



MAR 20 2013

MAR 25 2013

His Worship Mayor Bob Bratina  
City of Hamilton  
Hamilton City Hall  
71 Main St. West, 2nd Floor  
Hamilton ON L8P 4Y5

Dear Mayor Bratina:

Thank you for your letter of December 12, 2012, concerning the Line 9 Reversal Phase I Project (the Line 9 Phase I Project) and the proposed Line 9B Reversal and Line 9 Capacity Expansion Project (the Line 9B Project) proposed by Enbridge Pipelines Inc. (the proponent). In your letter, you have requested that a full environmental assessment be conducted for both proposed projects.

With respect to the Line 9 Phase I Project, on August 10, 2011, it was determined that a screening environmental assessment was required under the former *Canadian Environmental Assessment Act* (the former Act). On July 6, 2012, the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) came into force which replaced the former Act. As a result, there was no longer a requirement to complete the screening environmental assessment of the Line 9 Phase I Project and the screening was terminated. However, the National Energy Board (the Board) reviewed the Line 9 Phase I Project pursuant to section 58 of the *National Energy Board Act* (the NEB Act). The proponent has obtained the Board's approval to reverse the pipeline's flow for the section running between Sarnia and North Westover, in southwestern Ontario. The Board's decision for the Line 9 Reversal Phase I Project was issued on July 27, 2012.

The proponent has also filed an application under section 58 and under Part IV of the NEB Act asking the Board to approve the reversal of the segment of Line 9B between North Westover, Ontario and Montréal, Quebec; in addition to requesting an expansion of the entire Line 9 capacity from Sarnia, Ontario to Montréal and a revision to allow for the transportation of heavy crude.

In documentation filed with the Board, the proponent has indicated that the Line 9B Project will not affect the maximum operating pressure of the existing pipeline. The increase in capacity will be achieved largely through the use of

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a drag reducing agent that will be injected into the crude oil flowing through the pipeline, allowing it to flow with less friction. The proponent has also indicated that the Line 9B Project will take place within existing Enbridge properties and rights of way with the exception of some temporary workspace required for the installation of a new metering facility near the proponent's North Westover Station. The Line 9B Project and the expansion of the Line 9 capacity do not meet the *Regulations Designating Physical Activities* under CEEA 2012.

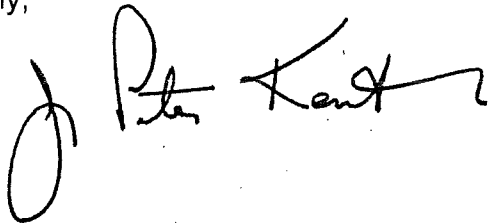
Under CEEA 2012, I have the authority to designate a project for an environmental assessment if I am of the opinion that it may cause adverse environmental effects, or public concerns related to those effects may warrant the designation.

Under the NEB Act, the Board will review the technical and financial feasibility, and the environmental and socio-economic impacts of the Line 9B Project and expansion of the Line 9 capacity. Should this project be approved, the Board will also ensure that the engineering, safety and environmental requirements are met through audits and inspections of the construction and operation of the Line 9B Project.

Having taken into consideration the issues raised in your letter, and the Board's ability to address environmental matters through its regulatory process, I have determined that the Line 9B Project does not warrant an environmental assessment under CEEA 2012. I am confident that the environment, including aspects you noted in your letter, will be protected throughout the lifecycle of the projects through the Board's regulatory process.

Matters involving the National Energy Board falls within the purview of my colleague the Honourable Joe Oliver, P.C., M.P. I am therefore sending a copy of our correspondence to Minister Oliver for his information.

Sincerely,



The Honourable Peter Kent, P.C., M.P.

c.c.: The Honourable Joe Oliver, P.C., M.P.

OFFICE OF THE CITY CLERK	
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ACTION: <i>Laurie Ryan</i>	



**FILE COPY**

OFFICE OF THE MAYOR  
CITY OF HAMILTON

December 12, 2012

The Honourable Peter Kent, M.P.  
Minister of the Environment  
Les Terrasses de la Chaudière  
10 Wellington Street, 28<sup>th</sup> Floor  
Gatineau, Quebec K1A 0H3

The Honourable James Bradley, M.P.P.  
Minister of the Environment  
11<sup>th</sup> Floor, Ferguson Block  
77 Wellesley Street West  
Toronto, Ontario M7A 2T5

Dear Honourable Ministers:

City Council, at its meeting held on November 28, 2012, approved Item 20 of General Issues Committee Report 12-033 which reads as follows:

**20. Enbridge Pipelines Inc. Line 9A Flow Reversal Project**

Whereas the Line 9A light crude oil pipeline reversal project has been approved by the National Energy Board;

And Whereas Hamilton the General Issues Committee received a report from staff on the Line 9A Enbridge pipeline reversal for light crude oil shipment,

And Whereas the General Issues Committee heard from a number of citizen delegations posing questions (see below for a list of questions/concerns);

And Whereas Enbridge submitted a pre-application letter to the National Energy Board on October 11, 2012 giving notice of an upcoming Line 9B Reversal and Line 9 Capacity Expansion Project application.

Therefore Be It Resolved:

- (a) That City staff request additional information and report back to the General Issues Committee, as follows:

- (i) Description of the public process around intervening in the Enbridge Line 9B Reversal and Line 9 Capacity Expansion Project application, expected in late November 2012;
- (ii) Request information from the National Energy Board on:
  - (aa) Line 9A/9 pipeline integrity studies, including a comparison between the Kalamazoo River pipeline characteristics and the Line 9A/9 pipeline;
  - (bb) Impartial information on the corrosiveness of diluted bitumen as compared to ordinary crude oil and implications for pipeline safety, including possible spills;
  - (cc) Providing the City of Hamilton with copies of any applications/correspondence by Enbridge pertaining to Line 9A/9;
- (iii) Request information from Enbridge Pipelines Inc. on:
  - (aa) Results of the pipeline "integrity digs" conducted on Line 9 in Flamborough;
  - (bb) How Enbridge can assist in monitoring drinking water wells
  - (cc) Emergency response plan in case of a spill;
- (b) That the City of Hamilton Emergency Response staff report back on whether or how a light, medium, heavy crude and diluted bitumen spill would be handled along the Line 9A/9 Enbridge pipeline, including how a response and cleanup would be funded, and how the City can request a bond from Enbridge to cover the costs of a spill;
- (c) That Report PED12160/LS12022 respecting Enbridge Pipelines Incorporated – Line 9 Reversal Project, received by City Council on October 30, 2012 in approving Item 7 of General Issues Committee Report 12-029, be forwarded to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities, inviting co-operation from other municipalities affected by the Enbridge Line 9A/9 pipeline;
- (d) That the Mayor forward correspondence to Environment Canada requesting a full environmental assessment into Line 9A/9 being used to flow diluted bitumen east through Ontario to Quebec and Maine;

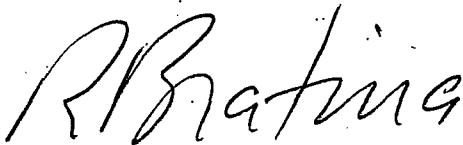
- (e) That the Mayor forward correspondence to the Ontario Ministry of the Environment requesting that they support the need for a Federal environmental assessment on the Line 9A/9 Project.

Attached for your information and review is Staff Report PED12160/LS12022 which was considered by the General Issues Committee at their meeting held on November 27, 2012. This correspondence is being forwarded pursuant to sub-sections (d) and (e) above.

Should you have any questions in regard to this matter, please contact Guy Paparella, Director of Growth Planning, at (905)546-2424 Ext. 5807, or by e-mail at [Guy.Paparella@hamilton.ca](mailto:Guy.Paparella@hamilton.ca).

Your consideration of Council's request is greatly appreciated.

Yours truly



Bob Bratina  
Mayor

c.c. Guy Paparella, Director of Growth Planning