



November 12, 2020

By email and by Certified Mail

The Honourable Seamus O'Regan
Minister of Natural Resources
House of Commons
Ottawa, ON
K1A 0A6

Dear Minister O'Regan:

**Re: Above Ground Valve Compound ("AGVC") - TNPI Pipeline realignment at
QEW - Credit River Bridge Project, Mississauga, Ontario**

The Ontario Ministry of Transportation (MTO) is widening the Queen Elizabeth Way and twinning a bridge across the Credit River in the City of Mississauga.

In order to accommodate this project Trans Northern Pipelines Inc. (TNPI) was requested by MTO to relocate 2 pipelines and accompanying valve station site. TNPI is removing its current underground valve vault Credit River East "CRE" Valve Site and has almost completed construction on an Above Ground Valve Compound (AGVC) at the intersection of a single roadway which is the only access and egress providing all services to 77 homes and an active St.-Mary's Roman Catholic Cemetery.

The Gordon Woods Homeowners Association (GWHA) and individual residents have taken up the cause representing the residents who are appalled by the dangerous safety issues posed by the location of these pipes, valves, and large electrical shed within a fenced compound immediately adjacent to this intersection at Premium Way and Dickson Road which abuts the QEW along Premium Way. These lands are located in, and associated with Part of Lot 5, Range 2 Credit Indian Reserve and Part of the Road Allowance between Ranges 2&3, Credit Indian Reserve within the City of Mississauga, formerly Indigenous lands turned over to the municipality in 1936.

These 2 specific pipes date back to the mid 1950's and are currently moving about 170,000 barrels/day of aviation (jet) fuel to the Toronto and Montreal airports. To obtain permission for these relocations, TNPI filed an application with The National Energy Board (NEB)/now Canadian Energy Regulator (CER) on Dec. 27, 2018. CER granted them a certificate to proceed in mid 2019.

A number of issues regarding TNPI's actions during the process to obtain a certificate and the granting of that certificate by CER as well as TNPI's neglect to consult residents and other

stakeholders as required, are currently being challenged through formal complaints to CER. These matters and the siting of this AGVC are currently being reviewed by the City of Mississauga, provincial MPP Cuzzetto, federal MP Spengemann, MTO Minister Mulroney and the MTO. Our local members of parliament are seriously questioning the wisdom of this site location and a detailed review of the matter has been ongoing for many months and continues underway.

The CER's Legislative Mandate includes:

- Receiving applications, reviewing and issuing Certificates for construction related to the energy industry
- Overseeing (Inspections) construction, operation and abandonment of pipelines etc.
- Compliance with conditions
- Company audits
- Enforcement of conditions and rules
- Internal process review

All of which are to be fair, inclusive and transparent.

We believe this results in an actual conflict of interest at several levels:

- Tailoring certificates for easy operations and enforcement by the CER. (We think there should be a third party review of certificates and supporting documents)
- Receiving and reviewing complaints about their own issued certificates
- Internal review of its own processes (We also believe there should be a third party review in such instances)

A specific condition as stated by the CER for TNPI regarding this specific project at time of issuance of certificate stated:

“ The Board recognizes that public involvement is an important component during each phase in the lifecycle of a project, and reminds TNPI of the importance of establishing and maintaining strong relationships throughout this entire lifecycle.”

TNPI has not properly notified or consulted with stakeholders and residents as required through this entire process.

CER's Core Responsibilities include Safety and Environmental Oversight, Energy Information and Engagement. We feel that CER has failed to live up to their required responsibilities in that regard and we have attached an addendum to this letter further explaining our concerns of default.

By not consulting the residents, and their lack of transparency throughout this process, TNPI has totally “blindsided” residents to see what is being erected on the site TNPI selected. TNPI issued **one** notice of this project which contained inadequate and incorrect information as to the location and size of the Compound, a critical mistake that has led to the approval of the Application, contrary to proper notice to all parties, including the local residents. This failure appears to reflect TNPI's track record of failure with other pipeline incidents and is highlighted in the attached Report issued by Equiterre in June 2018 entitled **Pipeline Safety Failures in Canada** wherein the Executive Summary at page 4 states: “Trans-Nord's (TNPI) exceptionally poor, unacceptable track record” which record appears to be primarily caused by “engineering and poor planning”. This is similar to our situation.

Furthermore the CER in its letter of approval (certificate) dated June 29, 2019 states:
“The Board directs TNPI to serve a copy of this letter, the attached orders and the Schedule A’s to all interested parties”. This was not done by TNPI to our residents who were located within 500 meters of the AGVC as previously was agreed with the City of Mississauga.

The City of Mississauga has belatedly recognized that this Above Ground Valve Compound is so totally inappropriate and unacceptable that on August 5, 2020 Mississauga City Council unanimously passed a resolution asking that it be moved. (see copy attached)

Furthermore based on a Webex conference call organized by Mayor Bonnie Crombie on October 16th, 2020 it appears that all elected political and government members representing the constituency where this monstrosity is located, have expressed the view that it is a serious mistake for multiple reasons and should be relocated. You can review the full written transcript of this call as well as other background of this matter at our Website www.gordonwoods.ca under the “AGVC” heading. The City of Mississauga has also recently agreed to retain independent professional engineering assistance to review the site location and safety of that site and if necessary to recommend an alternate location for the safety of the local residents and for the ultimate safety of the QEW traffic. The City is even exploring the potential realignment of the residential street Dickson Road as a result of this ridiculous site selection (see Hi-Rez picture attached) at the request of the local MPP.

Minister O’Regan, we ask that you please review NEB/CER approval for the certificate that allowed TNPI to proceed and how TNPI has failed to live up to their responsibilities as outlined in that certificate.

We further ask that you add your voice and weight of your office to see that this AGVC be relocated and contained within an underground vault for public safety and for the safety of our residents and of all concerned.

We further ask that you halt construction for thirty (30) days until a suitable location can be agreed by the City and residents for this underground vault.

Respectfully submitted,

Gordon Woods Homeowners’ Association


per: **Donald Stewart, President**

DACS/ds

Attachments: Equiterre report, Council resolution, Hi-Rez picture

Cc: Mayor Bonnie Crombie
Councillor Dipika Damerla
Rudy Cuzzetto MPP
Sven Spengemann MP
Minister Caroline Mulroney

ADDENDUM regarding Canada Energy Regulator (CER) Core Responsibilities

Safety and Environmental Oversight:

MTO claims that the two pipelines being relocated are identified in the 2013 MTO Class Environmental Assessment (“EA”) and to relocate TNPI was required to follow the regulated approval process set forth by CER. It is our belief that back in that 2013 EA, no mention of any above ground valve compound was made. These above ground pipes and valves at this specific site on sand and shale base should require their own review for Environmental compliance. The fact that there is new Regional and City based a 3.5metre “Multi-Use Trail” (where people walk, cycle and roll) planned for this area immediately adjacent to the AGVC fence-line poses further safety concerns.

CER approved this AGVC in a location where conditions are sand overlying shale, within close proximity to the Credit River. Should there be a fuel spill there will be transmission through sand etc. without any form of containment downhill toward the river. TNPI has dismissed our request that they consider a below ground containment vault similar to the one they are decommissioning. They simply state that in recent years this “above ground” design, is their practice. When asked specifically if they were not allowed to bury the valves in a containment vault, they would simply restate that this is not their current practice. We have since been told through the CER, that there is no legal requirement that new valve stations be solely above ground. We understand that a concrete containment vault with SCADA monitoring would at least allow for some containment and quicker response should an incident occur compared to an above ground/open air application. Having this contained in an underground vault in a safer site location appears to us to be a more desirable preventive course of action.

We are not explosive experts but it would make sense that given the highly volatile nature of this Aviation Fuel at a location with 2 valves (valves being a weak point in the pipeline) at an elevation of ~ 2.5metres above grade pose a safety risk. In an explosion, shock waves would likely radiate in all directions. These valves will be ~10metres from the sound wall along the QEW and debris could project onto one of the busiest highways (195,000 vehicles /day according to 2013 data) in Canada as well as into the residential area houses nearby. We believe that within a buried containment vault, the explosion would likely project more vertically and pose less danger.

Energy Information: Pipes contain Aviation (jet) Fuel moving through at high volumes, pressure and velocity. This was never divulged until pointedly asked by residents as to what was contained in these pipes. In our opinion, this again demonstrates a lack of transparency by TNPI and CER.

Engagement: CER has not constructively engaged the stakeholders, residents or GWA. CER staff have consistently avoided answering questions posed by residents and thrown the responsibility of “communicating” with TNPI back on the residents and TNPI. That has been a fruitless exercise given TNPI’s continued lack of engagement and transparency. TNPI has not met with residents on site as requested including a meeting called by and attended by our local City Councillor. Rather than attending directly TNPI simply sent a representative

from Stantec and he was unwilling to share any pertinent information. TNPI's continued lack of communication with GWHHA and residents continues to reflect their total lack of regard for their responsibilities outlined in their CER certificate and for the area residents. TNPI has not been forthcoming with information requested of them and have been dismissive during web meetings including one with the MP, MPP, MTO and City officials. They have totally lost the trust of the residents living here. Since this QEW Credit River Bridge project is projected to have a 100 year shelf life, we need to get this valve location better sited and safer for all.