

Rébecca Verrall

From: Darcie Harding
Sent: 27 July, 2012 16:38
To: DL Hearing Managers Community
Subject: FW: 12-07-27 NEB - Letter Decision, Enbridge Pipelines Inc. Line 9= Reversal Phase I Project OH-005-2011 (A43137)

Hello Hearing Managers,

Just thought I would share our noting and decision release (scroll all the way down) for the Line 9 Reversal Phase I Project OH-005-2011.

I will pass on the review and learn notes once they are available but some of the ideas are captured below.

Thanks to an awesome PWG that included a lot of extra helping hands!

Darcie

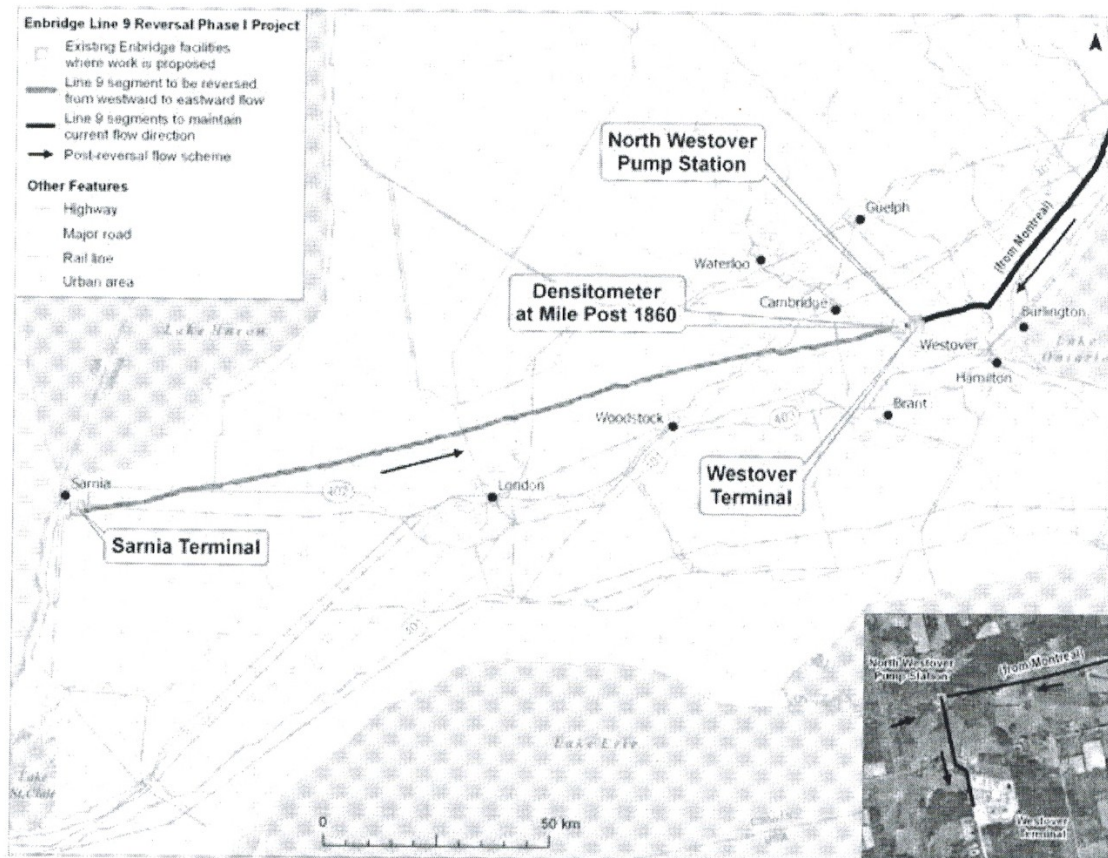
Darcie Harding
Hearing Manager
Oil Pipelines Applications
Ph: 403-299-3318

"To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment." ~Ralph Waldo Emerson

Project

- Reversal of 194 km segment of Line 9 between Sarnia Terminal (at Sarnia, Ontario) and North Westover Pump Station (near Hamilton, Ontario) to its original eastward flow.
- Offshore imports to be replaced by western Canadian and US light crude, and transported to Imperial's Nanticoke Refinery.
- Work involves additions and modifications related to pumps, piping, densitometers, valves and a pig trap at four existing, fenced and graveled industrial sites.
- All work to occur on existing Enbridge facilities and surface leases with no planned ground disturbances along the right-of-way.
- Links: Regulatory Documents ([link](#)), Project page on NEB website ([link](#)).

Project Map



Regulatory Context and Highlights

- Section 58 application.
- August/September 2011 comment period on process triggered by a letter from a group of ENGOs
- Hearing Order issued 5 December 2011
- 18 Intervenor – active participants were the Ontario Ministry of Energy, Ontario Pipeline Landowners Association (OPLA), Équiterre/Environmental Defence, Ms. Louisette Lantaigne and Aamjiwnaang First Nation (AFN). Canadian Association of Energy Pipeline Landowner Associations (CAEPLA) filed written argument only.
- 13 Motions – Average time for ruling release = 3 calendar days (Table of Motions and Rulings is Appendix 3 to Letter Decision).
- 44,000 letters of comment, or signatories to letters of comment. Many were form letters.
- Significant national media attention, as well as interest south of the border. Discussed in Parliamentary Committee as well.
- CEA Act initially triggered, but once CEA Act 2012 was enacted, the Environmental Screening Report was converted to a NEB Act Environmental Assessment Report.
- Oral final argument held in London, ON, on 23 and 24 May 2012.

Main Issues

- Pipeline integrity – existing (e.g., older pipe – mid 1970s, single-layer polyethylene tape, wall thickness, known integrity features) and future (e.g., effects of pressure increases, flow reversal).

Public Concerns

- Increased risk of leaks/ruptures due to existing integrity issues, and the effects of the reversal, higher pressures and possible future changes in commodity on the pipe (with no apparent public process to assess this change).

- **Panel** – Roland George (Chair), Georgette Habib, Lyne Mercier
Gaétan Caron (alternate Member),
- **PWG** – Darcie Harding (HM); Nick Thomas (AHM & Environment); Christine Beauchemin, Jessica Lim (Counsel); Anne Losier (Regulatory Officer); Katie Emond (Process Advisor); Marie McKenney (Rights & Interests); Thushanthi Senadheera, Richard Bonham, Danielle Demers, Adrian Luhowy (Engineers); Colette Craig (Commercial Issues); Carole Léger-Kubeczek (Communications Officer); Sean Maher (Aboriginal Engagement)
- **Security** – Cynthia Urquhart, Ryan Petersen
- **Additional Support** - Dominique Fortin, Marc Perron, David Black, Carrie Randall, Danielle Comte, Sharon Wong, Margaret Barber, Jason Mills, Cliff Brown, Erin Dottor, Mathieu Fecteau, Kent Lien, Marcus Eyre, Rafael Mora

From: Anne Losier

Sent: July 27, 2012 2:30 PM

Subject: 12-07-27 NEB - Letter Decision, Enbridge Pipelines Inc. Line 9= Reversal Phase I Project OH-005-2011 (A43137)

This is to advise you that the National Energy Board has issued the Letter Decision dated July 2012 regarding the Enbridge Pipelines Inc. Line 9 Reversal Phase I Project under Hearing Order OH-005-2011. The documents can be viewed on the Board's website at receipt A43137. Do not hesitate to contact me if you have problems retrieving this document.

Toutes les parties à l'instance OH-005-2011 sont par les présentes informées que l'Office a émis sa Lettre de Décision de la Première étape du projet d'inversion de la canalisation 9 de Pipelines Enbridge Inc. De l'Ordonnance d'audience OH-005-2011, laquelle se trouve dans le dépôt central de documents électroniques sous le numéro A43137. Nous vous demandons de bien vouloir communiquer avec la soussignée si vous avez des questions ou si vous avez besoin d'aide pour récupérer le document.

Regards / Sincères salutations,

Anne Losier

Regulatory Officer / Agente de réglementation

Secretary and Regulatory Services / Secrétaire et services de réglementation

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Office national de l'énergie | 444 Septième Avenue S.-O. Calgary (Alberta) T2P 0X8

Government of Canada | Gouvernement du Canada

La version française suit le texte anglais.

The National Energy Board acknowledges the receipt of filing A43137.

This filing can be viewed at:

<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A43137>

FILING INFORMATION (as supplied by the submitter):

Project: Other

Submitter: NEB

Title: Letter Decision, Enbridge Pipelines Inc. Line 9 Reversal Phase I Project OH-005-2011

Date: 2012/7/27 2:28 PM MDT

NEB File Number:

- Leak detection and emergency response measures – comparisons to Line 6B rupture in Michigan
- Project scoping – splitting out this Project from the larger Trailbreaker (reversal of entire Line 9 discussed a few years ago).
- Potential for oil sands crude to be transported to the east coast.
- AFN – impacts on traditional use, treaty rights and health (air quality); inadequate Crown consultation.
- AFN and OPLA – Enbridge's and the Board's environmental assessments were inadequate as it failed to consider operations post-reversal.
- OPLA and CAEPLA – In-place abandonment and historical contamination.
- Ms. Louise Lantaigne – Impacts on local drinking water supplies.
- Several issues raised were determined to be out-of-scope or not relevant to the proceeding.

Conclusions

- There is a commercial need – Line 9 to Sarnia is currently under-utilized; no commercial opposition.
- Public consultation, including Aboriginal consultation, was appropriate, given the scale of the Project.
- The Project is not likely to cause significant adverse environmental effects.
- The Board's environmental assessment properly factored in line operation post-reversal.
- Crown Consultation – no other federal authorities acting as Crown; Board process used; opportunity for AFN to provide information/views and outline concerns.
- Enbridge has and continues to monitor and document line integrity; through its Integrity Management Program, it is able to identify and mitigated existing and future issues.
- Board imposed 15 conditions, mainly focused on pipeline integrity. Enbridge will not receive an exemption from Leave to Open.
- If and when Enbridge wants to ship different commodities, it would need to file a tariff amendment.
- It is in the public interest to approve the Project.

Post-Hearing Motion

- OPLA requested that the Board reopen the record to consider the US National Transportation Safety Board (NTSB) synopsis and full report for Enbridge's 2010 Line 6B rupture in Michigan.
- Ruling: the Board need not hold up its decision for the Line 6B documents to be analyzed. Through the Board's compliance activities, the NTSB report will be reviewed and pertinent learnings will be applied to system-wide operations.

Decision

21(1)(a)

- [REDACTED]

Successes / Learnings

- First time Participant Funding Program (PFP) used on a section 58 hearing:
 - PFP awarded to three Intervenor and used to create quality written evidence and IRs.
- PFP process was executed in a condensed timeframe so there was minimal delay to the hearing schedule
- First time for formal implementation of Process Advisor role:
 - Many external parties expressed that they felt well supported and that the process advisor role is a great idea.
 - Helpful to internal staff to be able to direct inquiries through to one person.
- Although the application was received in August, hearing order was not issued until December – the process from start to finish took approximately 11.5 months (including extensions granted to Enbridge to respond to IRs totaling 25 days).
- Deadlines set for external parties during the hearing process were met, despite tight timelines.
- All areas of support, PWG members and Panel made the Project a priority in order to meet the condensed schedule.
- [REDACTED]
- Having only final oral argument and no cross examination worked well in this case, due to the highly technical issues regarding engineering and integrity.
- Security and Panel handled protester disruption at hearing well:
 - After a short recess, only Intervenor and accredited media were initially permitted back in hearing room.
 - The panel accepted environmental and First Nation motions to allow people and groups, that the parties knew would not be disruptive, back into the hearing room.
 - Some media attention received.

21(1)(a)

Staff Involved

Hearing Order:

LIST OF DOCUMENTS:

A2V3K2 - Letter Decision OH-005-2011
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K2>
A2V3K4 - Appendix I Environmental Assessment Report
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K4>
A2V3K6 - Appendix II Order X0-E101-010-2012
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K6>
A2V3K8 - Appendix III Summary of Motions and Rulings
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K8>
A2V3K3 - Lettre de Décision OH-005-2011
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K3>
A2V3K5 - Annexe I Rapport d'évaluation environnementale
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K5>
A2V3K7 - Annexe II Ordonnance X0-E101-2012
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K7>
A2V3K9 - Annexe Liste des requêtes et des décisions
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3K9>
A2V3L0 - Receipt
<http://www.neb-one.gc.ca/fetch.asp?language=E&ID=A2V3L0>

NOTE:

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Secretary of the Board

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L'Office national de l'énergie accuse réception du dépôt A43137.

On peut consulter ce dépôt à la page suivante du site de l'ONÉ :
<http://www.neb-one.gc.ca/fetch.asp?language=F&ID=A43137>

RENSEIGNEMENTS SUR LE DÉPÔT (fournis par le déposant) :

Projet : Other
Déposant : NEB
Titre: Letter Decision, Enbridge Pipelines Inc. Line 9 Reversal Phase I Project OH-005-2011
Date: 2012/7/27 2:28 PM HAR
Numéro de dossier de l'ONÉ :
Ordonnance d'audience :

LISTE DES DOCUMENTS :

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A2V3K6 - Appendix II Order XO-E101-010-2012
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A2V3K3 - Lettre de Décision OH-005-2011
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A2V3K5 - Annexe I Rapport d'évaluation environnementale
<http://www.neb-one.gc.ca/fetch.asp?language=F&ID=A2V3K5>
A2V3K7 - Annexe II Ordonnance XO-E101-2012
<http://www.neb-one.gc.ca/fetch.asp?language=F&ID=A2V3K7>
A2V3K9 - Annexe Liste des requêtes et des décisions
<http://www.neb-one.gc.ca/fetch.asp?language=F&ID=A2V3K9>
A2V3L0 - Receipt
<http://www.neb-one.gc.ca/fetch.asp?language=F&ID=A2V3L0>

NOTA:

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Secrétaire de l'Office