstream integrity and from there address the
13 integrity with any necessary repairs prior to
14 operating.

15 A D. ARCHIBALD: And -- and I guess
16 to add to that, you know, any of the pipelines
17 in our system, you know, the subject pipeline
18 or any of my pipelines, we have a statement of
19 fitness process at Pieridae. We require them
20 to be inspected. We have to confirm. We have
21 to verify the integrity of that pipeline before
22 it is maintained in service or brought into
23 service. We need to test our safeguards,
24 update our documents.

25 We are committed to communicate any of
26 those results with the AER on our line

1 pipelines. Pieridae has not changed any of our
2 integrity work on these line pipelines since
3 the transition from Shell. You know, I believe
4 this does demonstrate our due diligence and how
5 serious we take public safety.

6 Q Thank you for that, sir.

7 Moving on. In the same letter, Pieridae
8 indicated that it has applied for and received
9 approval for reactivation of the pipeline.
10 That's referring to the Shell pipeline. Can
11 Pieridae indicate when it applied and when it
12 received approval for the reactivation of
13 Line 23800 and undertake to provide Judd with a
14 copy of the application and approval number.
15 Submissions by T. Myers

16 T. MYERS: Commissioner
17 Chiasson, further to the objections that
18 Mr. Naffin made earlier, it would be our view
19 that the reactivation application or any
20 correspondence or any information related to
21 that separately licenced facility is not
22 relevant to the subject pipeline.

23 Moreover, Mr. Sawyer has already requested
24 that information of Pieridae. He's received a
25 response from Pieridae that indicated our view,
26 that that information is not relevant. As the

1 Panel had noted prior to the commencement of
2 this hearing, there was a deadline of 4 PM last
3 Friday to bring any motions on any matters. We
4 didn't see any motion requesting a direction
5 from the Panel that that information be
6 provided.

7 So our position would be that it's not an
8 appropriate question to be asked on the basis
9 of relevance, and it's not an appropriate
10 undertaking request for this panel.

11 Submissions by M. Sawyer

12 M. SAWYER: I find it ironic
13 that they would raise the question of not
14 filing a motion when, in fact, it was Bennett
15 Jones that -- that came up on the first morning
16 with a motion. But let's -- let's go past
17 that.

18 Let's just -- if we can, Madam Chair, let's
19 kind of try to address this, like, head-on, and
20 the question is: Is the downstream-receiving
21 pipeline relevant in this application with
22 respect to one or more of the scoping issues
23 that have been set out? And Judd's proposition
24 is that absolutely it is. It's the receiving
25 pipeline, and in the absence of that pipeline,
26 there would be no need for the pipeline

1 application.

2 And our position would be that -- that
3 on -- on -- first, that point, it's a necessary
4 condition for this pipeline to go ahead 'cause,
5 you know, Pieridae has provided no other
6 options in terms of how they're going to get
7 the gas into Junction J. This is their option.
8 They've included it in their H2S analysis.
9 They've included multiple references to it in
10 their application. They have witnesses on this
11 panel who are here specifically to speak to
12 that work.

13 And so I would like a ruling. Is it
14 relevant? 'Cause otherwise we're going to stop
15 and go through this entire proceeding on this
16 question. So my -- our -- Judd's position is
17 that it is relevant to one or more of the
18 scoping issues, and -- and I'd like to get a
19 clear resolution to that question.

20 THE CHAIR: So what you're
21 asking, Mr. Sawyer, so that the Panel is clear,
22 is you're asking us to make a general ruling
23 essentially saying that information broadly in
24 relation to the connecting line is relevant to
25 the determination that we have to make in
26 relation to Licence 62559?

1 M. SAWYER: I would -- I would
2 think it's narrower than that. What I would
3 say is that any information that Pieridae has
4 filed on their own volition in support of their
5 application ought to be fair game for my
6 cross-examination.

7 Submission by T. Myers (Reply)

8 T. MYERS: I'd just like to
9 clarify one thing because it's come up a couple
10 of times now with reference to information that
11 Pieridae has filed in support of its
12 application. None of the information that
13 Mr. Sawyer is talking about with respect to
14 23800 or the integrity work that's been
15 performed on that pipeline was filed in support
16 of the pipeline licence application. It was
17 filed in responses to information requests from
18 the Panel and in response to information
19 requests from Mr. Sawyer.

20 So I wouldn't necessarily characterize that
21 as being on our own volition. Mr. Dew is the
22 person that prepared much of that -- that work.
23 He's here to speak to it certainly, but his
24 primary purpose is to speak to pipeline
25 integrity management practices which, in our
26 submission, should be focused on the subject

1 pipeline.

2 In terms of a broad ruling around the
3 relevance of Line 23800 or the downstream
4 segments that the subject pipeline will connect
5 to, I don't think you can make such a ruling.
6 We acknowledge that there are certain aspects
7 of that downstream line that may be relevant to
8 the issues within the scope of the hearing.
9 You heard Mr. Naffin refer to the fact that the
10 volumes in that downstream line have gone into
11 the EPZ calculations.

12 We acknowledge that that has some relevance
13 to the issues within the scope of the
14 proceeding, but our view would be that requests
15 for undertakings related to reactivation
16 applications related to that pipeline extend
17 well beyond the issues that are within the
18 scope of the proceeding.

19 And moreover, I note, as we just heard from
20 Mr. Scheirer, Pieridae does not intend to
21 operate that line or the subject pipeline until
22 it can do so safely, until it confirms the
23 integrity of that pipeline. So to get into the
24 weeds on what exactly has been done with that
25 downstream pipeline I don't think is productive
26 or relevant to the issues that are within the

1 scope of this hearing.

2 THE CHAIR: Mr. Sawyer, can you
3 explain to the Panel how information about
4 reactivation of the connecting line would
5 assist us in making a determination on whether
6 to confirm, vary, suspend, or revoke
7 Licence 62559?

8 Submissions by M. Sawyer (Reply)

9 M. SAWYER: Thank you for that
10 opportunity.

11 In the absence of the Shell downstream
12 pipeline -- and it -- I will say in the absence
13 of the upstream well -- Waterton wells, there
14 would be no need for this pipeline, and having
15 the downstream pipeline in a condition that can
16 be operated safely and in compliance with the
17 AER regulations, you know, all of the things
18 that are relevant to the four scoping issues,
19 if -- if -- if that can't happen, then there's
20 no need for the subject pipeline. It's -- it
21 would be essentially a ghost -- a pipeline to
22 nowhere.

23 So the other thing is that a lot of the
24 information has been filed -- you know, for
25 example, the multiple copies of the Waterton
26 pipeline reactivation report, yes, they were

1 filed in response to IRs from the Panel, but
2 they have filed -- they're on the record of
3 this. And so I think the -- the fact that that
4 pipeline is a necessary -- no. Let me back
5 up -- that that pipeline can be operated safely
6 is a necessary condition to having the subject
7 pipeline licence dealt with one way or the
8 other.

9 And -- and so if -- we're not planning to
10 introduce any new evidence. All of my
11 questions about that pipeline are directly
12 based on, for the most part, the reactivation
13 report and some of the correspondence which is
14 on the record of these proceedings.

15 Submissions by T. Myers (Reply)

16 T. MYERS: And I'll be brief.
17 I think, you know, what Mr. Sawyer has just
18 said is confirmation that you can't make a
19 broad, sweeping ruling on this issue because
20 he's now suggesting that he wants to ask
21 questions in relation to material that's been
22 filed on the record in this proceeding.

23 There is no objection to that. The witness
24 panel is here and prepared to speak to those
25 questions, but that's a lot different than his
26 request for an undertaking in relation to our

1 licence reactivation application that was filed
2 and approved by the -- the AER.

3 So, again, I think we're going to have to
4 deal with this on a case-by-case basis as it
5 comes up. As I said, we're prepared to
6 acknowledge that there are certain aspects of
7 that downstream line that are relevant to the
8 issues here, but I don't think we can say
9 that -- that line 23800 and every aspect of it
10 is relevant to all of the issues in this
11 proceeding.

12 THE CHAIR: Okay. Thank you.

13 We've heard from you both. We'll step out
14 to have a discussion on this.

15 (ADJOURNMENT)

16 THE CHAIR: Thank you. Please
17 be seated.

18 Ruling

19 THE CHAIR: So our understanding
20 coming out of this is that we are making two
21 determinations here. One is that we uphold the
22 objection that was made by Pieridae to
23 Mr. Sawyer's request for an undertaking to
24 provide documentation related to reactivation
25 application and decision in relation to the
26 connect -- the line that connects to -- that

1 the subject pipeline is connected to.

2 We have also determined that we will not
3 make a broad ruling as requested by Mr. Sawyer
4 with respect to the relevance of the connecting
5 pipeline. It will be open to Mr. Sawyer to ask
6 questions on any materials that have been filed
7 by Pieridae in this proceeding as long as they
8 are focused on the hearing issues and the
9 subject licence that is the subject matter of
10 this regulatory appeal, so Licence 62559.

11 So just tied in with that, we note that we
12 are anticipating lunch break at noon, and so we
13 will continue to that vein. So please proceed.
14 M. Sawyer Cross-examines the Pieridae Alberta
15 Production Ltd. Witnesses

16 A K. SCHEIRER: If I could make a
17 clarification or a comment on a previous line
18 of questioning.

19 Mr. Sawyer, you had asked us if we had --
20 to confirm that Mr. Judd's tent camp was not on
21 our -- our ERP map to which we did confirm that
22 it's not there. In the document that you
23 referenced, the 2013-009 ruling, which is in
24 Exhibit 2.02, PDF page 491, the commitments by
25 Shell Number 4, it says: (as read)

26 Shell will contact Mr. Judd for an ERP

1 update and include Mr. Judd's tent
2 camp in the ERP.

3 If you -- further in that report on page 487,
4 paragraph 78, I will just read the -- I believe
5 it's the last sentence of that paragraph:
6 (as read)

7 If Mr. Judd is not willing to indicate
8 where he might be found on his land
9 and the activities engaged in, it is
10 unreasonable to criticize Shell for
11 not doing enough to ensure his safety.

12 In our consultations with Mr. Judd for ERP
13 updates, he has never provided the location of
14 the tent camp, so we've been unable to put it
15 on the map. Thank you.

16 Q M. SAWYER: Moving along. Also
17 in the October 18th, 2024, letter, Pieridae
18 stated it: (as read)

19 Has elected to -- not to proceed
20 finalizing an engineering report at
21 this time due to market and
22 operational considerations.

23 What are the market and operational
24 considerations that would cause Pieridae to
25 delay the finalization of that engineering
26 report?

1 A P. KUNKEL: From the market
2 considerations, as you know, as you alluded to
3 yesterday, there has been a reduction in gas
4 prices particularly through the spring and
5 summer. And although this is an economic
6 project for us and we would like to proceed
7 with that, we made the decision to delay it
8 through the summer during this low pricing
9 period. You'll note that prices have already
10 started to increase. I think this morning they
11 were close to \$1.75, so -- making this project
12 more economic. So we did -- delayed it through
13 a small period of time through that low price
14 environment.

15 Q And the operational considerations?

16 A D. ARCHIBALD: I think, just to add
17 to what Mr. Kunkel said, is this year, we
18 executed a significant turnaround at the
19 Waterton plant, significant use of resources,
20 people, central support and at site, and we
21 were able to successfully execute our
22 turnaround here. It was a 60-day turnaround in
23 September, October.

24 Q So Pieridae has filed several versions of the
25 Acuren engineering report, the react --
26 Waterton pipeline reactivation;

1 Exhibits 129.08, 124.05, and 129.09,
2 respectively.

3 In the October 31st, 2022 report -- that's
4 the Exhibit 129.09 -- it's stated on page 6
5 that in 2003, 117 internal corrosion-related
6 metal loss locations were found with up to
7 90 percent wall loss, and these locations
8 were -- corrosion locations were cut out,
9 repaired, and the pipeline was filled with
10 nitrogen, and the pipeline was subsequently
11 suspended.

12 Then in 2017 the pipeline was inspected
13 again in anticipation of the reactivation, and
14 a total of 11 localized wall loss indications
15 were found, one larger corrosion location, and
16 a set of 24 other anomalies were found. Were
17 those identified areas of corrosion repaired
18 subsequent to the 2017 inspection?

19 A L. SIMON: So you're correct in
20 your assessment of the ILI results indicating
21 11 wall loss features to a maximum wall loss of
22 20 percent. The EA that was produced by Acuren
23 recommended that we do a verification date on
24 one of those features which was completed.

25 Q So my question, Mr. Simon, was were those
26 identified areas of corrosion repaired? Were

1 they repaired, or have they been repaired?

2 A We are still assessing the condition of that
3 pipeline, but those have not been repaired, no.
4 I think that --

5 A P. KUNKEL: Mr. Sawyer, if I may. I
6 think it's important to point out that any type
7 of work to repair the line, to assess the line,
8 or any decisions with regards to operating that
9 line still need to be made. We -- we certainly
10 wouldn't start that line if it wasn't
11 appropriate to do so, both from a health and
12 safety perspective or a regulatory perspective.

13 I would like to say previously that you
14 also characterized this line as being our only
15 option. I think it would be safe to say we
16 have other infrastructure in the area, and we
17 have other options with regards to how we treat
18 this line, including repairing or replacing.
19 So I just wanted to clarify the
20 characterization that we do have other options
21 that we would assess, but this would be our
22 primary means at this time.

23 Q Thank you for that.

24 Moving along. Pieridae, in its
25 December 11th, 2023, letter -- and that's
26 Exhibit 129.01, and that was in response to the

1 Panel's information requests -- disclosed the
2 testing of Pipeline 23800, the three set forth
3 segments, was only partially complete and that
4 three verification digs were performed and that
5 these verification digs have shown reduction in
6 wall thicknesses since 2017 in-line inspection
7 to a maximum of 47 percent. So my question for
8 Pieridae is where on the Pipeline 23800 did
9 those verification digs occur, and what was the
10 total length of the pipeline that was subject
11 to those verification digs?

12 A L. SIMON: They're -- so the --
13 our attempt to inspect that pipeline in 2023
14 was unsuccessful due to the tool, so we are
15 still assessing that pipeline which will
16 include an additional inspection to provide us
17 with more information.

18 Q Sure. Thank you for that, Mr. Simon. But that
19 wasn't my question.

20 My question was where on Pipeline 23800 did
21 those verification digs that you reported
22 occur, and what was the total length of the
23 pipeline that was subject to those verification
24 digs?

25 A We completed two additional digs in addition to
26 the recommendations from Acuren. They were on

1 lined Segment 63.

2 Q And --

3 A And the exposed pipe was just for us to be able
4 to do our job as far as the extent. Maybe
5 20 metres in each excavation site.

6 Q Okay. So the total length would be how much --
7 how many metres?

8 A K. SCHEIRER: Sorry. If I could
9 interject there and provide some further
10 clarification.

11 So as you had brought up in Pieridae's IR
12 response to the AER -- that would be 2.4 -- we
13 said Dig 1. There were three digs listed
14 which -- with the wall losses there. So the
15 initial dig that we did was close to
16 Junction J; so close to the downstream end of
17 the segment of line that will not be brought
18 back into service. The other two digs that
19 happened afterwards, as Mr. Simon mentioned,
20 are on Segment 63.

21 The total exposed pipe, Mr. Simon, if you
22 could comment on how much pipe was actually
23 inspected in those digs.

24 A L. SIMON: We would have
25 exposed approximately 2 metres of pipe on each
26 side for a full inspection of those areas, of

1 each dig site.

2 Q So if you had five digs, that would be
3 20 metres, roughly?

4 A It depends on what we're looking for, but the
5 ones that we have done, that's what we'd --

6 Q Okay.

7 A -- took care about.

8 Q Thank you for that.

9 THE CHAIR: Mr. Sawyer, just
10 before you launch on to your next question, a
11 request for both you and the members of the
12 witness panel who are responding. For the
13 clarity of our record, what we'd request is
14 that -- we're hearing a lot of this letter,
15 this date, this -- this date, this -- this
16 date. If you're responding and you have it at
17 hand, can you also refer to the exhibit number?
18 Because part of what I will point out is that
19 the Panel will be relying on the transcript
20 and, frankly, you will make our lives much
21 easier post-hearing if you've got the -- if
22 we've got those references on the record. And
23 I'm not looking to disrupt any of you, but if
24 you have it to hand, if you can include that in
25 your questions and in your responses. Thank
26 you.

1 M. SAWYER: Madam Chairman, for
2 your information, I have provided with the
3 court -- the court reporter with a written list
4 of all my questions all referenced with exhibit
5 numbers, so I appreciate your comments. Thank
6 you.

7 Q M. SAWYER: Moving along. So
8 you did two additional verification digs. What
9 was the results of those two digs?

10 A K. SCHEIRER: The results are
11 listed again in -- it would be 129.02 in a
12 response to IR 2.4 -- 2.4(c), to be exact.
13 Dig 2 was 45 percent wall loss, and Dig 3 was
14 27 percent wall loss, as indicated on the
15 record.

16 Q Thank you.

17 I have some questions for Mr. Drew.
18 Mr. Drew, can you confirm that you're
19 professionally responsible for the three
20 Waterton reactivation reports? And that would
21 be Exhibits 129.08, 124.05, and 129.09
22 respectively.

23 A B. DEW: First, Mr. Sawyer,
24 I'd like to correct you. It's Mr. Dew, D-E-W,
25 not "Drew".

26 Q Sorry.

1 A And I am professionally responsible for the
2 three reports that you have listed.

3 Q Okay. And you can confirm, sir, that the
4 October 31st is the final report, or are there
5 more recent reports?

6 A The October 31st report, Revision 2, is the
7 final version.

8 Q Now, I see the iron ring on your finger, sir;
9 so I'd like to ask the question. As an
10 engineer, what do you consider significant
11 corrosion to be?

12 A It's a very open-ended question, Mr. Sawyer.
13 Significant corrosion is based on pipeline
14 risk, on approach, consequence, likelihood of
15 failure, what's the service. So there is no
16 direct definition of significant corrosion.

17 Q So as -- as a layperson, you know, give me some
18 help here. You know, we've seen numbers thrown
19 around here like 20 percent, 40 percent, up to
20 90 percent wall loss. In terms of wall loss
21 percentage -- as a -- you're talking to a
22 layperson here -- what -- what -- where on that
23 spectrum would it start to become significant
24 corrosion?

25 A Again, it really depends on how your pipeline
26 is operating, on the sizing and the morphology

1 of the corrosion, large areas of general
2 corrosion. You know, a smaller wall loss is
3 actually more detrimental if it's large areas.

4 And if you have a very small area like a
5 pinhole, which Mr. Judd was referring to
6 yesterday -- a number of the failures were
7 pinholes -- you can have pinholes up to
8 80 percent wall loss that still hold pressure,
9 which is why your codes with CSA Z662 allow you
10 to assess corrosion anywhere from 10 to
11 80 percent wall loss to determine whether it is
12 detrimental to the pipeline and considered a
13 defect.

14 Q Okay. Could you tell us what the 'T' minimum
15 for the -- the Pieridae pipeline is.

16 A The minimum thickness is dependent on which
17 segment you're looking at and as well where --
18 where on the pipeline you are. We did
19 calculate it out. If you look at
20 Exhibit 129.09 --

21 Q Excuse me, sir. I -- I was referring to the --
22 the -- the Pieridae -- the subject pipeline of
23 this hearing, not to the Shell existing
24 pipeline.

25 A So that T minimum would've been filed with the
26 calculations, which I was not involved with.

1 So I will have to --

2 Q Okay.

3 A -- pass that to either Mr. Scheirer or
4 Mr. Simon.

5 Q Okay. Well, I'm going to skip that question,
6 then, and ask you what's the T minimum for the
7 existing Shell pipeline?

8 A So the T minimum, depending on road crossings,
9 location, factor that's used -- the
10 T minimum -- and, again, this is referencing
11 just holding pressure, not individual related
12 corrosion pits -- is anywhere from
13 4.23 millimetres to 5.08 millimetres as
14 provided in Table 3, which is page 9 of the PDF
15 of Exhibit 129.09.

16 A K. SCHEIRER: If I could add to
17 that, the -- those numbers are also confirmed
18 in Exhibit 129.10 on page 1, which is the wall
19 thickness calculation -- CSA Z662 pipeline
20 calculation sheet for the subject line, and it
21 does confirm the same 4.23 millimetres for Z662
22 calculation and 5.08 for the Alberta pipeline
23 regulations.

24 A B. DEW: And I would like to
25 highlight, Mr. Sawyer, those T minimum
26 calculations are for the design pressure. When

1 it comes to evaluating corrosion, we typically
2 use ASME modified B31G, which looks at how the
3 stresses get distributed in the pitting, and
4 that will allow you to look at it and
5 potentially qualify up to 50 or 60 percent wall
6 loss as still safe to operate the pipeline
7 with.

8 Q And the way you would accomplish that would be
9 to lower the operating pressure?

10 A No. With the operating pressure, as is with
11 design, even up to 60 percent, 70 percent wall
12 loss may be acceptable based on the area of
13 wall loss that's occurring.

14 Q Thank you for that.

15 A D. ARCHIBALD: And -- and I think
16 that's important to highlight because the
17 subject pipeline we're talking about, we're
18 operating it at 10 percent of the design
19 pressure, and when, you know -- and we're
20 actually -- we've tested this line --
21 hydrotested it to almost equal to the shut-in
22 tubing head pressure plate. Everything on this
23 system is very robustly designed, and to
24 Mr. Dew's testimony, it has good integrity
25 compared to the operating conditions it will be
26 faced with.

1 Q Thank you for that.

2 In the Waterton pipeline reactivation
3 report, again, Exhibit 129.09, on page 2, the
4 report states: (as read)

5 No in-service failures have occurred
6 on all pipelines.

7 What pipelines are you referring to?

8 A B. DEW: The "all pipelines" is
9 referring to the pipelines that are the subject
10 of the report. Not to the whole Waterton field
11 but just subject to the report.

12 Q And you -- of course, you can confirm, sir,
13 that those segments that you're referring to
14 are part of the larger Shell Carbondale system?

15 A They are part of the larger system. Correct.

16 Q And, sir, are you -- you can confirm that you
17 are aware that the Carbondale piping system has
18 been plagued by internal corrosion problems
19 that have resulted in at least four known
20 pipeline failures and releases of H2S?

21 A So I'd like to correct. I wouldn't say it's
22 been plagued by internal corrosion problems.
23 There have been previous failures in the
24 system. That is correct, and it is public
25 record.

26 Q Now, in -- in your report, it's stated during

1 the HDPE liner installation, which would've
2 occurred in 2003, an ILI was conducted, and the
3 pipeline failed to hydro test. All repairs
4 were completed prior to installation of the
5 HDPE, which involved cutting out all defects
6 over 25 percent.

7 So my question to you is: That statement
8 implies that internal corrosion of less than
9 25 percent was left unrepaired; is that
10 correct?

11 A So based on the documentation provided to us by
12 Pieridae that was completed while it was
13 operated by Shell, that was the information
14 given to us. And I would like to point out the
15 ILI that was done at the time. All of these
16 inspections do come with a range of error.

17 So they're not a direct inspection. It's
18 indirect. They will provide wall loss
19 that's -- the typical standard is plus or minus
20 10 percent 80 percent of the time. So there
21 may be some features that aren't captured,
22 which could be why there are features currently
23 in the line that Pieridae is investigating.

24 Q Thank you for that.

25 And appreciating that it was under Shell's
26 watch, but do you know how many locations that

1 were found to have corrosion of less than
2 25 percent that were left unrepaired?

3 A I would have to leave that up to Mr. Simon as
4 he was involved with all those repairs.

5 A L. SIMON: I'd have to get back
6 to you on an exact amount, but anything less
7 than 25 percent was cut out, and that was in
8 the bare steel before lining.

9 Q Sorry. I just wondered -- you said anything
10 more than --

11 A Sorry. Greater than 25 percent.

12 Q Okay. I would appreciate it --

13 A Sorry.

14 Q -- if you can get back to me with that,
15 Mr. Simon.

16 A So you're looking for the amount of features?

17 Q How many locations were left that had less than
18 25 percent corrosion --

19 A D. ARCHIBALD: Are you asking for
20 an undertaking on the line that's not subject
21 to the hearing.

22 T. MYERS: Madam Chair, I
23 appreciate Mr. Simon's willingness to provide
24 the response to begin with. I don't know how
25 helpful the information is at the end of the
26 day. We've heard at least once -- I think more

1 from the Pieridae witnesses that they're not
2 intending to operate the downstream line or the
3 subject pipeline until they've addressed the
4 integrity-related issues that are identified
5 and known on that downstream line or until they
6 find another option that's suitable in
7 accordance with all applicable requirements.

8 So I don't know that the number of specific
9 repairs that have been performed from 2007 or
10 2003 until present on that downstream line,
11 which is, again, not the subject of this
12 hearing, is all that helpful when the answer
13 and the evidence we've heard is that it's not
14 going to be operated until they can do so
15 safely in accordance with applicable regulatory
16 requirements.

17 M. SAWYER: Madam Chairman, I'll
18 just move along. I don't need to deal with
19 that.

20 Q M. SAWYER: So in that same
21 report at page 5 -- and, again, that's 129.09
22 -- the report states: (as read)

23 The threat of internal corrosion is
24 considered low. No history of leaks
25 due to internal corrosion have been
26 reported for these pipelines.

1 And so my question for you, sir, is in light of
2 the widespread corrosion issues that have been
3 on the Carbondale pipeline as a whole, and in
4 light of the 117 locations that had --
5 corrosions that had required repairs, why --
6 how can you conclude that the threat of
7 corrosion on that pipeline is low?

8 A B. DEW: So we concluded the
9 threat of corrosion on that pipeline or on the
10 four subject pipelines of the report was low
11 based on work that had been completed by Shell
12 at the time by completing the repairs, bringing
13 an HDPE liner in, and since the time of the
14 repairs and the installation of the liner, the
15 pipeline had not operated at that point.

16 So the risk for remaining internal
17 corrosion or future internal corrosion would be
18 considered low as the liner system is a
19 recognized mitigation for corrosion.

20 Q Okay. But if we consider what we know about
21 the failure history of the Carbondale pipeline
22 system, is that still an accurate statement?

23 A It's still an accurate statement. The failure
24 history that has previously occurred is
25 something that Shell worked on diligently,
26 especially after the 2007 incident, to better

1 their integrity management program and bring it
2 to a level that they can safely operate these
3 pipelines, and since 2007 and with
4 documentation that's been presented, they were
5 managing the pipelining system as a whole quite
6 successfully.

7 Q When you say "quite successfully", you mean
8 that they have had no failures since 2007?

9 A They have not had any failure since 2007
10 related to internal corrosion.

11 Q So the failure in 2007 -- well, let me back up.
12 You've said in this report that -- that having
13 a liner reduces the risk to -- I said -- I
14 think you said no risk.

15 A Not no risk. It reduces the risk for internal
16 corrosion.

17 Q So on the same Exhibit 129.09 on page 6, you
18 wrote: (as read)

19 Upon resumption, no internal corrosion
20 growth is expected since the pipeline
21 is internally coated with an HDPE.

22 So when I say "no risk" -- I mean, when I read
23 "no" -- "no" and I sort of think -- well --
24 well, in a statistical sense, that would mean
25 zero or -- or, you know, no corrosion at all,
26 and you're attributing that to the fact that

1 it -- it has an HDPE liner on it. Is -- is
2 that an accurate statement from an engineering
3 point of view, no growth of corrosion?

4 A So you're not expecting a corrosion growth
5 to -- corrosion growth to occur with that
6 system in place with proper operational
7 practices, which Shell and Pieridae do have.

8 Q And -- and, of course, you -- you are aware of
9 the 2007 pipeline failure which occurred on a
10 pipeline that was lined with HDPE liner;
11 correct?

12 A I am aware of it, and that's why I answered
13 saying that with proper operational practices.
14 The failure in 2007 was a new failure to
15 industry. It had not occurred before, and it
16 was related to the use of methanol continuous
17 injection into the system. Shell worked to
18 correct that and developed ways to help monitor
19 the system and have proven out those monitoring
20 methods are working to the point where they can
21 demonstrate that the lined pipelines are safe
22 for continuous operation.

23 Q Sir, are you aware of other pipelines not
24 related to the Waterton field that have failed
25 in the industry of -- that have -- have HDPE
26 liners on them?

1 A There are failures to other lines with HDPE
2 liners. That does occur, and it is usually
3 related to operational practices.

4 Q So I just want to understand. If it -- if it's
5 relating to operational practices and your view
6 is that there -- it's a low risk and no
7 internal corrosion is expected, I mean, those
8 are pretty definitive statements. If you look
9 at that in the context of these four segments
10 of existing pipeline which have a history of
11 corrosion, which was repaired, it was
12 subsequently lined with a liner filled with
13 nitrogen, and it's been suspended for 20 years,
14 a repaired pipeline that would not have an
15 expectation of corrosion, and yet fast-forward
16 to 2017 and 2023, we're finding corrosion when
17 it's filled with nitrogen. How do you explain
18 that?

19 A K. SCHEIRER: Mr. Sawyer, I think
20 I can answer your question there. To
21 paraphrase, I believe you were asking why, you
22 know, with an HDPE liner it's in -- installed
23 on the downstream lines, why was there
24 continued corrosion growth? Where did that
25 come from?

26 So it's worth to point out prior to -- so

1 in 2003 when the HDPE liner was installed on
2 the system after those repairs, the pipeline
3 was -- was not put into service. It was not
4 needed at the time. In 2007 operations --
5 Shell operations found that there was pressure
6 on that line. The isolation was -- was -- was
7 improper, so it wasn't properly isolated. At
8 the time they went to de-pressure the line,
9 found that there was a hydrate in that pipeline
10 system. To break the hydrate, common practice
11 is to use methanol. It will break down the
12 hydrate and allow them to continue
13 de-pressuring the pipeline. So methanol was
14 used to break that hydrate. The pipeline was
15 de-pressured, and it was purged out with N2.

16 The pipeline system at the time was not
17 capable of being pigged. It did not have
18 pigging facilities, so operations were not able
19 to pig the methanol that was used out of the
20 system. So that methanol was sitting in the
21 line until the ILI that was performed in 2017.
22 Pigging facilities were installed prior to that
23 ILI, and it would have been pig cleaned prior
24 to that ILI in 2017.

25 So there was methanol introduced into the
26 system in 2017 that wasn't fully removed.

1 That -- that happened before the failure in
2 November of 2007 on Pipeline Licence 23800
3 Segment 61, so that was a different segment
4 that failed. The understanding of that
5 methanol failure mechanism, how the methanol
6 can permeate the HDPE liner and then cause
7 corrosion under the liner, that was not known
8 in 2007 when the hydrate was being broken on
9 the downstream lines that we're talking about.

10 Shell learned from the -- the reports and
11 investigation into the failure on the
12 Segment 61 methanol use -- continuous methanol
13 use is no longer permitted on our HDPE liners.
14 Under very scrutinized circumstances is
15 methanol allowed to be used on our HDPE-lined
16 pipelines, and it has to be signed off by the
17 superintendent and must be pigged out within
18 48 hours of having been used.

19 So Shell and Pieridae have learned from the
20 failure in 2017 and the cause of methanol --
21 continuous methanol use on HDPE-lined systems.
22 Practices have been adjusted to prevent the
23 corrosion that -- caused by methanol use on
24 HDPE-lined pipelines.

25 A L. SIMON: Just to correct that
26 statement. That was a failure in 2007.

1 A K. SCHEIRER: Oh.

2 A L. SIMON: Not '17.

3 A B. DEW: And, Mr. Sawyer, I'd
4 like to just add in the information around that
5 hydrate forming due to the improper isolation
6 was not provided to Acuren at the time of us
7 completing the report. So even though we were
8 not expecting corrosion to happen with a liner
9 in place under normal operations, we did still
10 provide the recommendation based on the fact
11 that the pipeline had been out of service for
12 20 years at that point that Pieridae should go
13 and ensure that the line does have integrity
14 either through verification digs or through
15 inspection. That's a pretty standard practice
16 for us to do.

17 So even if we don't expect the corrosion,
18 we still request, you know, kind of from a due
19 diligence standpoint you ensure the pipeline's
20 safe to operate, which is what Pieridae has
21 done.

22 Q Thank you for that, sir.

23 A D. ARCHIBALD: But I think it --
24 yeah. It's the statement of fitness. Like, if
25 we want to talk the -- the -- the -- how we
26 holistically manage our pipelines, I don't care

1 which pipeline it is, I won't start that
2 pipeline until we've done a proper statement of
3 fitness that -- we are required to inspect it.
4 We are required to verify it, which we're all
5 discussing. We're asking details on the
6 verification before it's brought into service.

7 We need to test our safeguards, we need to
8 generate our proper operating documentation,
9 and we need to communicate and be transparent
10 with the AER on what we find.

11 So that the -- however the conditions of
12 our system, we -- that has to be managed
13 through the appropriate processes, and that's
14 how seriously we take it.

15 Q Thank you for that.

16 I -- I want to go back to that statement
17 you made that there is no internal corrosion
18 growth expected since the pipelines are
19 internally coated with HDPE. I mean, based on
20 the evidence, that's clearly not true, is it?

21 A D. ARCHIBALD: But even then, you
22 don't expect the corrosion. Your due diligence
23 is you have to be a hundred percent confident,
24 so you have to do your verifications. So,
25 like, we don't expect something to happen in an
26 inert atmosphere, but you don't just accept

1 that and go with it. As the operation
2 superintendent, I wouldn't accept that, Oh,
3 there would be no -- there's no mechanism for
4 it. We have to prove it. We have to prove
5 what we say, and we have to prove that that --
6 that it's safe to operate.

7 Q Sir, with all due respect, that wasn't my
8 question. My question was that statement
9 that's in the Acuren report that says that
10 no -- like "no" is a very specific number.
11 Like, zero.

12 So my question was to Mr. Dew, given the
13 evidence we've seen, is it actually true that
14 there's no internal corrosion growth expected?

15 A B. DEW: So, Mr. Sawyer,
16 you're putting a lot of emphasis on the "no
17 internal corrosion". The statement is that
18 upon resumption, no internal corrosion growth
19 is expected for these indications. That's
20 related to normal operating practices which
21 Shell and Pieridae are following. They've got
22 their monitoring program in place. They've got
23 their whole integrity management program
24 focused around it.

25 So the "no internal corrosion growth is
26 expected" is really a statement that when these

1 lines get lined -- because liner systems are
2 often used for rehabilitation of lines with
3 corrosion -- it's a way to help mitigate it
4 from happening. There is no guarantee
5 corrosion can't occur.

6 I further go on to say that based on the
7 fact there are these HDPE liners, the threat of
8 internal corrosion is assessed to be low.
9 We're not saying there is no threat. The
10 threat for internal corrosion is low. We're
11 not definitively saying it's not there.

12 Q No. What you actually said is that there is
13 no -- no internal corrosion is expected.
14 That's not saying, We're going to manage it or
15 that we're going to manage the -- you're saying
16 there is no -- and what I'm trying to say to
17 you, that's just simply not true.

18 And to make the point, sir, if I was to
19 throw out a hypothetical question and say, I'd
20 like to see what your internal inspection
21 results -- and I'm not asking the question;
22 it's hypothetical -- results for the Carbondale
23 8-inch pipeline, which is a lined pipeline, and
24 you're running annual surveys, is there no
25 internal corrosion on that pipeline?

26 A L. SIMON: Can you -- which

1 line are you referencing there?

2 T. MYERS: I've kind of lost
3 the hypothetical, to be honest, but the point
4 or the concern that I wanted to raise is that I
5 think, to Mr. Dew's point, we're placing a lot
6 of emphasis on the word "no". Mr. Dew's not
7 sitting here saying it's impossible or there's
8 zero percent chance. He's saying what his
9 expectation was at the time was that there
10 wouldn't be any internal corrosion, but there's
11 more context to it than that -- or to the
12 phrase that Mr. Sawyer continues to put to him.
13 Mr. Dew has read from the report. I think the
14 question's been asked and answered.

15 Q M. SAWYER: Were you gentlemen
16 prepared to answer that hypothetical question?

17 A L. SIMON: I would just like to
18 add to -- to support Mr. Dew's comments is that
19 we've -- since the 2007 failure and Shell's
20 changes to our operating conditions and
21 parameters and procedures and the -- you know,
22 the discontinuation of using methanol in both
23 the upstream wells and also for annulus
24 maintenance activities, we've done -- safely
25 operated those pipelines, over 45 kilometres of
26 lined pipelines, of the same HDPE design.

1 We've ran 15 years without incident. We've run
2 a maximum of 12 in-line inspections on one
3 particular pipeline to -- as per the
4 commitments with the AER, and we're not seeing
5 corrosion of the extent that we had prior to
6 the 2007 incident. So does that help you?

7 Q Thank you.

8 But -- but you are seeing some corrosion?

9 A We haven't had to do any cutouts or repairs
10 since 2007.

11 Q I want to turn to emergency response briefly.

12 Can Pieridae confirm that it has prepared
13 and submitted a -- a site-specific ERP for the
14 pipeline Waterton field in accordance with
15 Directive 071?

16 A K. SCHEIRER: Yes, we have.

17 Q And you -- can Pieridae confirm that it's
18 prepared and submitted a corporate ERP in
19 accordance with Directive 071?

20 A Yes, we have.

21 Q And can Pieridae confirm that it has prepared
22 and submitted specific ERPs from each sour
23 well, sour production facility, and associated
24 gathering system in the Waterton field in
25 accordance with Directive 071 which would --
26 would fall into the ERP for the pipeline?

1 Because there's multiple overlapping ERPs;
2 correct?

3 A Sorry. Could you restate your question,
4 possibly clarify it.

5 Q So I just want to be clear. I'm not asking
6 about the entire Waterton field. I'm asking
7 about the -- the multiple ERPs from the
8 different facilities, wells, pipelines that are
9 occurring in the Screwdriver Creek that sort of
10 overlap with the pipelines of the ERP. So in
11 the context of those ERPs, can you confirm that
12 you've prepared and submitted specific ERPs for
13 each sour well, sour production facility, and
14 associated gathering system in the Waterton
15 field that would -- would coincide in space
16 with the subject pipeline.

17 A So the site-specific ERP that was provided for
18 this subject pipeline was a requirement of the
19 application process. Once the -- a line or --
20 or a well gets drilled, for instance, in any
21 project that may require a site-specific ERP,
22 once that operation -- construction of a
23 pipeline in this case -- is completed, that --
24 that stand-alone, site-specific ERP gets rolled
25 into the area and corporate ERP. Those are
26 only required for the purpose of the licence

1 application.

2 So to your question, do we have site
3 specific ERPs for every single pipeline segment
4 and/or well? Currently, as of what we use
5 right now, no, we would not. Those would have
6 been developed at the time of licencing, but
7 then they get rolled into the corporate and
8 area ERPs that are used to enact a response.

9 Q Thank you for that response.

10 Could Pieridae confirm that it has written
11 agreements with regional emergency groups that
12 would be needed to assist in the case of the
13 ERP activation?

14 A B. FOOTE: Are you referring to
15 mutual aid or emergency response?

16 Q Yeah. I mean, Alberta Health, the
17 municipality, fire and -- fire, you know, that
18 type of thing.

19 A Okay. There is a -- in section, I believe it
20 is under "Mutual Aid" under ERP or Exhibit
21 19.0, Section --

22 Q So, sir, I am familiar with that.

23 A Yeah.

24 Q My question was do you have written
25 confirmation from those -- each individual
26 group?

1 A So the individual groups that are required
2 under Directive 071 are local authorities to
3 establish their roles and responsibilities
4 during the time of emergency. Those are listed
5 in the ERP, and the dates of who we -- the date
6 that they were consulted with and the
7 individuals that confirmed the information --

8 Q And --

9 A -- are listed.

10 Q Okay. So my -- my -- my --

11 A D. ARCHIBALD: And they would
12 participate in our major ERP mocks as well.

13 Q So my question was: Do you have written
14 confirmation? Do you have written
15 confirmation, sir?

16 A B. FOOTE: The written
17 confirmation would be that during the
18 consultation process that they confirmed the
19 roles and responsibilities which is listed
20 within Section 7. That is the form that's
21 listed indicating the MD of -- MD of Pincher
22 Creek. That's the form that was gone through
23 with those local authorities, and it was
24 confirmed that that is the information that is
25 correct.

26 Q And that they've signed off on those?

1 A It would have been a -- a verbal consultation
2 through --

3 Q So the answer is there's no written agreement?

4 A There's no written --

5 A D. ARCHIBALD: We have a documented
6 verbal conversation and acceptance.

7 Q That wasn't my question. The question was, do
8 you have a written agreement, and what you've
9 told me is --

10 A It is documented,

11 Q -- no, you don't.

12 A Verbal. It's written down. It's dated and we
13 have a sure --

14 Q That wasn't my question.

15 Moving on. Have those agreements that were
16 verbal in nature been filed as part of this
17 proceeding?

18 A B. FOOTE: So the verbal
19 agreements are basically listed in the ERP as
20 confirmed with the roles and responsibilities
21 and the people responsible and that Pieridae
22 would contact in case of an emergency.

23 Q Yeah. My question, sir, was: Have they been
24 filed --

25 A Yes.

26 Q -- in this proceeding?

1 A They're within the Exhibit 190.3, which is the
2 Waterton complex core.

3 Q And what you did there was just list the
4 agencies. You didn't actually have the
5 agreement in there, did you?

6 A The page -- I will just find it here. If you
7 can bear with me.

8 THE CHAIR: Mr. Sawyer, how is
9 this different from your IR 26 that was asked
10 some time ago and which would have been
11 responded to on the record?

12 M. SAWYER: I would have to
13 look, Madam Chairman.

14 THE CHAIR: Because I would
15 indicate to you that the Panel does not expect
16 that you're going to revisit anything that was
17 asked and answered as an IR. I would say that
18 it's open to you to ask if things have been
19 updated since IR responses have been provided,
20 but, frankly, questions were asked and provided
21 beforehand. They don't need to be revisited
22 here in the hearing room.

23 M. SAWYER: Madam Chair, I'm
24 prepared to move on if that would work for you,
25 sir -- ma'am.

26 THE CHAIR: Well, just I'm

1 looking at how is that -- that's the thing
2 is -- that I'm puzzling with, is that if it's
3 something that's already been asked and it's
4 already been provided as a response to an IR,
5 then we don't need to go there again here.

6 M. SAWYER: I'll move along,
7 then.

8 Q M. SAWYER: In its application
9 Pieridae had stated that Pieridae, and I quote:
10 (as read)

11 Pieridae has measures in place to
12 ensure that it is effectively managed
13 through the traffic management plans
14 utilizing the previous
15 Shell-constructed projects in the area
16 such as Waterton 68.

17 And that's in Exhibit 002.02, PDF page 38.

18 Can Pieridae confirm that as part of its
19 traffic management that it requires all of its
20 employees and contractors to operate within the
21 Highway Traffic Act?

22 A D. ARCHIBALD: Absolutely. If
23 you're asking are we supposed to follow the
24 law? Absolutely.

25 Q Okay. I had provided an aid to
26 cross-examination. I don't know how to

1 reference this. I mean, I think Ms. Arruda did
2 tell me, but I don't know.

3 M. SAWYER: Can you tell me the
4 reference for that?

5 E. ARRUDA: I don't have a
6 microphone, but I assigned numbers to all your
7 aids to cross. So I do have --

8 THE COURT REPORTER: Sorry, Ms. Arruda, I
9 can't hear you. Could you please repeat?

10 THE CHAIR: So I believe that we
11 have a system set up. I'll let Ms. Chijioke
12 speak to it.

13 O. CHIJIKE: Commissioner
14 Chiasson, Mr. Sawyer's aid to cross was
15 assigned Aid to Cross Number 14 for the
16 photographs.

17 M. SAWYER: I can't hear you.

18 O. CHIJIKE: Aid to Cross Number
19 14.

20 Q M. SAWYER: So, gentlemen, has
21 your counsel provided you with a copy of this,
22 which I did provide to counsel? Yeah, here we
23 are.

24 So these are two photographs that I took
25 during the construction of your pipeline in
26 2023. And it was October 31st, 2023, at

1 2:16 PM Mountain Standard Time, and Mr. Judd
2 and myself and a few others attended. And what
3 we found was either one of your employees or
4 your contractor driving an off-road vehicle
5 down the middle of a municipal road.

6 Is that consistent with the Highway Traffic
7 Act?

8 D. NAFFIN: So, Madam Chair, I'm
9 not sure this is the appropriate forum or
10 jurisdiction for questions about compliance
11 with the Highway Traffic Act. There's no legal
12 counsel on the panel. Certainly if Mr. Sawyer
13 wants to ask questions about what we're seeing
14 here and so on and so forth, that's perfectly
15 fine. I don't see how it's relevant to the
16 subject pipeline in any way. Maybe he can
17 establish that, but just asking the witnesses
18 for a legal conclusion as to whether or not
19 it's compliant with the Highway Traffic Act or
20 Traffic Safety Act or the current iteration of
21 it, I don't think is fair for the witness. But
22 certainly asking about what we see in the photo
23 and so on if relevance can be established, I
24 think is fine.

25 THE CHAIR: Yes. We'll be
26 looking for the relevance. And just a

1 correction, Mr. Naffin, two of the three Panel
2 Members are lawyers.

3 D. NAFFIN: When I was referring
4 to "the panel", Commissioner Chiasson, I meant
5 this witness panel.

6 THE CHAIR: Oh, all right.
7 Thank you for the clarification.

8 D. NAFFIN: I'm well aware --

9 THE CHAIR: Thank you.

10 D. NAFFIN: -- that the Panel
11 has legal expertise, but none of these
12 individuals do.

13 THE CHAIR: Okay. Thank you --

14 D. NAFFIN: Yeah --

15 THE CHAIR: -- sir.

16 D. NAFFIN: I was referring --

17 THE CHAIR: And I've run --

18 D. NAFFIN: -- to the --

19 THE CHAIR: -- into --

20 D. NAFFIN: -- panel.

21 THE CHAIR: -- that in hearings
22 before in terms of references to when one is
23 saying "panel", what panel. So thank you for
24 that clarification.

25 So Mr. Sawyer, let's lead us to relevance.

26 M. SAWYER: Throughout this

1 application process and this regulatory review,
2 Pieridae has put considerable effort into
3 arguing that their credibility as an operator
4 is, you know, should be trusted. And so the
5 point of bringing this up is to demonstrate
6 that they may speak at great length about how
7 they have this policy and that policy. But, in
8 fact, the reality is that those policies aren't
9 necessarily followed. And this is just one
10 example of that.

11 So if that's sufficient, then I'll just
12 reframe the question.

13 Q M. SAWYER: Was the management
14 of Pieridae aware of this event when I stopped
15 this vehicle on the highway?

16 A D. ARCHIBALD: So this event that
17 you're discussing here, that was during the
18 Russell tool run on the pipeline. And the
19 Russell tool contractor required to track the
20 tool through telemetry, and they made the
21 decision that there was a difficult terrain to
22 navigate on the pipeline right-of-way. And
23 what you're looking at is the dead-end road to
24 Mr. Judd's residence up on the hill there.

25 What they had decided because of the
26 condition of the ground was to unfortunately

1 decide to drive on the road. This was
2 documented in our community concern register.
3 It was dated, and so it was communicated. I
4 was aware of it. It was documented through our
5 formal community engagement, and it was dated
6 October 31st -- I believe Lorne Harty put it in
7 and I think maybe Graham Scherger. And then to
8 your other point, this road that we're driving
9 on, we've reduced the speed limit at Shell to
10 50 kilometres an hour and that requirement is
11 still held by the Pieridae field operators.
12 And all vehicles are GPS'd, and the operators
13 know that if there's a complaint in that area,
14 we could pull all records on their vehicle and
15 make sure they are response -- responsibly
16 operating their vehicles.

17 So to your question, yes, it was
18 documented, dated, and corrective actions were
19 taken. Thank you.

20 Q And thank you for that response, then.

21 So you acknowledge that -- well, can you
22 acknowledge that driving an off-road vehicle on
23 a highway in Alberta is contrary to law? I'm
24 asking if they can.

25 A I don't know of that -- if that vehicle -- that
26 machine wouldn't be licenced for the road, and

1 unfortunately the contractors made that
2 decision on the rural road likely because of
3 what they were seeing around them, and they did
4 it out of safety is what they had discussed,
5 and -- but, unfortunately, we had to have the
6 conversations with our operators that if these
7 contractors aren't comfortable in the operation
8 of the equipment, we'll have to do it for them,
9 so yes.

10 Q Thank you for that.

11 Let's turn to the question of pipeline
12 integrity management. What is the purpose of
13 minimum depth of cover standards for sour
14 service pipelines?

15 A L. SIMON: Depending on where
16 the crossing is, you could have crossings as
17 well as that. But it's in CSA Z662 of the
18 requirements and the AER pipeline regulations
19 as well.

20 Q And whatever the circumstances, the specified
21 depth is required by AER regulations; correct?

22 A That is correct.

23 THE CHAIR: Mr. Sawyer, I note
24 that we're at noon. Is this a convenient spot
25 to break?

26 M. SAWYER: Yes, it is, madam.

1 THE CHAIR: All right. Thank
2 you. We will break for an hour. We will
3 return at 1 PM.

4 As per yesterday, we cannot guarantee the
5 security of anything in the room; so we suggest
6 anything you have concerns about, take with
7 you. And we would remind the witness panel
8 that because you are in the midst of
9 cross-examination, that you are not at liberty
10 to discuss any of this with your counsel.

11 (WITNESSES STAND DOWN)

12

13 PROCEEDINGS ADJOURNED UNTIL 1:00 PM

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1 Proceedings taken at Govier Hall, Calgary,
2 Alberta

3

4 November 20, 2024 Afternoon Session

5

6 C.L.F. Chiasson Hearing Commissioner

7 H. Robinson Hearing Commissioner

8 S.F. Mackenzie Hearing Commissioner

9

10 B. Kapel Holden Counsel for the Panel

11 D. Ogunyemi Counsel for the Panel

12 O. Chijioke Counsel for the Panel

13 D. Brezina AER Counsel

14 K. Gibson AER Counsel

15 A. Lewis AER Staff

16 T. Wheaton AER Staff

17 E. Arruda AER Staff

18 A. Stanislavski AER Staff

19 N. Hymers AER Staff

20

21 D. Naffin For Pieridae Alberta

22 T. Myers Production Ltd.

23 T. Machell

24

25 M. Sawyer Representative for

26 Michael Judd

1 A. Vidal, CSR(A), RPR, RMR Official Court Reporter
2 R.M. Johanson, CSR(A) Official Court Reporter

3

4 _____
5 (PROCEEDINGS RECOMMENCED AT 1:03 PM)

6 Discussion

7 THE CHAIR: Please be seated.

8 So a few things just before we start. To
9 revisit in relation to exhibit numbers, even if
10 there was a list provided, it's not part of the
11 court reporter's duty or job description or
12 that to go back in and insert exhibit numbers
13 where there's references.

14 So as I said before, we strongly encourage
15 you all to where you're referring to exhibits
16 to make sure you're giving us the exhibit
17 numbers so it will get on the record. And it's
18 far easier reference for us to then, when we go
19 back and read the transcripts, understand what
20 it was that you're referring to because there's
21 a lot of information coming at us here. So
22 that would be appreciated.

23 As well, if I could just remind everyone to
24 speak slowly for our -- on behalf of our court
25 reporters, speak clearly. Sometimes things are
26 trailing off. And, Mr. Sawyer, when the
 witness is answering the question, if you can

1 just pause and make sure they're done answering
2 before you start on your next question because
3 they're getting a little bit of multiple voices
4 which is hard for them to track, then.

5 So if we can do that and also be mindful
6 of -- because I know we've got a lot of putting
7 heads together and checking on things, but
8 being sure to -- try as much as possible to
9 make sure that only one person is speaking at a
10 time. So if we can do that, that's
11 particularly helpful.

12 The other thing that came up over our lunch
13 break as well is if -- and we know everyone --
14 everyone who's been involved in this
15 proceeding, I think, knows things really well,
16 and you're experts in your area, but where
17 you're referring to acronyms, abbreviations,
18 that type of thing, please take the time to
19 also give what it means. The one that came up
20 in our conversation was ASME, I think it was,
21 where when someone said it at lunch time, I
22 thought, Oh, now I know what you're talking
23 about. So just in terms of that, I think even
24 once we get it -- get it on once, then it's --
25 then it's easier to grasp. And, as well, our
26 court reporters, while they come and do the

1 hearings for us, are not conversant in that
2 same terminology that everyone else can be. So
3 if you can try and keep that in mind, that
4 would be helpful.

5 So we're just past 1. Looking at the
6 schedule, we would be looking at a break around
7 3:00 or so.

8 Mr. Sawyer, do you -- can you give me any
9 idea of what you're anticipating for time
10 for -- with this witness panel?

11 M. SAWYER: I am -- I -- I
12 probably have -- I was a bit rushed this
13 morning 'cause I thought I wasn't going to get
14 through my questions.

15 THE CHAIR: Yes, I realize.

16 M. SAWYER: And so I could
17 occupy the full time, but I probably would be
18 done a little bit sooner.

19 THE CHAIR: Okay. So --

20 M. SAWYER: I mean, I know
21 that's not helpful, but...

22 THE CHAIR: Okay. So perhaps
23 3-ish; perhaps sooner. Is that what you're
24 thinking?

25 M. SAWYER: Well --

26 THE CHAIR: Because for now 'til

1 3 gives us nearly two hours, really, is --

2 M. SAWYER: When I look at the
3 time I was allocated, I have -- theoretically
4 have an hour and 20 minutes left.

5 THE CHAIR: Yes. And Ms. Arruda
6 and I discussed that over lunch, and
7 recognizing that we did take some time on
8 deliberations and that, we're thinking that
9 sort of in the hour -- hour forty five or in
10 that neighbourhood and recognizing that there's
11 creeping on that.

12 So what I would suggest is let's go with an
13 aim towards a 3:00 break, and we'll see where
14 you're at. If you're finished earlier than
15 that, then we'll look at what comes up next on
16 the schedule.

17 M. SAWYER: I can assure the
18 Panel I have no interest in dragging it out.

19 THE CHAIR: No. We appreciate
20 that, Mr. Sawyer.

21 M. SAWYER: I'll be done by 3 or
22 a little bit sooner.

23 THE CHAIR: Thank you very much
24 for that.

25 So I would say, Go ahead and proceed, then,
26 Mr. Sawyer.

1 M. SAWYER: Okay. So following
2 up on your advice, Commissioner Chiasson,
3 the -- I had the photographs of the ATV on the
4 road that I did not enter in as an exhibit, and
5 it's
6 AQ Number 14, page 1.

7 Could we have an exhibit number for that?

8 THE CHAIR: All right. We'll
9 get -- sorry. We'll get Ms. Chijioke to do
10 that for us.

11 O. CHIJIKE: Commissioner
12 Chiasson, the next exhibit number will be
13 Exhibit 223.1.

14 THE CHAIR: All right. 223.1.

15 EXHIBIT 223.1 - 2024-11-20 Judd AQ 14
16 - Photographs

17 M. SAWYER: Okay. On that, I
18 will continue.

19 THE CHAIR: Thank you.

20 PAUL KUNKEL, ERIN MACZUGA, KEN SCHEIRER,
21 DARRELL ARCHIBALD, BRIAN DEW, BRAD FOOTE,
22 JACQUELINE REDBURN, Previously Affirmed.
23 LUC SIMON, Previously Sworn

24 M. SAWYER: Gentlemen, ladies,
25 did you enjoy your lunch break? Perfect. I'm
26 glad.

1 Q M. SAWYER: Now, gentlemen, in
2 your application, you referenced a Shell
3 pipeline integrity management document filed as
4 Exhibit 002.02, PDF page 394. And in that
5 document, it stated: (as read)

6 Exposed pipelines, water crushing
7 issues, and unstable slopes must also
8 be reported to the regulatory
9 authority. [And then it went on to
10 say] Remedial repair project shall be
11 initiated.

12 Can you tell me what does that sentence "shall
13 be initiated" mean to Pieridae?

14 A K. SCHEIRER: Sorry. Excuse me.
15 Could you repeat the -- the PDF page number of
16 that document?

17 Q I believe it's 394.

18 D. NAFFIN: Sorry.

19 THE CHAIR: Would you like that
20 document brought up?

21 D. NAFFIN: Yeah. It would be
22 helpful to the panel. I think more expeditious
23 to Mr. Sawyer's cross if we could have those
24 brought up. Thank you.

25 THE CHAIR: Okay. Mr. Sawyer,
26 does that look like the right spot? Right

1 document, right spot?

2 M. SAWYER: That -- I -- I must
3 have the incorrect reference. Let me just ask
4 it as a question, a two-part question.

5 Q M. SAWYER: Maintaining minimum
6 cover depth is a regulatory requirement;
7 correct?

8 A K. SCHEIRER: Yes.

9 Q And when you find that you have a crossing that
10 is not in compliance with that regulatory
11 requirement, how expeditiously do you -- does
12 Pieridae think that you need to deal with that
13 problem?

14 A L. SIMON: Mr. Sawyer, we
15 would -- of course, our integrity management
16 program would identify that, what our thorough
17 water crossing inventory and inspections that
18 we do that are ranked based on risk and threat,
19 crossings and slopes for that matter. Any
20 issue that would be identified during those
21 inspections would be reported to the AER. We
22 have done that in the past with a notification
23 to them. VSD, I think, is the acronym. Sorry.
24 I can't remember the terminology or how to put
25 that together, what that means anymore, but
26 I'll -- I'll get back to you if I need to

1 clarify that.

2 Q Okay. And how long would a -- if you
3 identified an issue where a crossing was not in
4 compliance with the depth requirement, do you
5 have some set company policy in terms of how
6 quickly you deal with that, or can they go on
7 indefinitely?

8 A There are many components that would help us in
9 determining the urgency in the matter, I guess.
10 There's a risk component that we would assess.
11 The crossing itself, what is the impact both
12 for environment and for public safety? We
13 would identify that through that process to
14 them and -- and actually have time to prepare a
15 proper engineering assessment, a geotechnical
16 evaluation, and provide that as part of our
17 disclosure to the AER.

18 Q Okay. Thank you for that, Mr. Simon.

19 Moving on --

20 A E. MACZUGA: Just as an addition
21 to the record to help Mr. Simon there, his
22 acronym there referred to -- DDS refers to
23 digital data submission system.

24 Q I'm sorry. I did not hear that.

25 A Digital data submission system.

26 Q Okay. Pieridae submitted a copy of a report,

1 pipeline integrity management program, 2023,
2 which was authored by Mr. Simon, and that is
3 Exhibit 129.08 on November 12th, 2024. Not
4 until after requests by Mr. Judd, Pieridae
5 provided a copy of its 2024 pipeline integrity
6 management program report, Exhibit two
7 thousand -- or two zero -- sorry -- 220.1. And
8 at page 7 of the report, and the report being
9 the 2024 report, it was stated that: (as read)

10 The current inhibition program is
11 being greatly affected by inflation
12 and global supply chain disruptions.

13 What does that statement mean?

14 A L. SIMON: Yeah. Can you bring
15 that up? I can't recall exactly.

16 THE CHAIR: Is there a
17 particular page number we're looking for on
18 that?

19 M. SAWYER: My apologies. I'm
20 just trying to sort out whether I've given the
21 incorrect reference.

22 THE CHAIR: Mr. Sawyer, is the
23 sentence: (as read)

24 The current inhibition program is
25 being greatly affected by inflation
26 and global supply chain disruptions.

1 That was what you had.

2 M. SAWYER: Yes.

3 THE CHAIR: Okay. On my screen,
4 which is separate from the system, I see that
5 as I think PDF page 9 on this document.

6 Perhaps you can -- if you have a look at
7 the screen, Mr. Sawyer, I think you -- does
8 that look correct to you?

9 M. SAWYER: Yeah. I believe so.

10 A L. SIMON: So your question
11 exactly to this comment is in regards to the
12 supply of the product or ...

13 Q M. SAWYER: When Pieridae states
14 that your inhibition program is being disrupted
15 by inflation and global supply chains, I just
16 want to understand what does that mean?

17 A So if we're speaking specifically to the
18 continuous corrosion inhibitor that's listed
19 there, we -- we inject that at our wells, and
20 the supply is from the company here listed.
21 ChampionX is our supplier. And, of course,
22 they have product that's blended from various
23 locations, from even across -- in Europe and
24 Asia.

25 So there was -- with the supply chain
26 issues over the years, we've had difficulty

1 getting certain products; so we've had to look
2 at other options. So basically they just
3 developed another product that was more readily
4 available and that we were able to get the
5 product delivered at that point in time. There
6 was no ceasing or delays in our use of that
7 chemical.

8 Q And did the cost of those new products go up?

9 A Like everything else, yeah.

10 Q Yeah.

11 A Yes, they did.

12 A P. KUNKEL: Mr. Sawyer, if I
13 may. Just as a general comment, I would say
14 this is a challenge that industry in whole has
15 been facing, particularly since the pandemic,
16 where the ability to source supplies, even
17 services, has been challenged. But, as
18 Mr. Simon has said, there are lots of
19 alternatives available and -- and industry and
20 Pieridae in particular seeks to supply -- get
21 supplied with those alternatives.

22 Q Thank you for that.

23 A D. ARCHIBALD: I think it is
24 important to highlight that at no point were we
25 not able to source adequate corrosion inhibitor
26 and, like, to Luc's specification of the

1 continuous inhibitor where the lined pipelines
2 would require a batch inhibitor.

3 Q So I'm just going to turn to Exhibit 129.08,
4 which is the 2023 report, and if we could go to
5 page 8 of that report. And in that -- well,
6 I'll just wait until that comes up.

7 E. ARRUDA: Mr. Sawyer, are you
8 referring to the PDF page numbers or the page
9 numbers on the bottom of the written page?

10 M. SAWYER: Sorry. I'm --
11 I'm -- I'm referring to this report.

12 E. ARRUDA: Okay.

13 M. SAWYER: And -- and page 8
14 or 9.

15 You know what? I apologize to the Panel.
16 I seem to have gotten my references mucked up,
17 and I -- I'll see if I can muddle my way
18 through it. I apologize for --

19 THE CHAIR: We'll work with it
20 as best we can, Mr. Sawyer. Thank you.

21 M. SAWYER: Sorting this out is
22 fairly important to my next line of -- can --
23 can we take, like, a five-minute break while I
24 sort this out?

25 THE CHAIR: Yes. Let's do that,
26 Mr. Sawyer. Go ahead.

1 (ADJOURNMENT)

2 THE CHAIR: Please be seated.

3 So, Mr. Sawyer, I understand we are

4 straightened out now.

5 M. SAWYER: You know ...

6 THE CHAIR: All right.

7 Please --

8 M. SAWYER: As --

9 THE CHAIR: -- go ahead, then.

10 M. SAWYER: As much as I'd like

11 to blame it on my team members, unfortunately,

12 I can't do that. My apologies.

13 THE CHAIR: No. That's quite

14 all right. This -- the record is quite

15 extensive, and so it can be challenging at the

16 best of times to keep track of everything.

17 So please proceed.

18 Q M. SAWYER: Okay. So that --

19 the last question was with reference to

20 Exhibit 129.12, page 8, which the staff had

21 brought up on the screen for us. And under

22 (d), "External Corrosion Cathodic Protection",

23 if we come down to that table labelled "Major

24 Remedial Reports" -- "Repairs", under the

25 "Description" column, it -- it reads:

26 (as read)

1 Eight anode beds are failing.
2 Rectifiers already set to maximum
3 output. A few of them were designed
4 with weeping tiles for water
5 irrigation to help improve soil
6 sensitivity and are captured under
7 minor remediation table below.
8 Successful installation of horizontal
9 anode beds in 2020 and 2022 at a much
10 lower cost, approximately 80,000,
11 which appears to be a cost-effective
12 alternative rather than going with
13 deep -- semi-deep beds at an average
14 of 150,000 per location.

15 Unfortunately, a deep anode bed is
16 deemed to be required at WT 10-7 at an
17 estimated cost of \$230,000.

18 Going down to the bottom, that -- that
19 sentence -- that paragraphs that says:

20 (as read)

21 The anode bed replacement budget was
22 cut in 2003.

23 Why was the budget cut in 2003?

24 Discussion

25 T. MYERS: Commissioner

26 Chiasson, what I don't see on the page that

1 Mr. Sawyer just read is any reference to
2 Pipeline Licence 62559, so I'm wondering if
3 Mr. Sawyer might be able to help us out with
4 the relevance of the question before the
5 witnesses respond.

6 M. SAWYER: Thank you for that
7 question, Mr. Myers. The relevance is this:
8 It's that Pieridae has made the case that they
9 are a capable and competent operator who is
10 fully able to operate their system safely and
11 in compliance with the four scoping issues that
12 have been identified, and this is information
13 that they have filed as part of their
14 application -- or in support of their
15 application -- well -- sorry. Mr. Myers would
16 get up and say it was filed in response to an
17 IR from the Board, from the Panel; correct?

18 So in my attempt to undermine their
19 argument that they are capable of operating
20 the system correctly, I'm cross-examining them
21 on these questions from the material that they
22 submitted, and I believe that's why it's
23 relevant.

24 T. MYERS: The document we're
25 looking at is an annual integrity plan report
26 that includes more than just the subject

1 pipeline. It wasn't provided in support of any
2 application. It's a 2023 document. The
3 subject pipeline licence application was filed
4 in 2021, so there is information in here that
5 is relevant to integrity monitoring, to the way
6 Pieridae operates pipelines, and things that
7 I -- I would concede would be relevant to the
8 subject pipeline and to the issue in this
9 hearing. I don't see any relevance or
10 connection with what Mr. Sawyer is -- is
11 referencing here.

12 THE CHAIR: So I guess,
13 Mr. Sawyer, I think the Panel's question would
14 likely be because we've got their -- the table
15 box that's got location right next to -- right
16 in the descriptor you have read out, and that
17 is are any of those locations directly related
18 to the pipeline covered by Licence 62559? And,
19 if so, then I would say potentially proceed,
20 but --

21 A L. SIMON: Yes. The 10-7 well
22 site is associated because it's on the same
23 lease as Waterton 61. As far as the -- the
24 anode bed or the cathodic protection
25 requirement, these were, as you know, all Shell
26 assets back in the day. There was extensive

1 finances to add anode bed, cathodic protection
2 on the well casings, and there's not a
3 regulatory requirement. That is an asset-based
4 decision based on, you know, the ability to
5 maintain production on our wells.

6 We've used cathodic protection on our
7 pipeline, which is a regulatory requirement.
8 There is a significant amount of systems in the
9 field that we're able to connect, bond, and
10 achieve our target requirements for maintaining
11 cathodic protection on our pipelines, including
12 the subject pipeline.

13 Q M. SAWYER: Thank you for that,
14 Mr. Simon.

15 What is the -- so you -- you have cathodic
16 protection on the new pipeline, and what's the
17 source of that cathodic protection?

18 A Oh, we have that pipeline sourced from
19 Junction 6-12, which is physically connected to
20 that location.

21 Q Okay. And it's connected --

22 A To the pipeline.

23 Q -- by the -- the -- the -- the old Shell
24 pipeline that you're going to re --

25 A Yeah. There's an electrical -- electrical bond
26 there.

1 Q Okay. So back to my question: Why was the --
2 why was the anode replaced with a budget cut?

3 A It was like any other business. We have all of
4 our items identified, and we risk rank and
5 consider where we can spend our money to be a
6 profitable organization.

7 A D. ARCHIBALD: And I think it's
8 important to note discussion around having
9 found better ways to install anode beds, and we
10 were able to do multiple anode bed
11 replacements.

12 Q Okay. Following from that on -- on the 2024
13 report, which is Exhibit 220.1, at page 9, it
14 indicates that the anode beds that were
15 required at WT 10-7, WT 9-7, WT 62 have not
16 been yet replaced, even though they were
17 identified for needing replacement in 2023.
18 Why is that?

19 A L. SIMON: Can you bring that
20 up? Can you bring that up, please?

21 Q So that would be Exhibit 220.1, page 9. So in
22 the table "Major Remedial Repairs", it lists
23 10-7, 9-7 and 22, and there's nowhere in here
24 it indicates that those that were listed in '23
25 have been repaired.

26 A Yeah. As I just stated previously, the

1 cathodic protection is maintained from the
2 existing anode beds in that area, and it's
3 listed right there that we have met potential
4 requirements on that pipeline from upgrading
5 that rectifier at Junction 6-12.

6 Q So thank you for that.

7 But let's just zoom in on this question for
8 a bit. So that you've told me that cathodic
9 protection for the pipeline is coming from the
10 10 -- or it's 6-12, and it's connected to the
11 10-7 well. In your 2023 report, you indicated
12 that needed repairs or replacement; correct?

13 A I identified it as a -- potentially, if we're
14 not able to maintain those levels.

15 Q And then -- and then again in the 2024 report,
16 it's also indicated as -- as a need. And so if
17 you could confirm for me that anode replacement
18 at 10-7, has it actually happened yet?

19 A No, it has not. And it is not required.

20 Q And -- and it -- did it -- the reason it hasn't
21 happened is because of -- related to the budget
22 cuts?

23 A No. We were able to achieve our targets by
24 tying into the existing infrastructure there.

25 Q So you're going to replace that by tying into
26 the -- the -- the 6-12 cathodic protection?

1 A We're going to replace -- pardon me. What are
2 we going to replace?

3 Q So is the 10-7 cathodic protection going to be
4 redundant because you're hooking the whole
5 system into the 6-12?

6 A At this point, yes.

7 Q Okay.

8 A Unless -- yeah. That's correct.

9 Q Moving along. And -- and -- and thank you for
10 your patience, gentlemen.

11 Can Pieridae confirm that both the 2023 and
12 2024 reports that you authored, Mr. Simon,
13 identified inadequate depth of cover on
14 tributary at Beaver Mines Creek. My question
15 is -- and -- and that would be Exhibit 220.1.
16 My question is why has Pieridae not repaired
17 that stream crossing that was identified in
18 those two reports?

19 A It's like the rest of our systems. They're all
20 assessed, and we disclose that particular
21 location to the AER with -- our objective is to
22 continue to monitor depth to cover and to
23 identify a need for repair not based on any
24 disturbance of the existing cover that's there
25 now.

26 Q So -- so the -- the idea that -- did you want

1 to add something to that, Mr. Simon?

2 A No.

3 Q So -- so this idea that when we go back to the
4 Shell integrity management plan that those --
5 those depths of cover issues, you know, shall
6 be dealt with -- and I'm paraphrasing there.
7 What you're telling us now is that you're below
8 the regulatory requirement, but then you
9 monitor those and assess how -- how -- which
10 ones should be repaired sooner or later?

11 A Yeah. As I mentioned, every -- every pipeline
12 has its own criticality. This particular
13 pipeline that has low cover is inactive,
14 discontinued pipeline, so the threat of a -- to
15 safety or public safety is not there.

16 Q So that pipeline across Beaver Mines creek
17 is -- is discontinued?

18 A That's correct.

19 Q Okay. That's helpful. Thank you.

20 In the same two reports, you made reference
21 to an inadequate depth of cover on a tributary,
22 Yarrow Creek. And, again, the 2024 report
23 indicates that has not been repaired. Can you
24 tell me why that one has not been repaired?

25 A There's -- yeah. We've -- we've done all the
26 scour assessments according to our pipeline

1 data management program using third-party
2 consultants like Matrix or whoever out there is
3 able to supply us with that expertise. Their
4 geotechnical evaluation have determined that
5 the risk of scour is very low, and we continued
6 to monitor that according to our commitments to
7 the AER, which was done with -- in this case
8 the VSD which is a voluntary self-disclosure
9 back in 2021, I believe.

10 Q And one of those third-party consultants was
11 Matrix, and they told you it would cost
12 approximately \$350,000 to repair the
13 depth-to-cover issue. That's what you stated
14 in your report.

15 A Can you bring that up now?

16 Discussion

17 D. NAFFIN: Again, Commissioner
18 Chiasson, I'm struggling with the relevance of
19 Yarrow Creek to the subject pipeline and how
20 any of this relates to the four in-scope
21 hearing issues beyond some sort of broader
22 fishing expedition for every facility in the
23 Waterton area. So, certainly, we have a
24 concern with this line of questioning based on
25 the relevance of same. Thanks.

26 M. SAWYER: I would say in

1 response -- I think I might be repeating
2 myself, but Pieridae has made the case that
3 they're a good operator and that, you know,
4 they follow all the regulations, and I'm using
5 the information that they've submitted, their
6 documents, to challenge that -- the credibility
7 that they are actually good operators. And so,
8 you know, does Yarrow Creek have anything
9 directly to do with the subject pipeline? No.
10 Does it have something to do with the
11 credibility of Pieridae's often-repeated claims
12 that they have the capability to manage that
13 pipeline safely or to manage it to protect the
14 environment? Then absolutely their track
15 record is relevant. And -- and that's why I'm
16 asking the questions. It's not to go back to
17 the subject pipeline, per se. It's to test and
18 challenge Pieridae's credibility that they can
19 meet the four criteria that have been
20 identified as issues in this hearing.

21 THE CHAIR: We recognize that,
22 Mr. Sawyer. That's become clear to us through
23 your cross-examination. I would note that on
24 this we do have Mr. Simon saying that with
25 that, it varies from pipeline to pipeline
26 depending on the particular pipeline, and, as

1 such, I think we would strongly encourage you
2 to move on on this point.

3 Q M. SAWYER: I'm going to turn to
4 Exhibit 124.04 at page 25, and this is the
5 Pieridae's response to an information request
6 from Mr. Judd, and in that information request
7 Pieridae has indicated that it keeps bell holes
8 locked due to confined space hazards associated
9 with bell hole enclosures. And if you could
10 turn to Aid to Cross-Examination Number 14.

11 Now, gentlemen, have you seen this aid to
12 cross-examination prior to today?

13 A D. ARCHIBALD: Yes, I have.

14 Q Okay. So when -- prior to the construction
15 started on your pipeline in the fall of 2023,
16 Mike Judd and I and several others took a tour
17 up to the 6-12 site and -- and while we were on
18 that tour, we found two different bell hole
19 covers that the locks had been either entirely
20 removed or, in the case of this one here, which
21 is just upstream of 6-12, the padlock was still
22 hanging on the chain but unlocked.

23 And you can see if you scroll down on those
24 paragraphs, if you would, to the next page,
25 you'll see the lid is wide open, and you see
26 what the interior of the bell hole looks like.

1 And if you scroll down one more photograph,
2 you'll see the second bell hole, which is
3 farther down towards Junction J, again, without
4 a lock on the roof. So if it is Pieridae's
5 response to information request that you keep
6 those locked as part of your safety program so
7 that the public are not endangered, then how is
8 it that on a random day when we show up there
9 without any effort whatsoever, we find two of
10 your bell holes completely unsecured?

11 A So, like -- as you said, Mr. Sawyer, locks are
12 required. All assets are to be locked into --
13 sorry. All assets are required to be locked
14 and secured. We need to maintain security, as
15 you said, for public confined space, but on top
16 of that, support RCMP and their efforts in the
17 area with crime.

18 You know, we're dealing with thefts
19 constantly. And same as the rest of the
20 industry, as we know, batteries, copper thefts.
21 So all securement issues like you've shown are
22 unacceptable, and each one of these would have
23 resulted in a security event.

24 So, like, Shell would've ran a fountain
25 impact management system. We run a maximal
26 event management system. So it's just

1 sent out letters that update communities with
2 regards to our activities, and we have included
3 this issue in the community letters asking for
4 their support and their help to watch out for
5 incidents like this and identify them so that
6 we can deal with them as well.

7 Q So when we -- when we put in that information
8 request, your response was, you know, Our
9 policy is to always keep these locked. We
10 discovered two instances on one day, which is a
11 very small sample size in terms of your
12 operation and only in the Screwdriver Creek
13 valley, two examples where you didn't comply or
14 you weren't able to comply with your policy.

15 So my question is: In the context of you
16 putting in this pipeline and hooking up the old
17 pipeline up to 6-12, if you can't manage
18 your -- a simple thing like keeping bell hole
19 covers locked, what comfort does that give to
20 Judd that you can operate your pipeline and its
21 associated facilities according to the
22 regulations and to protect his safety?

23 A D. ARCHIBALD: I think I have --
24 well, I think the team that I have is very
25 focused. I have a very experienced operations
26 team. We have 15 years of excellent operation

1 in the Screwdriver Creek valley. We've had
2 good continuity coming from Shell to Pieridae,
3 and we have excellent practices and procedures
4 in place.

5 We have an integrity management program
6 that we've carried over and review every year
7 for -- to -- to ensure that it's -- it's --
8 still nothing were missing. Like -- like,
9 really, we have the monitoring practices in
10 place. We have our preventative maintenance
11 programs. We have multiple processes working
12 together. I wouldn't say a cut lock on one and
13 a partially closed lock on the other would be
14 indicative of all the work we've presented
15 today or on the amount of work we do to keep
16 our assets safe.

17 Q Moving along. Can Pieridae confirm that the
18 pipeline is in an area that receives some of
19 the highest precipitation in the province of
20 Alberta, on average between 500 and 700
21 millimetres of precipitation a year?

22 A K. SCHEIRER: I'm sorry. Is that
23 information on the record, Mr. Sawyer?

24 Q No. It's not. I'm just asking are you aware
25 that this is an area of high snowfall and high
26 rainfall? I'm assuming if you people live in

1 Pincher Creek or Beaver Mines that you would
2 know this.

3 A D. ARCHIBALD: So I don't know the
4 specific ranking of the area. Was that your
5 question? Sorry.

6 Q M. SAWYER: Okay. So I just
7 pulled that off a government web page, but can
8 you confirm for me that the -- it's an area
9 that has some of the highest precipitation
10 rates in the province of Alberta?

11 A I -- I -- in the mountains I would say we
12 get -- compared to where? I'm sorry. I can't
13 speak to if we have the highest. We do get
14 good snowfalls. It depends on the year. We do
15 get higher -- we can get high precipitation,
16 depending on the year, just being in Foothills,
17 but I can't say how that compares to Calgary's
18 level of precipitation or snow. I don't -- I
19 wouldn't be able to say. Sorry.

20 Q Thank you for that. I'm going to pull up Aid
21 to Cross 15.

22 M. SAWYER: And, Commissioner
23 Chiasson, I neglected again to ask for an
24 exhibit number for AQ LF 14, and if we could
25 have that.

26 THE CHAIR: All right. We'll

1 get Ms. Chijioke to help us with that.

2 E. ARRUDA: I think we
3 entered Aid to Cross 14 as Exhibit 223.1.

4 THE CHAIR: Oh, that's right.
5 That was the photos with the road and the --

6 M. SAWYER: Oh, it's all part of
7 one. Okay.

8 THE CHAIR: Yes. Okay. Okay.
9 We're dealt with.

10 Thank you, Ms. Arruda.

11 D. NAFFIN: My apologies. Just
12 so I understood that, the bell hole photos were
13 included with the ATV photos --

14 E. ARRUDA: It was all one
15 document, Mr. Naffin.

16 D. NAFFIN: -- into one
17 Exhibit 223.1?

18 E. ARRUDA: Yes.

19 D. NAFFIN: Got it. Thank you.

20 E. ARRUDA: It's in SharePoint
21 already.

22 Q M. SAWYER: So the Aid to Cross
23 Number 15 is the text of an email that I
24 received from Melissa Friedman -- Friesen, who
25 at the time was the community representative
26 for Pieridae in the water field. And this is

1 dated 2023/10/3, and it was sent to me, but
2 it's a generic email that was sent to a number
3 of people. And it says: (as read)

4 I wanted to let you know that the
5 company has made a decision that will
6 affect you. The position of community
7 liaison officer [which she was one]
8 has been removed from all sites:

9 Waterton, Jumpingpound, and Caroline.
10 I won't read the whole thing, but it says:
11 (as read)

12 I do not have many answers what this
13 will mean long-term, but from what
14 I've been told, you know where to get
15 ahold of someone to address
16 inquiries in the following ways.

17 And then she gives the emergency number,
18 et cetera.

19 So my question was, you know, there's been
20 a community liaison officer in the Waterton
21 field for 50 years. You know, it's been --
22 it's a long-standing practice that people like
23 Mr. Judd would have the ability to reach out
24 directly to that person if they had questions.

25 Why did the company eliminate those three
26 positions?

1 A P. KUNKEL: Thanks for the
2 question, Mr. Sawyer. This really comes down
3 to an approach on how to communicate
4 effectively with the stakeholders in the area.
5 We made the decision that the CLO was not
6 required in the area because we would rather
7 them communicate with a more senior person, and
8 in this case it would be -- it would be
9 Darrell. So in getting rid of those CLOs, we
10 actually have taken a strategic approach to say
11 that we want to provide more senior people to
12 be available to answer questions and show
13 our -- our -- our concerns and our ability to
14 deal with issues directly when raised.

15 Q Okay. And -- and the elimination of those
16 two -- three positions, it was -- it had
17 nothing to do with Pieridae's financial
18 situation?

19 A No. It was more of an approach and a strategy
20 in stakeholder communications and relations.

21 Q And -- and since that position was eliminated
22 in the Waterton field slightly over a year ago,
23 have -- have -- has -- has your senior
24 representative had any reason to reach out to
25 Mr. Judd to discuss any projects?

26 A D. ARCHIBALD: So we maintained the

1 company -- the CLO previous mailbox where we
2 engaged with members of the public on --
3 usually social investment comes through there,
4 so we maintain that channel because that's a
5 typical operation that they're used to. So
6 Mr. Judd, I haven't communicated with directly,
7 but my foreman Lorne Harty has since the
8 termination of the CLO position.

9 Q Okay.

10 A I can look at the date, if you want.

11 A P. KUNKEL: I would also add we
12 did conduct an open house down in the Waterton
13 area -- I believe it was in April of this
14 year -- and invited the community to come and
15 meet with our CEO and -- and Darrell. I don't
16 believe Mr. Judd had shown up for that, but he
17 certainly was made aware of that -- that
18 meeting as well.

19 Q Okay.

20 A E. MACZUGA: Just to add to that,
21 there was also a group within the Waterton area
22 referred to as the "Waterton advisory
23 committee" -- or group, "WAG" for short. And
24 so there's been a number of email updates over
25 the last year as it relates to this particular
26 Waterton 61 project; one in April 11th of this

1 particular year, and then another one as recent
2 as yesterday as it relates to the particular
3 matter.

4 Q Thanks for that.

5 Tell us just -- tell us what WAG is and
6 what it's supposed to do.

7 A At a high level, the Waterton advisory group is
8 a community of stakeholders in the Waterton
9 area and as a means by which the community can
10 speak to operators in that particular area.

11 Q Okay.

12 A D. ARCHIBALD: And Mr. Judd wasn't
13 involved in the last WAG, but there were family
14 members from the people from the EPZ on this
15 area that -- that -- that would've been.

16 So ...

17 Q And -- and, you know, the WAG is a continuation
18 of the Shell process. Now that Pieridae's
19 running WAG, do you compensate people for the
20 time they put in for participating in WAG?

21 A So WAG is a community group. In -- the last
22 WAG we had in town was actually attended by our
23 chief executive officer, Darcy Reding, to make
24 all in roads in with the community. And if
25 people wanted to join the WAG, it's voluntary,
26 and I guess the only compensation would be

1 coffee and doughnuts.

2 Q Okay. So I would put it to you that -- I mean,
3 Pieridae's -- as an energy company, your
4 objective is to make a profit for your
5 shareholders; correct?

6 A P. KUNKEL: In a manner that's
7 safe and responsible, yes.

8 Q Yeah. Accepted.

9 So why would a company like Pieridae expect
10 members of the public who -- who are not going
11 to make a profit from your activities to donate
12 their time so that you can facilitate your
13 public consultation process?

14 A I would say out of interest in what we're doing
15 and recognition to what we bring to the areas
16 in which we do our business. We do provide
17 services, we do provide jobs, we pay taxes, and
18 we are contributors in the community. So I --
19 I would -- I would assume it would be out of
20 interest on those fronts.

21 A D. ARCHIBALD: And I also want to
22 add the last WAG -- a lot of positive feedback
23 on our weed management control. We had
24 excellent feedback on our social investment.
25 They want to be there to thank us for what we
26 do and let us know we're appreciated, and how

1 can they help is usually some of the
2 conversations we have with the landowners.
3 It's -- they give us feedback on everything
4 from the products we use for dust control to if
5 they're seeing something that they could use
6 help with on fencing or -- or anything. It's
7 just -- it's a good opportunity for everyone to
8 get together, and I have never been requested
9 for any financial compensation. They're very
10 appreciative, and they recognize it as a --
11 as -- as above and beyond.

12 Q And -- and are there other people in WAG who
13 participate regularly who file statements of
14 concern and come to hearings about Pieridae's
15 activities?

16 A E. MACZUGA: As it relates to
17 this original application, there was one other
18 stakeholder who submitted a statement of
19 concern, and so that then was dealt with
20 through the initial process of the AER
21 application and through multiple SIOs, and they
22 decided not to join this particular proceeding.

23 Q Have they participated in WAG?

24 A Yes.

25 Q Do you -- gentlemen, do you know the concept
26 "talk and drill"? You have never heard that

1 concept? It's -- it's --

2 A D. ARCHIBALD: "Talk and drill"? No.

3 Sorry.

4 Q Well, it -- the basic idea is that large
5 resource companies use public consultation
6 processes to divert members of the public's
7 energy away and -- and subvert them while
8 you're talking, but in the meantime you're
9 still drilling. You're -- you're not aware of
10 that concept at all?

11 (NO VERBAL RESPONSE)

12 MR. SAWYER: Okay. I'm going to
13 move along. I'd like to bring up
14 Exhibit 182.2, PDF page 23, please, on the
15 second paragraph.

16 Q M. SAWYER: So before I ask you
17 a question about this, I -- I have a
18 preliminary question. That is: Can -- can
19 Pieridae confirm that its financial statements
20 are public documents?

21 A P. KUNKEL: Yes, they are.

22 Q You can?

23 A Yeah. You can find them on our website.

24 Q And -- and -- and this is a document that I
25 pulled off of your web page. It is the 2024
26 annual information form, and at page 23 of that

1 document in the second paragraph, it indicates
2 that -- that Pieridae's abandonment reclamation
3 costs for existing and active -- and economic
4 wells, pipelines, facilities was 495 million.
5 Do I have any reason to think that's not a
6 correct and accurate number?

7 A The number is correct and accurate. I'd just
8 put it into context. So that's an estimate of
9 what the reclamation costs would be if we were
10 to inflate them at 2 percent over a long period
11 of time. So, for example, if we have a
12 facility that has a lifespan of 80 years, we
13 would do an assessment of what it would cost
14 today, and then we would inflate it over
15 2 percent for cleanup back then at that time,
16 80 years.

17 So this is really a representative of the
18 cost which would be required to clean it up
19 down the road. If you were to discount that at
20 10 percent, as we do with our independent
21 reserve evaluations, a comparative to that
22 would be 12.3 million in today's dollars.

23 Q How much?

24 A 12.3 million in today's dollars discounted at
25 10 percent.

26 Q And was that reported in this form?

1 A Yeah. It's the line underneath there as well.
2 You can see it discounted at 10 percent is
3 approximately \$12.3 million.

4 Q Okay.

5 A Yeah.

6 Q Thank you for that.

7 And the -- the -- the amount that you're --
8 notwithstanding that there's some discounting
9 and -- going on there, are -- are those for
10 assets that Pieridae owns?

11 A These are for assets in which Pieridae has a
12 beneficial ownership in. That's correct.

13 Q Okay.

14 A All of these numbers.

15 Q So -- so they would include all of the
16 Foothills assets?

17 A They include every asset where we have a
18 working interest in them, yes.

19 Q Okay.

20 A Yes.

21 Q So it's not necessarily those that you are the
22 licensee of record. It's if you have an
23 interest -- working interest in it?

24 A These are ones where we might not be the
25 licensee but do have a working interest in.
26 They -- they would be included in these

1 numbers.

2 Q Okay.

3 A Correct. Which -- which is different from the
4 deemed liability assessment that's done that
5 was alluded to by Dr. Finn yesterday.

6 Q Yes. Okay.

7 A It's a different -- different approach,
8 different number.

9 Q Yeah. So I just wanted to get into the LCA
10 risk assessment just briefly, and -- and
11 there's been a lot of discussion and back and
12 forth on the question of Pieridae's financial
13 information and is it relevant or not relevant.

14 And my -- my question to you is this:
15 Being that that financial information is public
16 information, why has Pieridae repeatedly
17 requested that that information be kept
18 confidential?

19 A The -- the shorter answer is if you are looking
20 at the \$495 million, that is for Pieridae
21 Energy. So as a licence holder under Pieridae
22 Alberta Production Limited, those numbers would
23 be included in that number, but that would not
24 be the complete -- that would not be the
25 complete number. We have assets in BC, we have
26 assets in Nova Scotia and Quebec, and those are

1 all consolidated up into that number. So the
2 number that you see in the LCA is not disclosed
3 specifically in our financial statements.

4 And it's a different calculation as well.
5 It's not -- it's not calculated as per the
6 495 million as alluded to Mr. Finn yesterday.
7 It is an uninflated, un-discounted number on
8 licenced assets. So it's -- it's a completely
9 different calculation.

10 Q So -- so the issue isn't the confidentiality of
11 your financial statements. The issue is, you
12 know, how you interpret that in the context of
13 the various companies that you have.

14 A The -- the document that you refer to here is
15 on our website. It's --

16 Q Yeah.

17 A Yeah. It's available.

18 Q Okay. So my -- my next question is: Is the
19 financial information that Pieridae submitted
20 to the AER at some point materially different
21 than what you have as public information?

22 Submissions by T. Myers

23 T. MYERS: Commissioner
24 Chiasson, we have been through this in a fair
25 amount of detail leading up to the hearing. It
26 all relates to the amended motion that was

1 filed, the disclosure that regulatory
2 applications is required to file the redactions
3 to the information that was contained therein.
4 I would note that all that information relating
5 to financials was redacted only because it's --
6 when it's submitted to the AER, it is
7 confidential, but, more importantly, because
8 it's not relevant to the issues that we're
9 dealing with in this proceeding, which is the
10 reason it was redacted by regulatory
11 applications and further redacted by the panel
12 before it got released to the parties to the
13 proceedings.

14 So to try to come at it a different way, I
15 think is, again, similar to what I was talking
16 about yesterday, an attempt to revisit issues
17 that have already been decided, a collateral
18 attack on findings the Panel has already made,
19 and I don't think appropriate to be putting to
20 the witnesses here.

21 Submissions by M. Sawyer

22 M. SAWYER: Well, my response to
23 that would be that the Panel made a decision
24 to -- to release the LCA, and notwithstanding
25 that it was in its redacted form, one of the
26 questions that, you know, we looked -- in terms

1 of looking at that information was -- and in
2 trying to interpret what that meant to these
3 four issues that are -- that are here is, you
4 know, how do we interpret that?

5 And so, you know, our approach is well
6 known to the Panel. We -- we took an existing
7 LCA from another company where we could start
8 to understand the process. We took the
9 financial information.

10 So it is relevant to us analyzing and
11 interpreting the -- the LCA information that
12 was -- that was released and then putting that
13 into the context of this pipeline hearing
14 and -- and the four issues that are in front of
15 us.

16 So I -- you know, we're -- the truth of the
17 matter is we're not -- what the numbers are
18 really don't matter to us. What we're trying
19 to understand is -- is how this fits into what
20 the LCA means in terms of Pieridae's capability
21 at -- to -- to have this licence or operate
22 this pipeline. So I would say, you know, to a
23 limited degree, it is relevant. I wouldn't go
24 too far down this rabbit hole. If I -- if I
25 did, I think that that would be inappropriate,
26 but I'm just trying to establish --

1 THE CHAIR: So, Mr. Sawyer,
2 tying in with that, if you could help the Panel
3 understand. Because with this Licence 62559,
4 the licence is issued to Pieridae Alberta
5 Production Ltd. The material that we have up
6 on the screen, the material that you provided
7 as Dr. Finn's evidence, speaks to Pieridae
8 Energy.

9 So what's the -- what's the link there?
10 Tell us about -- help us understand, then, how
11 Pieridae Energy and that information is
12 relevant to Pieridae Alberta Production Ltd. in
13 Licence 62559.

14 M. SAWYER: Well, Commissioner
15 Chiasson, that's a very difficult question for
16 me to answer because if all of this is cloaked
17 in the veil of confidentiality, it's very hard
18 for my client to understand what actually is at
19 issue here.

20 And, you know, the idea -- you know,
21 corporations using multiple corporations to
22 hold different elements of their business is --
23 is a well-known strategy in the corporate
24 world. And so I don't have a clear answer to
25 you on this question, but I think that, you
26 know, now that we've been made aware of the

1 fact that the corporate entities are different,
2 it begs the question -- still begs the question
3 if the public information from the corporation
4 has been filed publicly -- there's been an
5 enormous amount of resistance about -- about
6 having that conversation about that public
7 information.

8 If earlier in the process we said -- they
9 had said, Oh, no, no. The real issue is that
10 we're -- we -- we want to hide our information
11 for our other corporation, we could've pivoted
12 and taken a different approach, but I can't --
13 now it's too late in the process, but I think
14 the idea that this is probably -- is treated as
15 essential is -- is severely disadvantageous of
16 members of the public and Mr. Judd in
17 understanding the capability of a company like
18 Pieridae to deal with the four issues that have
19 been set up as the issues in this hearing.

20 THE CHAIR: Mr. Sawyer, I would
21 say that that really doesn't tell us how it is
22 that Pieridae Energy is relevant to this
23 licence, which is what we are -- what we are
24 considering here in this regulatory appeal, and
25 because Pieridae Energy is not the licensee on
26 this licence. So what we're looking for is to

1 understand -- I hear what you're saying
2 about -- we hear what you're saying about
3 confidentiality, but we're not understanding
4 the link or what the link is that you're
5 looking to have us consider Pieridae Energy's
6 financial information as relevant to this
7 licence.

8 M. SAWYER: Well, I -- I don't
9 think I can expand on it more than I have, but
10 I would go to my last question which raised the
11 objection, which is a very simple question.

12 Without asking what the information -- that
13 they filed with the AER, I'm just saying it's
14 materially similar to what is publicly
15 available. And that's a pretty easy question.
16 Submissions by T. Myers (Reply)

17 T. MYERS: And I would suggest
18 to you if he's going ask that question, he
19 might as well ask the direct question, which
20 is: What is the information that was filed
21 with the AER? And, again, our view is that
22 information is not only confidential as far as
23 the AER's treatment of it goes, but it's also
24 irrelevant because it's been specifically
25 scoped out from the issues here in this
26 proceeding.

1 So we've got a number of concerns with the
2 line of questioning, with the documentation
3 that he's trying to rely on. I think what's
4 clear is that the information that Mr. Sawyer
5 and Dr. Finn have relied upon, they haven't
6 done an appropriate analysis of the entity that
7 we're here to talk about, which is the
8 licencee, and they are trying to -- to fish
9 around for information, which Mr. Sawyer says
10 that this information is putting Mr. Judd at a
11 disadvantage. This isn't new publicly
12 available information. Companies file this
13 information every year all the time. So to
14 suggest that he's at some sort of disadvantage
15 because he's just identified it now doesn't go
16 to the issue of relevance that we're most
17 concerned about.

18 THE CHAIR: Okay. Just a
19 moment, please.

20 (DISCUSSION OFF THE RECORD)

21 Ruling

22 THE CHAIR: So, Mr. Sawyer,
23 we're going to ask you to move on from this.
24 We're not satisfied that we're convinced of the
25 relevance of financial information for Pieridae
26 Energy at this point in -- vis-à-vis this

1 licence and Pieridae Alberta Production Limited
2 as the licensee.

3 We think we've been abundantly clear in
4 terms of what's in scope and what's not and in
5 our direction vis-à-vis the LCA and that
6 disclosure in which we excluded financial
7 information and directed production of the LCA,
8 particularly in relation to performance
9 measures. So at this point we would like to
10 you move on.

11 M. SAWYER: Thank you for that
12 direction.

13 Q M. SAWYER: I'd like to ask a
14 couple questions about the environmental
15 assessment work that was done, and I don't
16 think we have to pull up the document because
17 there's quite a bit of it, but when you
18 established the regional study area, you
19 excluded all public lands from that regional
20 study area; is that correct?

21 A J. REDBURN: That's not correct.
22 The RCA included private and public land as the
23 boundary encompasses.

24 Q So if we think about the -- the lands that are
25 off to the north like up in the Lynx Creek Road
26 which are all public -- or privately owned

1 lands, but those were excluded from the
2 regional study area, were they not?

3 A They were not excluded. The RCA was
4 established as the area delineated on our maps
5 and that included private and public land.

6 Q Okay. So that being the case, when you were
7 doing the cumulative effects assessment with
8 respect to land disturbances specifically, I'm
9 referring to logging -- you only looked at the
10 logging that was occurring on public lands.
11 You did not look at the logging that was
12 happening on private lands. Is that not
13 correct?

14 A When we were conducting the cumulative effects
15 assessment, we did evaluate activities on
16 private land and private land; however, it is
17 often difficult to assess activities on private
18 land because we are basing that on publicly
19 available information. And so the logging
20 activity that you might be referring to was
21 submitted as an exhibit, 1.26.06, Exhibit E,
22 logging. And in that case, the logging
23 activity that was presented in that exhibit was
24 not missed or ignored by Trace as the aerial
25 imagery reviewed that was available; so
26 August 20, 2019, from Google Earth and

1 Google -- and June 2021 in Esri, world imagery
2 did not show the tree clearing noted in that
3 exhibit.

4 So your review of Exhibit E was most likely
5 the imagery taken in August 2023, which was not
6 available at the time that we completed our
7 updated environmental assessment dated
8 September 13th, 2023.

9 Q And since you've seen that Google image that I
10 marked up, have you gone back and -- and
11 rethought your conclusions in terms of
12 cumulative effects?

13 A If the evidence of the clearing had been
14 present when we initially did our -- our
15 review, it would not have changed our analysis
16 or conclusions.

17 Q Okay. Follow-up question: In your EA
18 document, you referred to -- I think you
19 referred to it as a "wildlife check" where you
20 had a biologist check on grizzly bears' use in
21 the area, and I believe that it -- I mean, you
22 could pull it up if you want, but I think it
23 said that he walked up the road and looked
24 around, and he didn't see any sign of grizzly
25 bears. Do you know what I'm referring to?

26 A I am. I'm just going to pull it up.

1 Q Sure.

2 A One second, please.

3 A D. ARCHIBALD: Are you able to pull
4 it up so I can -- so we can all review --

5 Q Sorry?

6 A Are you able to pull the document up so we can
7 all review it? Whichever is the document
8 you're referring to. Sorry.

9 D. NAFFIN: Yeah. Once
10 Ms. Redburn has the exhibit reference, maybe we
11 could bring it up. That would be helpful to
12 the Panel and -- or this witness panel.

13 THE CHAIR: Thank you.

14 D. NAFFIN: And maybe even --

15 THE CHAIR: I think it would
16 be --

17 D. NAFFIN: -- to the --

18 THE CHAIR: I think it would be
19 helpful to the --

20 D. NAFFIN: And maybe even to
21 the formal panel.

22 THE CHAIR: -- this Hearing
23 Panel as well.

24 A J. REDBURN: The exhibit is 124.02,
25 and it's in response to Number 69, and so in
26 that response, we have listed that on

1 December 5th, 2022, a general wildlife sweep
2 and grizzly bear den survey was conducted by
3 Chris Fisher, professional biologist, and then
4 the consequent paragraphs just go into his
5 training to conduct surveys and the protocol
6 that he followed to survey for potential
7 grizzly bear dens.

8 Q M. SAWYER: And in completing
9 your environmental assessment, did you review
10 the -- the historical EAs that Shell had done
11 at various stages along the Carbondale
12 development area?

13 A Okay. In the initial EA, that information
14 would've been reviewed, yes.

15 Q Okay. And in that -- earlier EAs, were you
16 aware that there actually was a grizzly bear
17 den within 1 kilometre from the pipeline?

18 A I know from that previous information that a
19 grizzly bear den was discussed in -- in
20 previous hearings on Mr. Judd's property.

21 Q And the biologist that you had do the grizzly
22 bear survey by walking up the road, was he a
23 qualified grizzly bear biologist?

24 A You'll note in that response that I reference
25 to Number 69. Mr. Fisher outlines where he
26 received his training -- most specifically from

1 Mr. Gordon Stenhouse, who is -- you're familiar
2 with. He's an expert in that area in Alberta,
3 and he is a qualified professional biologist
4 and has conducted many den surveys.

5 Q And you're a qualified professional biologist
6 as well; correct?

7 A I am.

8 Q And you know the road that he walked up?

9 A Yes, I do.

10 Q Now, could you see a grizzly bear den from
11 walking up that road?

12 A If you'll note in the discussion, Mr. Fisher
13 discusses the types of features that he was
14 looking for. He would've also been using a
15 scope to identify those areas, and he evaluated
16 the potential for grizzly bear dens. If --
17 if an -- if an area did not have any potential
18 habitat features for that, he wouldn't have
19 been going immediately to confirm that.

20 Q So it's unfortunate he's not here, but -- so
21 you're going to have to answer this question.
22 But you're -- you're familiar with that -- the
23 terrain there, and the terrain on the south
24 side of the pipeline that -- where the grizzly
25 bear den had been found is almost entirely
26 covered with conifer forests. If you were

1 standing on the road looking at that slope with
2 a scope, would you be able to see whether there
3 was a grizzly bear den there?

4 A Well, I can't speak to if I would be able to
5 because I'm not qualified to do a grizzly bear
6 den survey, but Mr. Fisher is, and he conducted
7 that survey. Grizzly bear den surveys are
8 conducted with a 750-metre buffer from the area
9 that would be impacted by the construction, and
10 that's what he completed.

11 Q And -- and -- and was the grizzly bear den that
12 was identified in a previous hearing within
13 that 750-metre buffer?

14 A I -- I have not seen a reference to the exact
15 location of that grizzly bear den, and so --

16 Q Okay.

17 A -- I cannot --

18 Q So -- so --

19 A -- speak to whether it was in that buffer.

20 Q So notwithstanding that this gentleman purports
21 to be a grizzly bear biologist, he walked up
22 the middle of a gravel road, looked out at
23 forested slope covered in conifers, and claims
24 to make the determination whether there was a
25 grizzly bear den there or not?

26 A If you're familiar with the site, Mr. Sawyer,

1 the pipeline right-of-way provides some
2 proximity to the coniferous forest that you are
3 mentioning. Also, that buffer from the areas
4 cleared is not -- is not a great distance from
5 that existing pipeline right-of-way, and so
6 from the road and from that existing pipeline
7 right-of-way, our biologist would've been able
8 to evaluate the habitat quality there.

9 Q One -- one final question on the environmental
10 impact assessment. In -- in your mapping of
11 the watercourses and -- and wetlands, there's
12 one point in your report that you say that
13 within the buffer that you considered, there
14 were no wetlands or -- or standing water, and I
15 think it was within 800 metres of the crossing.
16 And, yet, if you drive down east off the --
17 that access road onto the 7 Gates Road, there's
18 a -- a -- probably a 3- or 4-acre wetland
19 that's within the 800-metre buffer. How would
20 you miss that?

21 A Are you referring to our IR response in
22 Exhibit 124.02 for Response Number 60 where we
23 do discuss your comments? So it was provided
24 an explanation why the water body located
25 NW 8-62-W5 within 720 metres of the proposed
26 pipeline was not identified within the

1 800 metres. Is that the water body you're --

2 Q Yes.

3 A -- referring to?

4 And so our response was that we used a
5 base 20 layer which did not have any water
6 bodies within 800 metres, but it's also
7 important to note that the feature that you are
8 discussing is actually part of Screwdriver
9 Creek that's widening. And so in this case
10 from a purely technical perspective, that would
11 be a lotic feature, not a lentic feature. And
12 so lentic feature is in reference to wetlands;
13 lotic is in reference to watercourses. So that
14 statement is an accurate one. We did not
15 exclude that impoundment within Screwdriver
16 Creek because we didn't view it as a open water
17 water body or wetland.

18 Q So in a normal case, would -- would your
19 fisheries' biologists view a -- like, a beaver
20 den impoundment as -- as not being standing
21 water?

22 A They would view it as standing water but not
23 viewed as a lentic feature as in a wetland
24 holding water or a lake holding water, and so
25 it is part of that watercourse system.

26 Q Okay. So I guess I'm having a hard time

1 understanding how your fisheries biologist,
2 when he walked down the road with his scope,
3 why he wouldn't have seen this 4- or 5-acre
4 pond of water. And -- and -- and more to the
5 point, it's one thing to come up with a canned
6 response after the fact when you get challenged
7 for missing it, but the real question is why
8 did you miss it?

9 THE CHAIR: Mr. Sawyer, we're
10 talking about a question that was asked in the
11 IRs and an answer was provided in the IRs. Is
12 there something new that you're looking up
13 beyond what was provided? Because based on
14 that, it's been asked and answered.

15 M. SAWYER: Thank you for that.

16 You know, I -- I have no further questions.

17 THE CHAIR: Thank you,
18 Mr. Sawyer.

19 So, Ms. Brezina, it is time for us to check
20 in with -- with you. We are interested in
21 hearing whether or not regulatory applications
22 has any questions. I would point out that the
23 Panel is mindful of the practice generally in
24 hearings is that cross-examination is not
25 extended to parties who are not adverse in
26 interest to the party presenting the witness

1 panel.

2 D. BREZINA: We have no
3 questions. Thank you.

4 THE CHAIR: Thank you very much.

5 All right. So I can say that the Panel and
6 staff will have questions for this witness
7 panel, so I would suggest that we take our
8 break now. So we will break now and come back
9 at 2:50.

10 (ADJOURNMENT)

11 THE CHAIR: Please be seated.

12 So thank you, all. Now, we -- we'll
13 proceed. We'll start with Ms. Kapel Holden.

14 B. KAPEL HOLDEN: Thank you very much.
15 Good afternoon, Panel.

16 B. Kapel Holden Cross-examines the Pieridae
17 Alberta Production Ltd. Witnesses

18 B. KAPEL HOLDEN: My first set of
19 questions are to Mr. Foote in regards to the
20 emergency response plan, but anyone else on the
21 panel can respond, if they like. And I'd ask
22 that we pull up Exhibit 190.3. That is
23 Pieridae's Waterton core emergency plan, and
24 specifically page 74. Thank you.

25 Q B. KAPEL HOLDEN: So in the core
26 emergency response plan, in Section 2.9 it

1 speaks to sheltering in place. And it says:

2 (as read)

3 Shelter in place is the practice of
4 going or remaining safely indoors
5 during an outdoor release of a
6 hazardous substance. Shelter in place
7 has been demonstrated to be an
8 effective response during the first
9 few hours of a substance release where
10 public would be at the highest risk
11 outdoors.

12 Sheltering creates an indoor
13 buffer to protect an individual from
14 high concentrations that may exist
15 outside. [It also states here that]
16 The goal of sheltering is to reduce
17 the movement of air into and out of
18 the building until either the hazard
19 has passed or other appropriate
20 emergency actions can be taken.

21 My question to Mr. Foote is: Is shelter in
22 place still considered -- considered an
23 effective public protection measure for someone
24 living in a log house like Mr. Judd?

25 A B. FOOTE: Yes, it is.

26 Q And can you explain why it would still be an

1 effective response.

2 A The sheltering in place is -- I guess in the
3 location of where his -- his residence is is
4 outside of the existing emergency planning
5 zone, and the predominant winds are typically
6 blowing away from his residence. So sheltering
7 is also conduct -- recommended if he can't --
8 he's -- he's unable to -- a resident is unable
9 to actually get out of the emergency planning
10 zone in time or through it, and I believe there
11 was work done on his house previously
12 through -- through Shell as well to help with
13 his residence and the air infiltration.

14 A D. ARCHIBALD: And I think with
15 Mr. Judd's residence outside of the calculated
16 EPZ for the subject pipeline, you know, even
17 though the H2S leak is highly unlikely, based
18 on the following design criteria we have
19 discussed through the -- the -- the hearing,
20 you know, like -- so there is no scenario on an
21 ERP where we'd require him to evacuate. You
22 know, with the prevailing winds and proximity
23 to the subject pipeline, shelter in place would
24 be a -- would be a -- would be a safe option
25 for Mr. Judd.

26 And if he did choose to evacuate through

1 his -- the subject pipeline, the EPZ is on the
2 edge of the road and therefore would be at the
3 edge of any H2S release and at -- at no point
4 do we see him being at any harm from the
5 subject pipeline.

6 A K. SCHEIRER: I'd like to just
7 provide -- provide further comment. In
8 Exhibit 2.02, PDF page 482, paragraph 50, this
9 is from the 2013-009 ruling from the ERCB.
10 They state: (as read)

11 The Board recognizes that major
12 benefit of shelter in place is that
13 people indoors, even in a building
14 that is not entirely airtight, are
15 protected from large momentary outdoor
16 peak concentrations of a toxic gas.

17 THE CHAIR: Actually, Ms. Kapel
18 Holden, I just have a follow up. I'm a little
19 confused with the answers because my
20 understanding was you're talking about
21 Mr. Judd's residence being outside of the EPZ
22 and the road, but my understanding is from the
23 evidence on the record that because Mr. Judd's
24 egress is through the EPZ that the EPZ has been
25 expanded to include his residence and his
26 regress.

1 A K. SCHEIRER: That is correct. We
2 have expanded the EPZ to include his egress. I
3 think, to Mr. Archibald's comment, his
4 residence isn't within the calculated EPZ, I
5 think just to clarify what he was speaking to.
6 But he is within the -- we have included him in
7 the EPZ for this.

8 Q B. KAPEL HOLDEN: Okay. My next
9 question -- and, again, this is to Mr. Foote,
10 but anyone else on Pieridae can answer. Can
11 you explain what Pieridae uses as its decision
12 criteria for emergencies and its response
13 procedures for implementing various types of
14 public protection measures such as
15 notification, shelter in place, evacuation,
16 based on emergency circumstances.

17 A D. ARCHIBALD: So with any incident
18 like -- we would have to classify the incident
19 based on the information we had. We have
20 on-call management. So how the structure works
21 is we do have on-call management 365 days a
22 year, 24 hours a day. We have field operations
23 on-call 24 hours per day, and then we have our
24 control room -- is manned with ICS-trained
25 operators to support.

26 How it would work or how -- so, I guess, to

1 make sure I'm answering your question fully,
2 we -- we have -- in our ERP we have a matrix
3 that would actually spell out, based on the
4 information we have, how to categorize any
5 level of incident. And usually with, like,
6 a -- as an example, Level 1 incident, it's
7 where you have potentially an uncontained
8 release and it's extending the -- on your
9 holder's property, and that could impact the
10 public. So there's very set criteria in how --
11 and then based on your criteria, it -- it'll
12 give you direction on notifications that need
13 to be made from Alberta Health Services AER --
14 emergency responders.

15 A E. MACZUGA: Recently, too, I
16 would like to add we are looking at
17 implementing a newly -- notification mechanism
18 through our emergency procedures, and perhaps
19 Mr. Archibald can talk a little bit more about
20 that.

21 A D. ARCHIBALD: We do have the
22 mechanism for early notifications. So any
23 individual who -- in the EPZ who requests early
24 notifications, we would classify them
25 differently on the notification criteria that
26 you had asked about, and it's just about -- we

1 have a process in place that -- that is robust,
2 and with continuous improvement -- we're
3 working with Behr to help make sure we
4 streamline that process and make sure we have
5 an -- an automated-type EPZ callout list.
6 We're trying to automate to make sure it's more
7 efficient.

8 Q Okay. Can you clarify when and how you would
9 advise individuals in the area such as Mr. Judd
10 to shelter in place.

11 A Like, the physical mechanism of how or when?

12 Q When and how, yes.

13 A So the how is we would either have to call him,
14 and if we can't reach him, we would go to his
15 residence. All of our ERP responders, rovers
16 would have to leave a note if he's not there.
17 We would have to attempt to find him.

18 And then the when -- the when is when, you
19 know, we're at a Level 1 emergency, you would
20 start doing your EPZ notifications on shelter
21 in place. And you'd always start in your IIZs,
22 and then you'd go to our PAZ, and he's not in
23 our IIZ or our PAZ or the calculated EPZ, but
24 he'd still be contacted the same as if he was
25 in the physical calculated EPZ just because of
26 his egress roots.

1 Q And can you also just clarify on the record
2 when and how you would advise or assist
3 individuals such as Mr. Judd to actually
4 evacuate when the emergency escalates.

5 A You have to constantly ground truth, like, the
6 information you have. So if the situation were
7 to change, any notifications, you know, it --
8 if the situation changes or, like, the ground
9 information, you would have to reassess the
10 level of emergency, and you have to make sure
11 you're making the appropriate notifications.

12 A B. FOOTE: And if I could just
13 add something. The new system, the mass
14 notification system that Behr is working on
15 with Pieridae, the message is that will be sent
16 out to residents via email, text, or an actual
17 phone call so that it has three methods of
18 communication to advise -- they can advise to
19 either shelter in place, evacuate, or just
20 another -- another message that Pieridae would
21 like to pass on or if they -- a stand down in
22 the emergency.

23 Q So just to follow up on that, if -- if you have
24 someone that doesn't have a cell phone, doesn't
25 have an email address, do you physically go out
26 to where you think they may be, to their

1 residence?

2 A Yeah. If there was no communication -- if
3 communication was never confirmed through that
4 callout system, then the information that
5 Mr. Archibald was talking about would then
6 apply.

7 Q I think it was Mr. Archibald. You noted that
8 if the situation changes based on ground
9 information -- what do you mean by "ground
10 information"? What actually entails that
11 ground information that you're looking at?

12 A D. ARCHIBALD: So the Screwdriver
13 Creek has -- well, one piece of information
14 could be we have an air monitoring station in
15 Screwdriver Creek. It measures wind direction.
16 It measures SO2 concentrations, wind speed,
17 H2S. So when we're deciding on roadblock
18 points, any potential PAZs for people, any
19 change in the wind directions, often, you know,
20 we have to make sure we account for that. And
21 that's -- that -- our air monitoring trailer,
22 it gives us realtime data.

23 And then on top of that, I would have to --
24 to have -- I would have -- like I said, I have
25 at minimum two operators on call 24 hours a day
26 who would be supplying rover and roadblock

1 support. They are trained and instructed to
2 understand the responsibility to identify any
3 vehicles parked at gates that could be not just
4 landowners, but transient users, recreational
5 users. They have to document that, report it
6 back to the IC -- to -- to incident command.

7 And then they -- they have their own --
8 they can monitor their air quality as well.
9 Our field operators can handle that as well.

10 Q One moment, please.

11 In a situation where Mr. Judd detects some
12 odour, what have you advised Mr. Judd to do if
13 he does detect an odour?

14 A If he does detect an odour, the direction is to
15 call in an odour complaint, like, to our
16 emergency response line, and it would be to
17 shelter in place.

18 A E. MACZUGA: Perhaps I can just
19 also add the -- when we look at the recorded --
20 the Proceeding 2.02, which includes the record
21 of the decision-maker, it also includes the
22 original application in our information package
23 that was provided to Mr. Judd, and that
24 information package has very clear information
25 that indicates that sheltering in place is the
26 preferred method in terms of a situation like

1 this, and it's the best -- advisable.

2 Also, every two years we, in accordance
3 with the requirements, go and engage with our
4 stakeholders in terms of things, and we update
5 that contact information but also speak to are
6 there any concerns as well as reiterating
7 relaying the emergency planning response and
8 preparedness activities, and so at that
9 particular time would be reinforced that this
10 is the preferred method and in a circumstance
11 like this.

12 Q Sorry. I just -- for a little further
13 clarification on that. When you speak to
14 stakeholders every two years that you're
15 required to, are you speaking generally, or are
16 you speaking about people in the EPZ?

17 A Speaking to people in the EPZ.

18 Q Thank you.

19 In one of the responses to my question,
20 I -- I think -- and I can't recall who said
21 this, but there was no scenario that would
22 require Mr. Judd to evacuate. My question
23 there is -- so if he is sheltering and an
24 emergency escalates, what are the next steps
25 for Mr. Judd, or what steps will Pieridae take?

26 A D. ARCHIBALD: So evacuation is

1 always a primary means of protecting public,
2 making sure they can safely evacuate. In the
3 subject pipeline, just with the proximity of
4 his residence, it -- it is outside of the EPZ
5 of this pipeline. But in the broader sense of
6 EPZ, we have -- my operators would be able
7 to -- if conditions are able, they could assist
8 in his evacuation, and we do have other
9 resources we can deploy. There is -- obviously
10 we talked about it in the responses around air
11 support, if required.

12 And, you know, in -- in -- but for -- so we
13 do have multiple options between air support
14 and ground support.

15 A E. MACZUGA: Just to add to that
16 there, Mr. Archibald, this pipeline has
17 specifically been designed to keep the product
18 in the pipeline. There are a number of
19 emergency safety mechanisms that have been put
20 in place, and I know Mr. Scheirer can perhaps
21 talk to those a little bit more in terms of the
22 circumstances.

23 A K. SCHEIRER: Absolutely. So as I
24 have mentioned previously, you know, we have
25 quite a conservative design on this pipeline.
26 We should be operating at approximately

1 12 percent of MOP. The key safety devices that
2 we have in place around minimizing a potential
3 release in the very unlikely event that the
4 pipeline were to fail are our ESDVs at the well
5 sites as well as pressure control valves that
6 have very tight operating tolerances set to
7 where we intend to be operating.

8 The low-pressure shutdowns on those devices
9 are set at 1,000 kPa, which is very close to
10 where we would likely be operating; so it would
11 be a very quick trigger. In the event that a
12 line did rupture or leak and started to
13 depressure, those -- those valves would actuate
14 quite quickly, minimizing the release volume in
15 an event. So, again, I think that's reflected
16 in our EPZ calculations that, you know, we're
17 doing what we can from an operations and safety
18 perspective to minimize the consequences of a
19 release in the event that something were to
20 happen.

21 Q Thank you.

22 Just moving on to another topic. I'm going
23 to address my question to Ms. Redburn, but,
24 again, anyone on Pieridae can answer this
25 question.

26 It was stated during Pieridae's opening

1 witness statements this morning that a small
2 amount of clearing was needed for a temporary
3 workspace and on top of the right-of-way in
4 early December of 2022.

5 It was further stated by you, Ms. Redburn,
6 that all RAPS, restricted activity periods,
7 were met. I don't think I need to pull this
8 up, but in Exhibit 124.17 -- and that's the
9 EA -- EA update 2023, it does state there on
10 PDF 2 -- page 2: (as read)

11 The project is located within a key
12 wildlife and biodiversity zone which
13 imposes a restricted activity period
14 on industrial activities from

15 December 15th through to April 30th.
16 Now, in Exhibit 134.06 -- and, again, I don't
17 think we need to raise it unless you have a
18 question about it -- there is a Table 2
19 entitled "Construction Activities and Schedule"
20 on PDF page 7, but it does not include the
21 December 2022 clearing that was mentioned this
22 morning in the opening statements. Could
23 Pieridae confirm which dates in December that
24 they completed their clearing.

25 A K. SCHEIRER: I would be happy to.
26 The clearing activities happened on

1 December 11th of 2022, so before the
2 December 15th beginning of the -- the
3 restricted access period.

4 Q Great. Thank you very much. Those are all my
5 questions for you.

6 THE CHAIR: Thank you.

7 And so, witness panel, Commissioner
8 Mackenzie does have some questions for you as
9 well.

10 The Panel Questions the Pieridae Alberta
11 Production Ltd. Witnesses

12 Q COMMISSIONER MACKENZIE: Hi there. I
13 believe this first question is probably for
14 Mr. Simon, but, as before, anybody else in the
15 panel feel free to jump in and respond as well.

16 So my first question relates to the Russell
17 tool. You've talked a little bit about --
18 today about the uniqueness of the tool and the
19 recent challenges that you've had with this
20 operation, and I just wondered since the tool
21 was sort of first developed in the early 2000s
22 are there any other alternatives on the
23 marketplace that can do this kind of inspection
24 in the HDPE pipe?

25 A L. SIMON: No. As -- as we
26 said today, that technology -- or the tool

1 design is made to fit into this specialized
2 inside diameter with the thickness of the liner
3 that are installed in these pipeline gathering
4 systems. So they're the only thing -- as we
5 speak today, we haven't really gone out looking
6 for other options because this is proven to be
7 working for us with 15 years of, you know --
8 or -- or being able to inspect our pipelines
9 and determine no changes in the conditions of
10 those systems with validation from -- from the
11 ILI results with verification digs.

12 Q So at present you're pretty confident, then,
13 that you can -- I'm putting words into your
14 mouth. Are you confident that you can get this
15 up and running again to meet your requirements
16 for inspection?

17 A So, yes, this particular tool, the -- it's a
18 4-inch tool that fits into our 6-inch pipeline.
19 Unfortunately, they only had the one. They've
20 been trying to build the second one for this
21 reason alone. It's to have the contingency in
22 case of an issue coming again. The tool has
23 been repaired, and it's just a matter of -- of
24 timing on our part for execution now and their
25 availability.

26 Q Thank you.

1 I think my next one is for you as well,
2 Mr. Simon. It's sort of a follow-up question
3 from Mr. Sawyer's question regarding the anode
4 beds and the protection that they provide from
5 the 6-12 junction.

6 In -- and, again, I don't think we need to
7 pull it up, but in Exhibit 129.02 in response
8 to IR Number 2.5A, you discussed upgrading --
9 not you personally, but Pieridae discussed
10 upgrading the anode beds and determining if
11 adequate protection could be provided by the
12 rectifier at the 6-12 junction in the interim.

13 Could you maybe elaborate on what that --
14 what you discovered from that work and sort of,
15 then, tying into your Exhibit 220.1, which was
16 the pipeline integrity report, where on page 9
17 it was stated that the rectifier at 6-12 would
18 require an upgrade. So I'm wondering if you
19 could just elaborate on what's going on there
20 and what the status of the work is.

21 A Certainly. So the upgrade that was required
22 for the capacity of the rectifier there, so, of
23 course, the rectifier was designed for the
24 anode bed at Junction 6-12. Once we started to
25 look at expanding its capabilities, which is
26 the downstream pipeline and all the buried

1 structures up to that -- our new facility of
2 the subject pipeline, we determined that an
3 upgrade of the rectifier would meet our goals
4 of obtaining the minimum requirements for
5 cathodic protection mitigation against external
6 corrosion. So that was achieved and completed.

7 Q Okay. So the work has been done, then --

8 A Correct.

9 Q -- to upgrade? Thank you.

10 My next one is -- it's a bit more of a
11 generic question; so I'm not quite sure who to
12 address it to. It's maybe for Mr. Archibald.

13 We've talked a lot today about downstream
14 connected pipelines and the learnings from --
15 or the challenges with using methanol in the
16 lined pipelines, and I'm just wondering are
17 there any other learnings from the broader sour
18 network out here that are being transferred to
19 the operating and integrity monitoring
20 practices of the subject pipeline?

21 A D. ARCHIBALD: I think one of the
22 biggest learnings that we have implemented on
23 this system is with an aligned pipeline, you
24 typically don't need pigging facilities, but we
25 have pigging facilities to allow for easy
26 inspection.

1 Q Thank you.

2 And my final one relates to the ERP, which
3 is Exhibit 190.03 on page 16, if that is easy
4 to pull up. And on that page, it's
5 basically -- it's an ERP activation Shell
6 Canada notification.

7 And I just wonder if you could talk a
8 little bit more -- while they pull this up,
9 could you talk a little bit more about what the
10 arrangement with Shell Canada is under -- you
11 know, if an emergency occurs, are they at all
12 involved in the chain of command related to the
13 incident? Is it just a notification process?
14 If you could just elaborate on the process
15 around Shell Canada's involvement.

16 A D. ARCHIBALD: So Shell Canada, as
17 the licensee holder on some facilities, they --
18 part of an ERP process when we do our other
19 notifications would be to be activating or --
20 notifying them of any ERP at the Level 2 and
21 higher in regard to, yeah, any of the assets
22 that are licensee holders too. But I can't say
23 we have good communication. I have worked with
24 both the individuals that are redacted from it,
25 and we do have discussions. They have
26 supported our ERP exercises, so ...

1 Q So for the subject pipeline, because it's
2 licenced to Pieridae, this requirement would
3 not be involved; is that correct? Or because
4 it's part of the pipeline -- you know, because
5 it's part of a segment of the existing
6 pipeline, how does that work in practice?

7 A I hadn't considered that, but I would default
8 to -- to notify them of any ERP in the
9 Screwdriver Creek or any of my operating
10 facilities that they're holding licence to or
11 adjacent to in the -- as per the agreement.

12 Q Thank you.

13 THE CHAIR: So we --
14 Commissioner Robinson has a question as well.

15 Q COMMISSIONER ROBINSON: Just a really minor
16 clarification piece.

17 I heard that there's -- you recently
18 created an early notification list when an
19 incident is detected. Can anyone tell me if
20 Mr. Judd is on the list?

21 A B. FOOTE: Based on our
22 residence data records, he is not on that list.

23 Q Okay. Thanks.

24 A D. ARCHIBALD: The list is
25 voluntary. They have to be willing to disclose
26 that they would like to be on it when

1 approached, so, yeah.

2 THE CHAIR: Okay. Thank you for
3 that. That's all the questions from the Panel.
4 Discussion

5 THE CHAIR: So what we would
6 have next for today would be Pieridae has any
7 redirect coming out of cross-examination.
8 Mr. Naffin, Mr. Myers.

9 D. NAFFIN: No redirect.

10 THE CHAIR: No redirect? All
11 right. Thank you. Well, then, that wraps us
12 up for today.

13 Actually -- so tomorrow we would be
14 scheduled for Regulatory Applications to seat
15 their witness panel and for cross-examination
16 of the panel by Mr. Sawyer and then any
17 questions from the Hearing Panel or our staff.

18 Mr. Sawyer, I'm just -- and it's more so
19 just so that we understand in relation to how
20 the day might unfold tomorrow. I see we've got
21 three hours allotted for your
22 cross-examination. Can you give us an idea?
23 Do you anticipate -- your timing in terms of
24 what you might anticipate.

25 M. SAWYER: Thank you for that
26 question. I -- I think tomorrow's going to be

1 a bit challenging in terms of cross because,
2 you know, we're going to be in areas where we
3 won't want -- the AER Regulatory Affairs
4 probably won't want to respond to my questions.

5 So I think it's going to be relatively
6 short. Certainly less than the three hours.

7 THE CHAIR: All right. Thank
8 you.

9 And just to confirm with the parties, then,
10 the plan is that tomorrow was predominantly
11 given over to that, and then the potential for
12 any reply evidence after by Mr. Judd, at which
13 point we would anticipate closing the evidence
14 for this hearing and then breaking to allow the
15 parties time to work on final argument and that
16 we would proceed to hear final argument on
17 Friday.

18 And I'm assuming that that's still
19 acceptable to all the parties?

20 D. NAFFIN: Yeah. That's fine
21 with Pieridae. Thank you, Commissioner
22 Chiasson. And I just wanted to confirm that
23 the Pieridae panel can stand down and has been
24 dismissed. I think that's implied, but I just
25 wanted to make sure.

26 THE CHAIR: Yes. No. Thank you

1 for that nudge, Mr. Naffin.

2 Indeed, Panel, you are.

3 THE CHAIR: Mr. Sawyer.

4 M. SAWYER: I agree with that.

5 We can do final argument on Friday.

6 THE CHAIR: All right. Thank
7 you.

8 And, Ms. Brezina, I know you had indicated
9 in the -- in the opening of the possibility.
10 Might I be correct in assuming that Regulatory
11 Applications may not want to make -- or a
12 commitment on this until tomorrow -- after
13 tomorrow's proceeding?

14 D. BREZINA: I think that's fair.
15 Thank you.

16 THE CHAIR: All right.

17 D. BREZINA: And if there's any,
18 it would be extremely brief.

19 THE CHAIR: Thank you. We'll
20 check in with you at the end of tomorrow
21 morning. Thank you.

22 All right. So Pieridae witness panel, I'm
23 not going to go through -- there's a number of
24 you, so I'm not going to go through you all by
25 name, but thank you all very much for your
26 time, and that, I know, makes for a long day

1 sitting and answering questions, and we
2 appreciate your time and your attention. You
3 are released. You are safe now to talk to --
4 talk to your counsel if -- if need be.

5 (WITNESSES STAND DOWN)

6 THE CHAIR: So thank you, all, today,
7 for your attendance and your participation. So
8 we will close up for today. A reminder again
9 to take all your materials with you, and we
10 will open again tomorrow morning at 9 AM unless
11 there is some problem with 9 AM that I'm not
12 aware of.

13 No? All right. We will re-open tomorrow
14 again at 9 AM. Thank you, all, very much.

15

16 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, NOVEMBER
17 21, 2024

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1 CERTIFICATE OF TRANSCRIPT:

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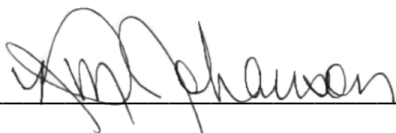
3 We, R.M. Johanson and A. Vidal, certify
4 that the foregoing pages are a complete and
5 accurate transcript of the proceedings taken
6 down by us in shorthand and transcribed from
7 our shorthand notes to the best of our skill
8 and ability.

9 Dated at the City of Calgary, Province of
10 Alberta, this 20th day of November 2024.

11

12

13



14

R.M. Johanson, CSR(A)

15

Official Court Reporter

16

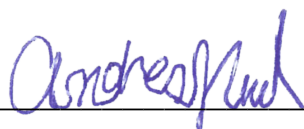
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17

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A. Vidal, CSR(A), RPR, RMR

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26

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