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Hamilton

[Date to be added]

SENT VIA FAX (1-877-288-8803)

National Energy Board
517 Tenth Avenue SW
Calgary, AB T2R 0A8

Attention: Sheri Young, Secretary of the Board

Dear Ms. Young:

**RE: City of Hamilton ("City") Letter of Comment
Enbridge Pipelines Inc. ("Enbridge") Line 10 Westover Segment Replacement
Project ("Project")**

The City's interest in the Project relates to how it may impact the environmental and financial well-being of the municipality, as well as the health, safety and well-being of its inhabitants.

Please note that Enbridge has attempted to respond to the potential municipal issues of concern raised below in a letter dated January 18, 2016 (attached as Appendix "A"). While the City appreciates Enbridge's response, in an effort to ensure that all pertinent information respecting potential municipal concerns is put before the Board in its review of the Project application, and that appropriate conditions are imposed on Enbridge if the Project is approved, the City wishes to put forth the following issues for the Board's consideration below.

Emergency Response Issues

In relation to potential emergency response concerns regarding the Project, the Hamilton Fire Department has requested the following:

- That Enbridge provide a copy of the emergency response plan specific to any construction and cutover activities;
- That Enbridge provide contact information for their site commander relative to the cutover of the replacement line so that consultation and co-ordinated planning can take place;
- Given that the diameter of the pipe is being increased for this Project, that Enbridge provide information relative to the installation of control valves on the replacement line and confirm the quantity of product that will be transported through the pipeline;

- That Enbridge provide adequate access points / routes to the replacement section of the pipeline;
- Traffic plan – there are some critical intersections from an emergency response perspective that could be affected as part of the Project. Enbridge should consult with the Hamilton Fire Department on developing traffic plans given these concerns;
- Emergency response equipment – given the potential for increase in levels of product being transported, Enbridge must ensure that the levels of emergency response equipment stored at the Westover site are maintained and or increased at adequate levels; and,
- Financial assurance – proper allocation of financial responsibility for costs that may be incurred for emergency response, clean-ups and other required action, such as evacuation in the event of a spill, particularly costs which may be in excess of Enbridge's commercial liability insurance coverage limits.

Natural Heritage Issues

The rerouting of the Line 10 pipeline to the west around Copetown Woods Golf Club has potential for environmental impacts. There are a number of natural heritage features (Provincially Significant Wetlands, Significant Woodlands, streams, and Environmentally Significant Areas) located on the Golf Club property and to the west of it. The Line 10 bypass has the potential to impact natural heritage features within the Greenbelt Plan. Enbridge must be required to appropriately assess potential impacts to natural heritage and adequately plan for necessary measures to eliminate or reduce any potential negative impacts.

Sourcewater Protection Issues

Activities related to commissioning or decommissioning of a pipeline should always consider possible impacts to surface and groundwater resources, and the establishment of a monitoring and water quality testing program by Enbridge is essential to assess any changes to local conditions.

The definition of "decommissioning" by Enbridge does not include the removal of the pipeline that is programmed to be decommissioned. Considering the potential long-term impacts of leaving portions of the decommissioned pipeline in place, including the possibility of some residue being left in the decommissioned portion, Enbridge should be required to remove the decommissioned portion of the pipeline, assuring that site remediation is performed as required.

Where the pipeline crosses a vulnerable area such as open water bodies, it is requested that Enbridge:

- Consider drinking water source protection and therefore include appropriate design standards, monitoring and maintenance practices that when implemented will prevent a pipeline from becoming a drinking water threat;
- Conduct inline pipeline integrity testing and visual inspections at least every three years;
- Provide Conservation Authorities with the report on the findings of the integrity testing and visual inspections, and actions taken; and,

- Include the mapping of vulnerable areas in spill prevention plans and spill contingency plans.

Corridor Management Issues

It is recommended that the City and Enbridge negotiate an agreement which sets out the responsibilities of the parties as they relate to the crossing of Line 10 with City-owned roadways. The agreement would need to address issues such as liability, insurance, work-around costs, and notice. Currently, there are no existing agreements relating to these Line 10 crossings which define the responsibilities of the parties.

From a corridor management perspective, the City remains concerned about decommissioning portions of the Line 10 pipeline in place, and submits that more consideration needs to be given to the impacts both in the short-term and long-term. It should be noted that leaving a decommissioned pipeline installed in place could have significant and long-lasting implications such as increased costs for future City capital works projects (e.g. work-around costs). These potential impacts to the municipality need to be sufficiently considered and Enbridge should be responsible for bearing any additional costs incurred by the City as a result of leaving any portions of the decommissioned pipeline in place.

All details regarding material storage, haul routes, coordination with City projects, coordination with Forestry, Operations, and Traffic programs, and any other Project-specific details that may arise should be provided to the City by Enbridge.

Final Route Selection

Enbridge has indicated that pipeline routing is currently at the proposal stage and that the NEB makes a final determination on route selection through the regulatory review process.

Concern has been raised by landowners that until there is a more definitive pipeline route selected, the Enbridge application is not complete. In addition, another landowner has specific concerns that their Draft Plan of Subdivision may be delayed or otherwise negatively impacted by Enbridge's proposed pipeline route. In making its assessment and determining a final route for the pipeline, the City requests that the NEB also take into consideration and select a route that has minimal impact on existing infrastructure and other proposed projects.

Addressing the Issues

The City requests that the Board impose appropriate conditions on Enbridge if the Project is approved to address the foregoing issues.

In addition to the above, if the Project is approved, the City requests that the Board require Enbridge to obtain any applicable municipal or conservation authority approvals, including building permits and site plans, and also require Enbridge to pay applicable fees, including but not limited to development charge payments in undertaking any work with respect to the Project in the City of Hamilton.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Guy Paparella
Director of Growth Planning

Attachments: (1)

C.C.
Ken Hall, Enbridge