



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	March 2, 2016
<b>SUBJECT/REPORT NO:</b>	Enbridge Pipelines Inc. Line 10 Westover Segment Replacement Project (PED15208(a)/LS15036(a)) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Guy Paparella (905) 546-2424 Ext. 5807 Lindsay Picone (905) 546-2424 Ext. 3663
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department  Janice Atwood-Petkovski City Solicitor Legal Services Division City Manager's Office
<b>SIGNATURE:</b>	

## Council Direction:

On December 9, 2015, City Council approved Item 7 of the General Issue Committee Report 15-025:

### 7. Enbridge Pipelines Inc. Line 10 Westover Segment Replacement Project (PED15208) (City Wide) (Item 8.3)

- (a) That Council authorize City staff to raise potential municipal issues of concern for the City of Hamilton relating to the Enbridge Line 10 Westover Segment Replacement Project directly with Enbridge Pipelines Inc. (Enbridge), and to submit a Letter of Comment outlining these concerns to the National Energy Board (NEB) once Enbridge has filed its Line 10 project application with the NEB.

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- (b) That the General Manager of Public Works be authorized to negotiate and enter into, on behalf of the City of Hamilton, an agreement with Enbridge Pipelines Inc. and any necessary ancillary documents which set out the roles, responsibilities and obligations of the parties with respect to the Enbridge Line 10 Pipeline where it crosses City-owned right-of-ways, in a form satisfactory to the City Solicitor and with content satisfactory to the General Manager of Public Works.

Staff were requested, time permitting, to bring back the proposed Letter of Comment to the General Issues Committee prior to submitting to the National Energy Board (“NEB”).

**Information:**

On December 4, 2015, Enbridge filed its formal project application with the NEB for the proposed Line 10 Westover Segment Replacement Project (“Project”).

On January 8, 2016, staff wrote to the NEB indicating that the City intended to submit comments regarding the Project and that a report would be brought forward to City Council prior to submitting the City’s comments to the NEB (see Appendix “A” to Report PED15208(a)/LS15036(a)). Staff also requested that the NEB advise the City as to the status of the matter and that the City be notified of any further steps in the application, including any deadline to submit comment.

On January 18, 2016, staff received a letter from Enbridge (see Appendix “B” to Report PED15208(a)/LS15036(a)) in which Enbridge attempted to respond to the issues identified and reported to the General Issues Committee on December 2, 2015 (Report PED15208/LS15036).

Since the filing of Enbridge’s Project application with the NEB, three submissions have been made to the NEB by other parties:

- **1267654 Ontario Inc. (“Gowland Farms”)** – A landowner objecting to Enbridge’s application in relation to the proposed route, indicating that the market garden farm operated on Gowland Farms’ lands will be impacted by the Project.
- **Copetown Landowners Group** – An organization of landowners directly and indirectly affected by Enbridge’s project, requesting that the NEB delay any further review of the application pending filing by Enbridge of updated information related to proposed routing changes for the pipeline, submitting that Enbridge’s application is not complete if they are actively developing and proposing new alternative routes for its replacement pipeline that are not addressed in the application that has been filed.

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- **Hotz and Sons Limited** – A landowner who has indicated that their lands may be impacted by the Project, submitting that the lands where Enbridge has proposed to re-locate a portion of its Line 10 pipeline is currently the subject of an application for subdivision approval (the Mountaingate Community). The Mountaingate application, currently under review by the City, includes a proposed stormwater management facility that would ultimately be assumed by the City as a public facility, if approved. The location, design, operation, capacity, size and maintenance access to the proposed stormwater management facility could be impacted by the pipeline routing in Enbridge’s application.

The above submissions can be viewed on the NEB website at: <https://docs.neb-one.gc.ca/ll-eng/llisapi.dll?func=ll&objId=2908515&objAction=browse&viewType=1>

On February 17, 2016, the NEB advised that it has decided to hold a public hearing to consider the application for the Project. Also on February 17, 2016, a Completeness Letter was issued by the NEB which determined that the application was complete enough to be set down for a hearing, and a Hearing Order was released which sets out the procedures and timelines to be followed in the hearing. The NEB will determine who has standing to participate in the hearing in accordance with section 55.2 of the *National Energy Board Act*. The NEB has granted certain directly affected groups, including affected municipalities, pre-decided standing in the hearing. This means that the City can participate as a Commenter or Intervenor without applying for standing. There is however, still a requirement to register as a participant in the hearing.

In accordance with the Council direction of December 9, 2015, staff will take the following steps with respect to the hearing:

- **Register as a Commenter** – The City will be registered to participate as a Commenter prior to the deadline of March 14, 2016.
- **Submit a Letter of Comment to the NEB** – In an effort to ensure that all pertinent information respecting potential municipal concerns is put before the NEB in reviewing the Project application, and appropriate conditions are imposed by the NEB on Enbridge if the Project is approved, staff will submit the Letter of Comment attached as Appendix “C” to Report PED15208(a)/LS15036(a) prior to the August 19, 2016 deadline.

**List of Appendices:**

- Appendix A – City of Hamilton Letter to the NEB dated January 8, 2016
- Appendix B – Enbridge Response Letter dated January 18, 2016
- Appendix C – City of Hamilton Letter of Comment to be submitted to the NEB