

March 10, 2023

Canadian Energy Regulator
517 10th Avenue
Calgary, Alberta
T2R 0A8

Attention: Secretary of Canadian Energy Regulator

To Whom It May Concern,

Re: Request to Review Approval of TNPI CER File #OF-Fac-Oil- T-T217-2018-01 0101

We are counsel for the Gordon Woods Homeowners' Association Inc. (the "GWHA"). We write to request a formal Review of the above Order issued on June 26, 2019, regarding the realignment of the Pipeline from the Credit River to Lynchmere Road in the City of Mississauga, Ontario.

This Request is made pursuant to section 69 of the *Canadian Energy Regulator Act* (referred to as "CERA") and the Rules of Practice 1999.

The Parties to the original proceeding are:

- Trans Northern Pipeline Inc. (TNPI)
- National Energy Board (NEB)
- Canadian Energy Regulator (CER)
- First Nations/ Aboriginal Persons
- Ministry of Transportation for Ontario (MTO)
- The City of Mississauga (CofM)

The Issue

The GWHA's primary issue with the Order is the site location of the Credit River East above ground valve compound (referred to herein as the "AGVC") located at the north-east corner of the Dickson Road and Premium Way intersection. For the safety reasons set out in more detail later in this request, it appears there could not have been a more problematic location for this facility. There exists a 1,000 meter corridor along Premium Way which is essentially open land and a hydro right of way.

There are other locations where this small land requirement (approximately 135 square meters) could easily have been accommodated, including moving the AGVC either west or east by 50 meters, which would have avoided the safety issues which are inherent in the current location. Instead, the AGVC is located immediately at the key intersection of Dickson Road and Premium Way, the sole access and egress street to 77 large homes, which creates visual blockages, including a fully blind left turn, for homeowners and residents whenever they are exiting their properties and a blind right turn when entering their properties.

Background Information

The GWHA has worked with the CER steadily over many months to attempt to have issues addressed and are now formally asking the CER to Review its Decision under Section 69 of the CERA. The CER has been very helpful in its Public Participation process through Mr. Marc Boucher in explaining the role of the CER to the group and how the CER process functions, including its mediation process. The GWHA also participated in a brief mediation session in August 2020, with the Applicant TNPI and Mr. Sam Seles. The GWHA then worked with Facilitator Carly Milne and Ms. Whitney Punchak towards the requirements of formalizing the Request for Review of the CER Order dated June 26, 2019, specifically approving the location of the AGVC immediately to the east of the busy intersection of Dickson Road and Premium Way.

The GWHA was informed by CER staff through a “Pre-App” call on February 10, 2021, (see **Tab 16**) of the following:

- that there is no minimum required distance that this AGVC could have been installed east of the Credit River, so that the AGVC could have been located anywhere within the 1,000 meter distance, or even further east from the Credit River.
- that there is no time limit for requesting the CER to review its Decision in a matter such as this.

Therefore, the GWHA is now making this formal request for a Review of the Order.

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1. TNPI Application of December 27, 2018 (see Tab 1 attached hyperlink to the CER website)

TNPI indicated in its submission that it had completed a number of required steps for the Application. GWHA challenges the accuracy of these statements. GWHA believes that TNPI and its engineers appear to have misrepresented facts concerning the TNPI Application as follows:

C2 Consultation activities were designed and implemented for the Project

Since the immediate residents to the AGVC (the 77 home owners in the Dickson Park area, defined as Dickson Rd. and Dickson Park Cres.) were not consulted and made aware of the intended location of the AGVC, GWHA challenges this statement. In addition, this Project also affects residents of Stavebank Rd, Lynchmere Rd. and Premium Way who transit through this intersection, who were also never consulted. Lastly, many other users of this corridor, including Federal (mail) and Municipal (garbage collection, ambulance, fire, police, snow plowing) services, as well as all local traffic use Premium Way to access a major Trans Canada highway.

C3 Potentially affected persons or groups

Same response as above in C2.

C3-1 There are no potentially affected landowners

Since all of the residents of the 77 homes in Dickson Park use Dickson Road as their only method of access and egress from their homes, it is impossible to state that there are no potentially affected landowners.

C3-2 There are no potentially affected nearby residents who may see, hear, or smell the Project

Same response as above in C3-1.

C-5 All concerns about project impacts have been addressed

It appears that many impacts (referenced in detail below) were not and have still not been addressed. Some of these include – visual restrictions, numerous safety issues, environmental issues, an ongoing lack of communication and Municipal By-Law responsibilities not being met, etc.

The 77 homeowners in Dickson Park encounter the AGVC Project every day they leave their homes and travel out of their immediate neighborhood – they have to pass this

industrial site whenever they want to shop, take their children to the school bus stop, go to their bank, commute to work, etc. The access to their properties is equally affected including the potential inability to get emergency services, not only fire service but also ambulance and police. They are impacted by the AGVC constantly. The impacts and dangers posed at this intersection will impact generations to come.

EV5 An Environmental and Socio-economic Assessment (ESA) has been conducted to identify and document potential environmental and socio-economic effects.

Our client requests a dated copy of this document as it must be available for audit purposes.

2. TNPI Environmental Protection Plan (EPP) (see Tab 2) dated July 25, 20219.

Since the EPP contains virtually no information whatsoever of the AGVC and its effects on the immediate residents, it is clearly not a complete review of the EPP aspects of the AGVC. This further confirms the lack of any adequate consideration for the residents who live in the Dickson Park area – which is very disturbing to these residents and to the community as a whole. At the same time, the EPP definitively indicates the AGVC will be located on the northwest corner of Dickson Road and Premium Way (see EPP at page 1.1). This was and remains the only possible location, if the AGVC is to be located anywhere in this vicinity. The fact that the EPP was conducted based on this location, which is not where the AGVC has been built, also completely invalidates the EPP. Consequently, there has never been an EPP provided for this project

S1 An Environmental and Socio-economic Assessment (ESA) has been conducted to identify and document potential environmental and socio-economic effects

Again, our client requests a dated copy of this document as it must be available for audit purposes.

3. TNPI Notice to Residents dated May 9, 2019 (see Tab 3)

It appears the only way this situation could have occurred was through a lack of accurate and fulsome communication by TNPI – a Company that stated and was supposedly committed to a communication program (see Tab 1) which was also specifically directed by the CER Order of June 25, 2019, as follows:

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

Instead, the residents received the attached May 9, 2019, letter (see **Tab 3**) which not only appeared to obfuscate the facts of the AGVC in a number of ways, but also directly misadvised residents as to where this facility was to be located:

- stating the 2 valves would be in a fenced area compound;
- avoiding any presentation of an artist’s conception or 3 D drawing to show the reality of the proposed installation of this significant industrial looking permanent fixture located immediately at the only access to this community of 77 high level residential homes in a heavily wooded area of high landscaping values;
- providing no transparent explanation of what the compound would look like;
- stating the location of the compound would be in the NW area of the Dickson Road/ Premium Way intersection, creating very different impacts than at its current location at road level at the NE intersection of these streets; and
- providing no indication that there was to be a purchase of land from the City for the installation of the AGVC.

In addition, when communicating to residents and to the Mississauga City Councilors, the language used was “two valves in a fenced area” – which appears to be extraordinarily innocent language compared to what residents and the public who are attempting to use the multi-trail pathway juxtaposed to the AGVC are experiencing today.

4. Location of the AGVC and safety issues:

The AGVC is located in the middle of a 1,000 meter corridor which is basically open land and a hydro corridor. It seems very clear there are ample alternative locations which could support this small land need (as noted, 135 square meters appears to be the site size of the existing AGVC). While it is understood that the Applicant’s engineering firm Stantec reviewed 7 different locations, ranging from beside the pre-existing vaulted (underground) CRE all the way to 900 meters east to Lynchmere Road, they appear to have selected the worst possible site from the point of view of the residents of this area – please see the further detailed Safety Comments below.

The criterium for TNPI’S site selection appears to be solely based upon economics and their ability to easily purchase land from the City. The site may have appeared to be most economical from TNPI’s point of view as this location is where the pipeline comes up to surface after its major excursion under the Credit River. One of the worst aspects of this scenario is that residents only discovered this siting of the AGVC when construction was well underway in May 2020.

5. Safety Issues of current location of AGVC:

A. Visual sightline restrictions

As noted, the AGVC is immediately adjacent to a busy 3-way stop intersection serving as the only access and egress to the 77 homes located on Dickson Road and Dickson Park Crescent (referred to as “Dickson Park”). Cars leaving Dickson Park come to a stop sign at Premium Way, which is at a location where the AGVC precludes any reasonable view of oncoming west bound traffic on

Premium Way (see **Tab 5**). This not only poses a problem for oncoming traffic but is significant with the construction of the new Multi-use trail immediately adjacent to the compound.

Proper sightlines are critical at all times from all 3 directions. Not only does the AGVC fence impede sight, but all of the additional elements i.e. bollards, utility shed, etc., along with the addition of concrete barriers, yellow pipeline markers outside the compound as well as shrouded yellow guide wires together result in very significant visual distractions inherent with this AGVC. Furthermore, at either sunrise or sunset, the AGVC fencing completely blinds ones vision whether residents are accessing or egressing to/from their properties.

These issues were raised with various agencies. There has yet to be a clear response from TNPI demonstrating that the intersection meets all of the applicable criteria from all levels of government. Clearly as the proponent TNPI should have provided this information.

Multi-use pathway issues:

As also noted, the fenced compound obscures clear site lines at the corner and appears to be dangerous. The new multi-use pathway will result in significantly increased bicycle, pedestrian, jogger and rollerblade traffic and for all parties there is very limited visibility of oncoming vehicles or people. Anyone who does not stop completely is at serious risk.

Being this close to the intersection, there is also no space for the construction of the required “bend-out” as required as part of the Mississauga Cycling Masterplan 2018. On August 24, 2020 residents were told by Jeremy Blair (Manager of Transportation Management for City of Mississauga) that there was no space to accommodate this benefit which would provide spatial separation between vehicles entering or exiting the street from trail users (see attached picture and explanation from Cycling Masterplan, see **Tab 6**).

School Bus Stop issues:

There is a school bus stop immediately in front of the AGVC, where children are picked up and dropped off daily to travel to/from school. There are many families with young children living in this residential community. This bus stop and the safety of the children should clearly have been recognized as relevant at the time of TNPI’s application.

Volatile Hydrocarbons issues surrounding this location:

The posting of TNPI’s signage stating, “All ignition sources shall be minimum 6 meters from fence line” (see **Tab 12**) highlights just how unsafe this location is. There are constantly many ignition sources less than 6 meters away (e.g. individuals smoking, vehicles from 3 directions converging at the intersection, snowplows on the road and users on the multi-use pathway to name but a few). This is obviously impossible to monitor or enforce. TNPI should have verified that there

would be no ignition sources this close to its fencing before constructing its AGVC in this location, which they clearly did not.

In recognition of the potential for vehicles going off the road (which is less than 4 meters from TNPI's fence) and colliding into the valves, TNPI installed a series of yellow bollards within the fence as indicated on its Application plan. After residents voiced safety concerns multiple times, TNPI has now added additional concrete barriers within the compound, creating an even greater visual obstacle for drivers.

Spatial constraints:

Upon construction completion, this intersection will have 3 lanes of vehicular traffic converging with pedestrian, cycling and rolling traffic on the multi-use pathway. This is all hemmed in between the AGVC east of Dickson Road, a high soil embankment west of Dickson Road and the high QEW sound wall immediately south of Premium Way with very limited space. When a vehicle accident occurs, vehicle movement including emergency access will be highly restricted in this congested intersection.

Under Canadian Energy Regulator Onshore Pipeline Regulations – SOR/99-294 (Sections 32 to 35) a company (in this case TNPI) must develop, implement and maintain an emergency management program and develop a continuing education program for the police, fire departments, medical facilities “and the public residing adjacent to the pipeline” to inform them of the location of the pipeline, potential emergency situations involving the pipeline and the safety procedures to be followed in the case of an emergency. Residents *have not* been provided with *any* information in this regard and question whether any of this was ever done by TNPI.

Currently, TNPI have provided a sign (**see Tab 11**) on the east wall fence of the locked entrance to the utility building with a telephone number to call “In Case of Emergency”. GWHA questions if this is adequate notice under SOR/99-294?

Seasonal issues:

In winter season Dickson Roadway (with its significant downhill grade) can be very icy at times, causing all types of vehicles sliding into the intersection. With the new wind dynamics created by these concentrated physical elements at this intersection, residents have yet to experience a full winter of the snow build up and snow plowing of the road and multi-use trail in a location with no space to move snow. Any banking of snow near this intersection will further obscure sightlines and poses an even greater danger. There is no indication these seasonal environmental factors were discussed between TNPI and the City of Mississauga or addressed in any meaningful way.

Valve failure and potential leakage:

The AGVC is located at the closest point to the relocated sound wall along the west bound QEW (one of the Canada’s busiest traffic corridors which is currently being expanded into 6 lanes plus a west bound on ramp adjacent to the sound wall at this intersection.) When there is an industrial accident, given the nature of the fuel, if a valve were to fail or an explosion were to occur, or through sabotage etc., the resulting force of an explosion or any gas plumes or columns or a pressure wave can potentially collapse the QEW sound wall onto and into the dense QEW highway traffic as well as contaminate ground water. If these pipes had been within an underground vault as in the previous CRE situation it is replacing – many of these factors would be mitigated. Please note that the TNPI 2 pipes carry 172,900 barrels per day of highly flammable refined jet fuel. When an industrial accident occurs with this valve station, all residents will also not only be sealed off from exiting their community but as importantly, emergency vehicles will not be able to bypass the intersection to service residents in the immediate Dickson Park community. The residents need to know the Emergency Management Plan for this area as required by CER SOR/99-294 Section 35.

6. Various steps in the AGVC installation and Objection process

The City of Mississauga became obliged to sell land to TNPI for the compound under its Letter of Intent (“LOI”, **see Tab 9**) dated November 2018. There was no requirement for the City to give notice to the residents of the Dickson Park area of this transaction under the City’s normal administrative procedures. TNPI did not communicate any need to buy land for its compound in its May 9, 2019, letter to residents. As a result, residents being disadvantaged by the location of this AGVC had no proper notice of what was occurring at the corner of Dickson Road and Premium Way.

Once construction commenced and it became obvious this dangerous structure was being placed at the only access and egress point for all residents of these 77 Dickson Park homes, they took immediate action to challenge the AGVC location with their local City Councilor, local MPP, local MP and the Federal Minister responsible for CER. Local Councilor Damerla also made direct petitions to TNPI to not proceed with construction until this location could be further vetted. Residents petitioned City Council on August 5th, 2020, and Mississauga City Council unanimously and immediately passed a Resolution objecting to the AGVC siting (**see Tab 4**). Subsequently, Ms. Noehammer also forwarded a letter request to MTO and TNPI to consider altering the AGVC location and offering other sites owned by the City to accomplish such a move (**see Tab 7**).

Later in August, residents commenced further discussions with CER Public participation agent Marc Boucher and commenced a mediation session with the assistance of Mr. Sam Seles with TNPI. However, this quickly ended as TNPI’s only suggestion was to leave the AGVC exactly where it is located and simply landscape it. Since the constraints of the site and its immediate fencing being adjacent to the school bus unloading zone and the multi-trail pathway, GWhA concurred that there was no reasonable option to conceal the AGVC or ways to address the

many other concerns. Consequently, the GWhA did not continue with this mediation process at that time.

The Ward Councilor Damerla then wrote a forceful letter on September 9, 2020, to Minister of Transportation Mulroney and the MTO requesting that this AGVC be moved. This letter requested MTO (which controls the QEW/Credit River site) require TNPI to move its AGVC 75 meters to the west of its current location. The letter is attached (**see Tab 7**) and makes clear that Mississauga Council and the Councilor who had originally proposed the sale of the land to TNPI June of 2019 were requesting a change in location of the AGVC.

With no apparent movement from TNPI, in October of 2020 Mississauga Mayor Crombie convened a meeting of all interested parties including the local MPP, local MP, TNPI and MTO for further discussion. The meeting was held on October 26, 2019, and was attended by a multitude of participants, including Mayor Crombie, City Councilor Damerla, MPP Cuzzetto, MP Spengemann, MTO executives, Gail Sharko of TNPI and two representatives of the GWhA. While complete verbatim minutes of the conference are available upon request, the following key comments came from the meeting:

Mayor Crombie:

- We have a big issue here that is really important to the community and I am happy we have the right people in this meeting today
- Obviously this AGVC is an eyesore and a safety concern for the residents

Local MP Sven Spengemann:

- Under Federal Regulations, this valve compound can be either above or below ground.
- Premium Way now looks like the entrance to Fort McMurray!!
- These are Indigenous lands and from the Federal Government's perspective the project of Reconciliation includes stewardship of the land – very easy and obvious answer is to say if we put an access valve above ground on the banks of the Credit River that does not need to be there, that is not stewardship of the land from an Indigenous perspective
- The location is not ideal from a safety standpoint, and we need to be respectful, especially in a city that bears the name of a First Nation, in terms of how we take care of the land. So all other options should be pursued!

Local MPP Rudy Cuzzetto:

- Very concerned that this is located at the very corner of a busy intersection – a speeder could lose control of a car and hit the valve similar to what happened on Lakeshore Road and Cawthra Road recently in early 2020
- Altering the alignment of Dickson Road should be considered by the City if this AGVC does not get relocated or buried

Gail Sharko of TNPI:

- Concrete balusters will protect it from traffic mishaps

Local MP Sven Spengemann:

- For the current site to be safe, there will be need for concrete ram barriers to be constructed that will amplify the AGVC even more
- From a safety and visual perspective, this location is not ideal

Gail Sharko of TNPI

- We will move the AGVC if we are ordered to do so by MTO

Mayor Crombie:

- We need to get this buried or moved because it is unacceptable to the residents and the City absolutely
- So I don't even care what the costs are at this point!!

Unfortunately, there was no progress or movement by any of the key players. Neither TNPI or MTO (who controls the site and could require TNPI to move the AGVC) agreed to act.

7. Lack of Environmental Approval process under EAA

There has been a complete lack of EA process regarding the AGVC construction project. MTO through its control of this site and through the Group B process under the EAA has never communicated on a timely basis about the location or form of the AGVC, contrary to its obligations to communicate with the public (including the immediate residents of Dickson Park) as far as this particular aspect of this QEW Credit River project is concerned. It appears MTO was relying on TNPI to communicate properly regarding this specific site location, but as indicated above, this did not occur. The last meaningful communication from MTO occurred at the PIC meeting on November 13, 2018; however, the final decision on the specific location of the AGVC was not made until April 2019. With the erroneous TNPI letter of May 9, 2019, noted above, residents did not discover the AGVC location and its nature until construction began in May 2020, long after proper notice was required to have been communicated to residents.

8. Lack of Proper Notice and Full Disclosure by TNPI are Ongoing Issues and Symptomatic of Planning and Engineering Failures

Based on the facts set out herein, it is inconceivable that TNPI did appropriate planning and engineering related to this AGVC. TNPI has a history of deficient planning and engineering as evidenced by the noted publication by Equiterre in its July 2018 article (**see Tab 13**) entitled "*Oil Pipeline Safety Failures in Canada*". TNPI is noted at that time as having the worst record in Canada of failures and it is noted that "nearly 70% of incidents, arose in part from engineering and planning problems".

In addition, just west of the current site of the AGVC, there is the report from July 29, 2020, of TNPI being fined for a safety incident at the Oakville Go Train station (**see Tab 13**).

TNPI failed to properly notify the new Ward 7 Councilor Damerla of the full nature of this AGVC as required by section 5 of the LOI with the City of Mississauga dated November 18, 2018. Please see Councilor Damerla's letter of December 15, 2022 (see **Tab 10**), indicating that her information from TNPI was identical to the May 9, 2019, letter received by the Dickson Park residents.

Furthermore, the previous Councilor of Ward 7, Councilor Iannicca (who became Chairman of the Region of Peel in November 2018) also had no knowledge of this proposal to place the AGVC at the Dickson Road/Premium Way intersection as stated in his letter dated July 28, 2020 (see **Tab 14**).

These examples further highlight the ongoing and significant breaches of responsibility by TNPI and illustrate the inadequacies of TNPI's planning and engineering activities.

9. Request for Review of Order and Reasons for Revocation of the AGVC Location Approval

With no movement from the MTO, GWhA commenced discussions with CER for a Pre-App meeting, which occurred on February 10, 2021 under the leadership of facilitator Carly Milne (see **Tab 16**). This occurred with the appropriate persons present, who confirmed certain key elements including:

- the fact that CER may order the current siting of the current AGVC to be rejected with the responsibility of a new siting to be that chosen by TNPI
- that there is no limit as to how far east of the Credit River the valve compound may be located, which provides ample space for a relocation to occur
- a site visit could be ordered by CER and that would take place in Phase Two of any Review transaction
- that an appeal to the CER to Review its Order may take place at any time

Consequently, the GWhA is submitting its formal request for a Review of the Decision of June 26, 2019, and requesting that the existing siting of the AGVC be altered. This request is based on all of the foregoing concerns and issues, as well as the following grounds:

A. Change of facts –while the City did initially approve of the siting (through its sale process of the AGVC lands), the City has now become aware of the actual size, configuration and safety issues of the AGVC and has changed its decision. At minimum, the City recognized the importance of an independent peer review; however, this has never been done. This is evidenced by the Mississauga Council Resolutions issued on both August 5 and December 9, 2020, as well as by statements of the Mayor and correspondence from the local Councilor Damerla to both TNPI and Minister Mulroney. These decisions by the City Council have been supported by equally strong concerns voiced by elected representatives, both Member of Provincial Parliament Cuzzetto and Member of Parliament Spengemann as per their statements attached and other letters of support (see **Tab 8**). There has also been support expressed by Canada's Minister of Natural Resources in correspondence December 14, 2020 (see **Tab 15**).

B. Denial of Natural Justice – essentially, natural justice requires that a person or persons receive a fair and unbiased hearing before a decision is made that will negatively affect them. The three main requirements of natural justice are adequate notice, a fair hearing and no bias. The Pre-Conference summary letter dated February, 2021 (**see Tab 16**) stated specifically that “a breach of natural justice including failure to provide procedural fairness could provide grounds for review or rehearing”.

One of many key lacking elements in the TNPI process is the insufficient notice and lack of engagement with the residents of Dickson Park regarding this AGVC being sited immediately at the north-east corner of Dickson Road and Premium Way. The only notice given to the residents by TNPI was that dated May 9, 2019. Firstly, the notice was deficient in that there was no accurate description of what was to be constructed at the intersection. Secondly, whatever it was to be was described as being located at the NW (northwest corner) of the intersection – a vast difference from the northeast corner, because of the elevation of land on the northwest side where any construction might be either hidden by the high knoll at that corner or be on top of the knoll, which again would not significantly affect the community, and certainly not in the ways the current location does (**see Tab 5**). Thirdly, there was no indication of a requirement for land purchase by TNPI, which could have triggered a review by the neighborhood of the type of industrial compound that was to be constructed at this, the only access point to their homes.

For all of the above reasons, GWHA now request the CER withdraw its approval for the AGVC location noted in its June 26, 2019, Order, and require that TNPI relocate this structure to a more appropriate and safer location.

Yours truly,



Eric Gillespie
EKG

TAB 1

Trans-Northern Pipelines Inc.

Project Name: TNPI Credit River QEW Lynchmere
Avenue Pipeline Relocation**Submission Information**

Submission Title: TNPI Credit River Pipeline Relocation **Submission Date:** 27/12/2018
Filer: Caroline Johnston **Role:** Applicant
Form Version: 23.00

Applicant Information

Name: Caroline Johnston **Telephone:** 403-476-1302x
Title: **Facsimile:**
Organization: Trans-Northern Pipelines Inc.
Address: 5305 McCall Way N.E.
City: Calgary **Province:** Alberta
Postal Code: T2E-7N7
Email: cjohnston@tnpi.ca

This application is pursuant to the following sections of the NEB Act and OPR Regulations:

Sections of the NEB Act that apply:

✔ Section 45 - deviation, change or alteration of facilities

Section 48 - exemption from OPR

✔ Section 58 - facilities exemption order

Exemptions / Relief Requested An exemption from sections 29 to 33 and 47 of the NEB Act is requested. In addition, this application includes information for compliance with OPR Section 45.1 - Decommissioning.

OPR-99 Regulations that apply:

OPR 43 - increase in MOP

OPR 44 - deactivation of facilities

OPR 45 - reactivation of facilities

Project Description

Project Name: TNPI Credit River QEW Lynchmere Avenue Pipeline Relocation

Proposed Construction Date: 01/08/2019

Estimated Cost: \$18790000

Project Purpose: The Ontario Ministry of Transportation (MTO) is twinning the Queen Elizabeth Way (QEW) bridge that crosses the Credit River, in Mississauga, Ontario. The MTO has requested that TNPI relocate their 273.1 mm (10.75 inch) OD and 508 mm (20 inch) OD pipelines so they will be clear of the proposed bridge footings and other works for the QEW bridge widening.

The existing pipeline crossings of the QEW Freeway will also be relocated to accommodate the tie-ins to the horizontal directional drill (HDD) crossings of the Credit River. Additionally, the same two (2) TNPI pipelines must be rerouted at the nearby

Lynchmere Avenue and Premium Way intersection to accommodate the construction of a freeway noise reduction barrier.

Brief Description of Work:

The Project will include the installation of the following approximate lengths of pipe:

1. For the Credit River crossing:
 - a. a total of 699 metres of 273.1 mm (10.75 inch) OD pipe by horizontal directional drilling (HDD);
 - b. a total of 695 metres: 686 metres of 508 mm (20 inch) OD pipe by HDD and 9 metres by open trench to the tie-in point.
2. For the QEW crossing:
 - a. a total of 126 metres: 103.6 metres of 273.1 mm (10.75 inch) OD pipe by HDD and 22 metres by open trench to the tie-in point;
 - b. a total of 125 metres: 103.5 metres of 508 mm (20 inch) OD pipe by HDD and 21 metres by open trench to the tie-in point.
3. For the Lynchmere Avenue and Premium Way crossing:
 - a. a total of 197 metres of 273.1 mm (10.75 inch) OD pipe; and
 - b. a total of 142 metres of 508 mm (20 inch) OD.

The new segments of pipeline crossing under the Credit River and QEW will be installed in separate trenchless crossings. The replacement segment under Lynchmere Avenue and Premium Way will be installed entirely by the open trench installation method.

The Project also includes the removal of an existing underground valve vault, and relocating the valves to a new aboveground valve compound.

All of the new pipeline segments will be installed in new TNPI easements. New land rights will also be acquired for the new valve compound from the City of Mississauga.

The majority of the replaced pipeline segments will be decommissioned in place (DIP) (depressured, purged and cleaned, cut, capped and left unpressurized with nitrogen) by TNPI. The DIP 273.1 mm OD pipe segment crossing under the QEW will be DIP as for the other pipe segments, but will be left filled with flowable concrete and capped as required by the MTO's pipeline crossing agreement.

The MTO-hired bridge widening contractor will access the site after the existing pipelines have been decommissioned in place by TNPI's pipeline contractor. MTO's contractor will remove segments of TNPI's DIP pipe which would conflict with the placement of new bridge footings, and with the construction of a stormwater management pond on the north side of the Credit River, and a noise abatement wall near Lynchmere Avenue on the west side of the QEW. The DIP pipe segments under the Credit River will be filled with river water by MTO's bridge widening contractor after the conflicting pipe segments have been removed.

Technical Description

Proposed Facilities:



Pipeline

Pigging

Compressor

Metering Station

Tank

Integrity Management - Program Elements to be Employed on the Facility:

All field welds will be nondestructively examined over 100% of each weld's circumference using radiography. The crossing pipe will be pre-hydrotested to a minimum of 1.25 x the pipeline's design pressure for a minimum duration of one (1) hour aboveground with visual inspection of all the pipe segment girth welds and coated pipe conducted prior to installation via the horizontal direction drill (HDD) or open trench method.

The installed replacement pipeline (HDD and trenched portions together) will be hydrotested as follows:

- strength test: minimum of 1.25 x the design pressure for a 4-hour minimum period; and
- leak test: minimum of 1.1 x the design pressure for a 4-hour minimum period.

All final tie-in welds will be nondestructively examined over 100% of each weld's circumference using radiography.

Also as part of TNPI's integrity management program (IMP), the pipe for the HDD segments will be externally coated with FBE plus ARO coatings prior to installation to provide external corrosion and abrasion protection .

Construction & Inspection - Construction Techniques to be Employed:

For the two (2) pipelines, the crossing of the Credit River and QEW will be installed by HDD (refer to Attachment 1.1, the engineering drawings). The rest of the replacement pipe, including the tie-ins for the HDD crossings and the Lynchmere Avenue and Premium Way crossings, will be installed using an open trench construction method.

The contingency plan for a failed HDD at any of the crossings, consists of re-drilling the HDD. If additional HDD attempts are determined to be outside the risk tolerance of the Project, the recommended secondary contingency methodology will be a re-route. Refer to Attachment 1.2, the "TNPI Feasibility and Contingency Plan for 508 mm and 273.1 mm OD Horizontal Directional Drills Across Credit River and Queen Elizabeth Way", for details.

Construction & Inspection - Inspection Techniques and Relative Frequency of Inspection to be Employed:

During operation of these TNPI pipelines, the inspection techniques will include the following: the entire pipeline (including the new HDD replacement sections) will continue to be inspected by inline inspection (ILI) technologies on a regular basis. The inline inspection (ILI technologies (magnetic flux leakage, geometry and mapping, Inertial Measurement Unit (IMU)) inspections will be run a minimum of every five (5) years. Annual CP test post surveys and cathodic protection potential surveys of the ROW will be conducted.

Construction & Inspection - Major Milestones for the Project Schedule:

Major milestones for the schedule:

- Credit Valley Conservation Authority Permit Submission: December 20, 2018
- Credit Valley Conservation Authority Approval: March 6, 2019
- NEB Application Submission: December 20, 2018
- HONI Provincial Secondary Land Use Program Proposal Submission: November 16, 2018
- MTO Permit: March 12, 2019
- NEB Approval: anticipated by no later than May 13, 2019
- HONI Land Agreements / Pipeline Easements: August 9, 2019
- Construction Start: August 2019 (following receipt of all required approvals and satisfaction of any pre-construction conditions)
- Construction Completion: April 2020

Document Attachments:

Filename	Document Name	Language
Attachment 1 - Tech Description.pdf	Attachment 1 - Tech Description	English
Attachment 1.1_Engineering Drawings.pdf	Attachment 1.1 Engineering Drawings	English
Attachment 1.2_Credit River_Feasibility and Contingency plan_Rev Page 1 -18.pdf	Attachment 1.2_Credit River_Feasibility and Contingency plan_Rev Page 1 -18	English
Attachment 1.2_Credit River_Feasibility and Contingency plan_Rev Page 19-53.pdf	Attachment 1.2_Credit River_Feasibility and Contingency plan_Rev Page 19-53	English
Attachment 2.3_Survey Plan.pdf	Attachment 2.3_Survey Plan	English

Location

Document Attachments:

Filename	DocumentName	Language
Attachment 2.1_ESA_FigA-1_Project_Overview.pdf	Attachment 2.1_ESA_FigA-1_Project_Overview	English
Attachment 2.2_ESA_FigA-4_PDA (1).pdf	Attachment 2.2_ESA_FigA-4_PDA (1)	English
Attachment 2.3_Survey Plan.pdf	Attachment 2.3_Survey Plan	English
Attachment 2.4_ESA_FigA-2_Natural_Heritage_Features (2).pdf	Attachment 2.4_ESA_FigA-2_Natural_Heritage_Features (2)	English

Manuals

Title	Revision / Publication	On File
Emergency Response Plan Comments Also posted on TNPI.ca	02/03/2018	yes
Construction Safety & Environmental Manual Comments	13/01/2016	yes
Security Management Standards Manual Comments	01/04/2018	no
Consultation and Engagement Procedure Comments	31/12/2017	no
Operational Excellence Management System (OEMS) Comments	26/10/2017	no
Public Involvement Program Standard Comments	01/10/2009	no
Management of Change Procedure Comments	01/11/2017	no

Applicant Self Assessment of Risk

Aboriginal Matters

- A1 The applicant has established, and filed with the National Energy Board, a corporate policy with respect to Aboriginal consultation, and the principles and goals that guide the applicant's consultation program.
- ✓ A2 Consultation activities with Aboriginal groups were designed and implemented for the Project.
- A3 There are no potentially affected Aboriginal groups. (Applicant must describe in the comment box how it concluded that there are no potentially affected Aboriginal groups. Note: the Board considers that Aboriginal groups' whose Traditional Territory is traversed by a Project may be potentially affected).
- ✓ A4 The Project does not traverse Indian Reserve Lands or Métis Settlement Lands.
- ✓ A5 The Applicant can demonstrate that they have provided to all those identified in A3 and A4 all of the following:
Description of the Project
Description of potential impacts of the project
Description of your company's dispute resolution (or landowner complaint) process
Information about the NEB and its application review process including the NEB brochure "A Proposed Pipeline or Power Line Project: What You Need to Know")
At least 14 days notice that your company intends to file an application with the NEB
Notice that they can raise outstanding project-related concerns with the NEB, (the NEB encourages people to submit any concerns about the project as soon as possible and preferably within 14 days after the application has been filed)
Notice of the actual date of your company's filing provided within 72 hours of filing the application with the NEB.
- ✓ A6 All concerns raised by Aboriginal groups about potential project impacts have been addressed.

Rationale:

- A1 - Refer to Section A1 in Attachment 9 – Aboriginal Matters for details.
A3 - Refer to Section A3 in Attachment 9 – Aboriginal Matters for details.

Consultation

- ✓ C1 The applicant has established, and filed with the National Energy Board, a corporate policy with respect to consultation, and the principles and goals that guide the applicant's consultation program.
- ✓ C2 Consultation activities were designed and implemented for the Project.
- ✓ C3 Potentially affected persons or groups
- ✓ C3-1 There are no potentially affected landowners.
- C3-2 There are no potentially affected nearby residents who may see, hear, or smell the Project.
- C3-3 There are no potentially affected land or waterway users (e.g., guide-outfitters, recreational users, navigation user groups).
- C3-4 There are no potentially affected Municipalities.
- C3-5 There are no potentially affected Provincial or Territorial Governments (e.g. resource development, environment departments, heritage resources).
- C3-6 There are no potentially affected Federal Government Departments (e.g., Fisheries & Oceans, Transport Canada, Environment Canada, Aboriginal Affairs and Northern Development).

- ✓ C3-7 There are no potentially affected Non-Government Organizations.
- ✓ C4 The Applicant can demonstrate that they have provided to all those identified in C3 all of the following:
 - Description of the Project
 - Description of potential impacts of the project
 - Description of your company's dispute resolution (or landowner complaint) process
 - Information about the NEB and its application review process (including the NEB brochure "A Proposed Pipeline or Power Line Project: What You Need to Know")
 - Notice of your company's intention to file an application to the NEB for approval of the project provided at least 14 days prior to filing the application
 - Notice that they can raise outstanding project-related concerns with the NEB, (the NEB encourages people to submit any concerns about the project as soon as possible and preferably within 14 days after the application has been filed)
 - Notice of the actual date of your company's filing provided within 72 hours of filing the application with the NEB.
- ✓ C5 All concerns about potential project impacts have been addressed.

Rationale:

C3, C3-2, C3-3, C3-4, C3-5, C3-6

Refer to Section C3, C3-2, C3-3, C3-4, C3-5 and C3-6, Potentially affected persons or groups, etc. in Attachment 6 for details.

Economics

- ✓ EC1 There is or there will be adequate supply to support the use of the applied for facilities.
- ✓ EC2 The applied-for facilities are likely to be used at a reasonable level over their economic life.
- ✓ EC3 Adequate markets exist for the volumes that would be available as a result of the applied-for facilities.
- ✓ EC4 The Applicant has made arrangements with the operators of upstream and downstream facilities .
- ✓ EC5 The Applicant is able to finance the applied-for facilities and to safely operate, maintain and abandon the facilities.
- EC6 Select the option below that best applies to the project for current and potentially affected (includes possible but not yet actual) third party shippers.
 - The applied-for facilities do not (and will not) have any third party shippers.
 - ✓ The applicant has notified third party shippers about the project and they do not have any outstanding concerns about the impact of the project on tolls, tariffs, access or service.
 - The applicant has not notified third party shippers about the project.
 - The applicant has notified third party shippers about the project and there are outstanding concerns about its impact on tolls, tariffs, access or service.
- EC7 Select the option below that best applies to the project for current and potentially affected (includes possible but not yet actual) commercial third parties (e.g. suppliers, end users, and other pipelines).
 - ✓ The applied-for facilities do not (and will not) have any commercial third parties.
 - The applicant has notified commercial third parties about the project and they do not have any outstanding concerns about its impact.
 - The applicant has not notified commercial third parties about the project.

The applicant has notified commercial third parties about the project and there are outstanding concerns.

- ✓ EC8 The Applicant has undertaken an assessment to determine the impact the proposed facilities will have on its Abandonment Cost Estimate total for its NEB-regulated pipelines.

Rationale:

EC1 - Refer to Section EC1 in Attachment 4.
 EC2 - Refer to Section EC2 in Attachment 4.
 EC3 - Refer to Section EC3 in Attachment 4.
 EC4 - Refer to Section EC4 in Attachment 4.
 EC5 - Refer to Section EC5 in Attachment 4.

Emergency Management

- ✓ EM1 The project will comply with the most recent version of all applicable acts, regulations, and standards, including the National Energy Board Onshore Pipeline Regulations and CSA Z662 Oil and Gas Pipeline Systems.

Rationale:

Engineering

- ✓ E1 The Project will comply with the most recent version of all applicable acts, codes and regulations, including the National Energy Board Onshore Pipeline Regulations (OPR), National Energy Board Processing Plant Regulations (PPR) and Canadian Standards Association (CSA) Z662 Oil and Gas Pipeline Systems.
- ✓ E2-1 The Project uses steel pipe (grade X70 or lower), employs a conventional design and construction approach, and does not involve new or unproven technology.
- ✓ E2-2 The Project involves only the use of water for facility pressure testing (including water/methanol mixture).
- ✓ E2-3 Project facilities will not be used for sour service.
- ✓ E2-4 Project facilities are not designed to transport CO₂, slurry or commodities.
- ✓ E2-5 Project facilities do not traverse terrain where there is a potential for geohazards to occur.
- ✓ E2-6 Project facilities are not designed to transport high-vapour-pressure (HVP) product.
- ✓ E3-1 The Project will only use new pipeline materials.
- ✓ E3-2 The Project does not involve the reactivation of an existing pipeline.
- ✓ E3-3 The Project does not involve the flow reversal of an existing pipeline.
- ✓ E3-4 The Project does not involve a change in service fluid.
- ✓ E3-5 The Project does not involve an increased maximum operating pressure (MOP) to an existing pipeline.
- ✓ E3-6 The Project does not involve an increase in hydrogen sulphide (H₂S) content above the maximum concentration specified on the existing approval.
- E4 The class location designation of the Project is Class 1 under Canadian Standards Association (CSA) Z662, Oil and Gas Pipeline Systems.

- ✓ E5 Project does not involve the construction or expansion of liquid tank storage facilities.
- ✓ E6 Project facilities are designed for passage of in-line inspection (ILI) tools and the proposed integrity management plan includes ILI runs as part of ongoing monitoring.
- ✓ E7 The Project does not involve any work requiring an Engineering Assessment as per Canadian Standards Association (CSA) Z662, Oil and Gas Pipeline Systems.

Rationale:

Refer to Section E-4 in Attachment 3.

Environment

- ✓ EV1 The Project will not involve an activity listed in the Canadian Environmental Assessment Act, 2012, Regulations Designating Physical Activities. NOTE: If the proposed project involves an activity designated under the Regulations Designating Physical Activities, the Online Application System cannot be used to prepare and file your application. Please prepare and file your application using the Board's electronic document submission tool (<https://apps.neb-one.gc.ca/efile/ElectronicDocumentSubmission.aspx?Language=English>). If you have questions about this process, please contact the NEB at 403-292-4800 and ask for the Applications Business Unit Administrator who can put you in touch with the appropriate Director.
- ✓ EV2 The Project is not located on federal lands, as defined under subsection 2(1) of the Canadian Environmental Assessment Act, 2012.
- ✓ EV3 The Project will not take place within a provincially or federally designated environmentally sensitive area.
- EV4 The Project will not extend beyond the existing approved property limits or right-of-way; no new land will be acquired for the construction of the Project.
- ✓ EV5 An Environmental and Socio-economic Assessment (ESA) has been conducted to identify and document potential environment and socio-economic effects. This information does not normally have to be submitted but must be available for audit purposes.
- ✓ EV6 All elements for which there are potential interactions associated with the project have been indicated on the attached Environment and Socio-Economic Interactions Table. Applicant must submit an Environment and Socio-Economic Interactions Table (table will be filled in by applicant and attached to the application). Applicant can file a full ESA at their discretion. Note: This application may be delayed if the interactions table has not been completed and attached to this filing. You can obtain a template here. Once you have downloaded and completed the Interactions Table, create a PDF copy of the completed template to include with your application.
- EV7 There are no residual effects after applying mitigation (as detailed in response to EV6).
- ✓ EV8 All relevant government agencies have been consulted.
- ✓ EV8-1 Any concerns raised by the agencies consulted have been resolved.
- ✓ EV9 The Applicant commits to having and implementing an Environmental Protection Plan, or equivalent, onsite.

Rationale:

EV4 - Refer to Section EV4 in Attachment 7

EV7 - Refer to Section EV7 in Attachment 7

Land Matters

- L1 The Project does not extend beyond existing land rights held by the Applicant.
- L2 The Project does not require any temporary workspace.
- L3 The Project does not require new permanent land rights.

Rationale:

- L1 - Refer to Section L1 in Attachment 8 – Land Matters for details.
- L2 - Refer to Section L2 in Attachment 8 – Land Matters for details.
- L3 - Refer to Section L3 in Attachment 8 – Land Matters for details.

Security

- ✔ Sec1 The project will comply with the most recent version of all applicable acts, regulations, and standards, including CSA Z246.1 Security Management for Petroleum and Natural Gas Industry Systems and the National Energy Board Onshore Pipeline Regulations.
- ✔ Sec2 The applicant has conducted and documented a security assessment for the project.
- ✔ Sec3 Based on the security assessment, the applicant has developed a Security Plan that is applicable to the project.

Rationale:**Socio Economics**

- ✔ S1 An Environmental and Socio-economic Assessment (ESA) has been conducted to identify and document potential environment and socio-economic effects.
This information does not normally have to be submitted but must be available for audit purposes.
- ✔ S2 All elements for which there are potential interactions associated with the project have been indicated on the attached Environment and Socio-Economic Interactions Table.
Applicant must submit an Environment and Socio-Economic Interactions Table.
Applicant can file a full ESA at their discretion.
Note: This application may be delayed if the interactions table has not been completed and attached to this filing.
You can obtain a template here.
Once you have downloaded and completed the Interactions Table, create a PDF copy of the completed template to include with your application.
- S3 There are no residual effects after applying mitigation (as detailed in response to S2).
- ✔ S4 Project does not require provincial or territorial heritage resources clearance or approval.

Rationale:

- S3 - Refer to Attachment 5.1 – the Interactions Table (Description of Residual Effects after Mitigation column) for details

Document Attachments

Filename	Document Name	Language
Attachment 3 - Engineering.pdf	Attachment 3 - Engineering	English
Attachment 3.1_geo_rprt_lynmere.pdf	Attachment 3.1_geo_rprt_lynmere	English
Attachment 3.1_geotech_rpt_hdd_credit.pdf	Attachment 3.1_geotech_rpt_hdd_credit	English
Attachment 3.2_Decommissioning Plan.pdf	Attachment 3.2_Decommissioning Plan	English
Attachment 3.1_geotech_rpt_hdd_qew pages 1-46.pdf	Attachment 3.1_geotech_rpt_hdd_qew pages 1-46	English
Attachment 3.1_geotech_rpt_hdd_qew 46-95.pdf	Attachment 3.1_geotech_rpt_hdd_qew 46-95	English
Attachment 7 - Environment.pdf	Attachment 7 - Environment	English
Attachment 5.1_Interactions Table_20181119.pdf	Attachment 5.1_Interactions Table_20181119	English
Attachment 8 - Land Matters.pdf	Attachment 8 - Land Matters	English
Attachment 6 - Consultation.pdf	Attachment 6 - Consultation	English
Attachment	Attachment	English
6.1_tbl_ConsultationRecord_dft_20181220_CDR_Redacted (1).pdf	6.1_tbl_ConsultationRecord_dft_20181220_CDR_Redacted (1)	
Attachment 6.2_City of Mississauga Letter.pdf	Attachment 6.2_City of Mississauga Letter	English
Attachment 9 - Aboriginal Matters.pdf	Attachment 9 - Aboriginal Matters	English

TAB 2



**Queen Elizabeth Way/Credit River
Pipeline Relocation Project
Environmental Protection Plan**

FINAL REPORT

July 25, 2019

File: 160950937

Prepared for:

Trans-Northern Pipelines Inc.
45 Vogell Road, Suite 310
Richmond Hill, ON L4B 3P6

Prepared by:

Stantec Consulting Ltd.
300W-675 Cochrane Drive
Markham, ON L3R 0B8

Sign-off Sheet

This document entitled Queen Elizabeth Way/Credit River Pipeline Relocation Project Environmental Protection Plan was prepared by Stantec Consulting Ltd. ("Stantec") for the account of Trans-Northern Pipelines Inc. (the "Client"). Any reliance on this document by any third party is strictly prohibited. The material in it reflects Stantec's professional judgment in light of the scope, schedule and other limitations stated in the document and in the contract between Stantec and the Client. The opinions in the document are based on conditions and information existing at the time the document was published and do not take into account any subsequent changes. In preparing the document, Stantec did not verify information supplied to it by others. Any use which a third party makes of this document is the responsibility of such third party. Such third party agrees that Stantec shall not be responsible for costs or damages of any kind, if any, suffered by it or any other third party as a result of decisions made or actions taken based on this document.

Prepared by _____

(signature)

Chris Revak, B.Sc.
Environmental Planner

Reviewed by _____

(signature)

Rooly Georgopoulos, B.Sc.
Senior Associate



Reviewed by _____

July 25/2014
(signature)

Rob Rowland, P.Geo.
Associate



**QUEEN ELIZABETH WAY/CREDIT RIVER PIPELINE RELOCATION PROJECT
ENVIRONMENTAL PROTECTION PLAN**

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6.0 GENERAL ENVIRONMENTAL PROTECTION MEASURES AND MITIGATION PLANS	6.1
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**QUEEN ELIZABETH WAY/CREDIT RIVER PIPELINE RELOCATION PROJECT
ENVIRONMENTAL PROTECTION PLAN**

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APPENDIX B IFC CONSTRUCTION DRAWINGS



**QUEEN ELIZABETH WAY/CREDIT RIVER PIPELINE RELOCATION PROJECT
ENVIRONMENTAL PROTECTION PLAN**

Abbreviations

CRE	Credit River East
CVC	Credit Valley Conservation
DFO	Department of Fisheries and Oceans Canada
DIP	decommissioned in place
ECCC	Environment and Climate Change Canada
ESA	Socio-Economic Assessment
ESC	erosion and sediment control
HONI	Hydro One Networks Inc.
HDD	horizontal directional drill
IFC	Issued for Construction
IO	Infrastructure Ontario
EPP	Environmental Protection Plan
MBCA	<i>Migratory Bird Convention Act, 1994</i>
MECP	Ministry of the Environment, Conservation and Parks
MNRF	Ministry of Natural Resources and Forestry
MTCS	Ministry of Tourism, Culture and Sport
MTO	Ministry of Transportation of Ontario
NEB	National Energy Board
NPS	nominal pipe size
OPR	Onshore Pipeline Regulations (NEB)
PTTW	Permit to Take Water
QEW	Queen Elizabeth Way
RBS	Robert B. Somerville Co. Limited



**QUEEN ELIZABETH WAY/CREDIT RIVER PIPELINE RELOCATION PROJECT
ENVIRONMENTAL PROTECTION PLAN**

ROW	right-of-way
SAR	species at risk
Stantec	Stantec Consulting Ltd.
TNPI	Trans-Northern Pipelines Inc.
TWS	temporary work space



QUEEN ELIZABETH WAY/CREDIT RIVER PIPELINE RELOCATION PROJECT ENVIRONMENTAL PROTECTION PLAN

Introduction
July 25, 2019

1.0 INTRODUCTION

Stantec Consulting Ltd. (Stantec), on behalf of Trans-Northern Pipelines Inc. (TNPI), has developed this Environmental Protection Plan (EPP) for the relocation of their pipelines to accommodate the widening of the Queen Elizabeth Way (QEW) bridge across the Credit River, “the Project”. The Project involves the relocation of nominal pipe size (NPS) 10 and NPS 20 pipelines across the QEW and the Credit River as well as open-cut crossings of Lynchmere Avenue and Premium Way to tie into the existing pipelines.

This EPP outlines the required environmental protection measures and commitments to avoid and/or reduce the potential for the pipeline relocation construction to result in adverse effects on the environment. These measures shall be carried out by TNPI, their pipeline contractor (Robert B. Somerville Co. Limited/RBS; the “Contractor”) and RBS’s sub-contractors during pipeline construction (pre-construction, construction and post-construction).

1.1 PROJECT SUMMARY

TNPI has applied to the National Energy Board (NEB) under section 58 (s. 58) and s.45 of the *National Energy Board Act* (NEB Act), and under section 45.1 of the NEB’s Onshore Pipeline Regulations (OPR) for approval to relocate two pipelines using four (4) HDDs at the QEW and the Credit River. In addition the two pipelines will also be relocated at Lynchmere Avenue and Premium Way by open trench construction. All of the construction activities will occur in the City of Mississauga. The required NEB approvals were received on June 26, 2019 (XO-T217-008-2019 and MO-027-2019).

The installations will occur within the existing TNPI right-of-way (ROW) or in newly acquired pipeline easements which will be obtained from Infrastructure Ontario (IO), the Ministry of Transportation of Ontario (MTO), and Hydro One Networks Inc. (HONI). **TNPI will also be relocating its Credit River East (CRE) vaulted block valve station to a newly acquired aboveground valve site located at the northwest corner of the Premium Way/Dickson Road intersection. The new location, currently located on City of Mississauga lands, will be severed and sold to TNPI.**

The relocation work will take place on previously disturbed areas largely within a utility corridor, with a low-density (CSA Class Location 3) urban surrounding. The purpose of the relocation is to allow for the twinning of the QEW bridge across the Credit River, and the relocation of a noise abatement wall near Lynchmere Avenue and Premium Way.

The pipelines will be installed by means of four (4) horizontal directional drills (HDDs), one open trench area, and the installation of one newly relocated CRE valve site. Pipeline decommissioning by TNPI will include final tie-in outages, pipeline isolation and purging, cutting, cleaning and capping the existing sections of pipe. The existing TNPI pipe segments made redundant by the relocations will be decommissioned in place (DIP) or decommissioned and removed, depending on which pipe segments conflict with the bridge widening structures and the noise abatement wall relocation.



TAB 3



TNPI Credit River Pipelines Relocation Project Project Update Notification No. 1 (May 9, 2019)

This Project Update Notification is intended to update TNPI's Project stakeholders on the current status of TNPI's required pipeline relocations to accommodate the Ontario Ministry of Transportation (MTO) planned widening of the QEW Credit River bridge in the City of Mississauga.

Project Summary

The MTO has formally requested that TNPI relocate its two (2) refined hydrocarbon products pipelines (273.1 mm (10.75 inch) outer diameter OD and 508 mm (20 inch) OD) that cross both the Queen Elizabeth Way (QEW) and the Credit River in Mississauga, Ontario. These relocations are required to enable the MTO to complete its QEW Credit River bridge twinning project, and the construction of a noise abatement wall near the Premium Way-Lynchmere Avenue intersection.

The new segments of pipeline crossing under the Credit River and the QEW will be installed in separate horizontal directionally drilled (HDD) crossings. The replacement segment under Lynchmere Avenue and Premium Way will be installed by an open trench installation method. The TNPI Project also includes the removal of an existing underground NPS 10 valve vault known as the Credit River East (CRE) Valve Site, and installation of two (2) new valves (NPS 10 block valve and NPS 20 check valve) in a fenced compound located in the NW corner of the Premium Way-Dickson Road intersection.

These pipeline relocations are proposed to take place between August 2019 and April-May 2020. The majority of the replaced pipeline segments will be decommissioned in place by TNPI's contractor.

Regulatory and Stakeholder Update

TNPI filed the section 58 application with The National Energy Board (NEB) on December 27, 2018. To date, two (2) Information Requests (IRs) have been received by TNPI from the NEB for additional information regarding the application. TNPI expects to have its NEB Approval Order on or before July 23, 2019.

TNPI is committed to addressing all project relevant concerns or issues raised by Project stakeholders during each phase of the Project. As of April 25, 2019, when TNPI submitted the second IR to the NEB, all project related questions and concerns had been addressed.

TNPI's Pipeline Relocation Project Schedule - Milestone Updates

Due to the concentration of various infrastructure and utilities interests in the area of the pipeline, the length of time required for the detailed design of TNPI's project has been extensive. The relocations include accommodations for powerline relocations and required setbacks from these powerlines, the widening of the QEW Credit River bridge, and

TORONTO

CALGARY

TRANS-NORTHERN PIPELINES INC.

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accommodation of existing stormwater and other buried utilities. These interactions and negotiations have necessitated a significant amount of coordination and accommodation. This ongoing process has resulted in the extension of the original pipeline relocation timeline.

Currently, the following milestones represent dates for TNPI's best estimates to complete its pipeline relocations project. Please note milestones provided are subject to change and may generate subsequent updates and another TNPI- Project Update Notification to its stakeholders.

TNPI Credit River/QEW/Lynchmere Milestones

Commence Construction of Credit River HDDs	August 15, 2019
Commence Construction of QEW Pit-to-Pit HDDs	December 2019
Commence Construction of Lynchmere Relocations	October 2019
Complete Construction of Valve Site	March 2020
Complete Hydrostatic Testing	March 2020
NPS 20 Pipeline Taken Out of Service to Perform Tie-ins	April 2020
NPS 10 Pipeline Taken Out of Service to Perform Tie-ins	April 2020
Place Relocated Pipelines back into Service	April 2020
Decommissioning of Existing Pipelines	April-May 2020
Final Cleanup of ROW	May-June 2020

⁽¹⁾ The stated service standard for a "Category C" NEB application is 120 calendar days, which would be calculated from the date of the NEB's "Legislated Time Limit and Decision on Process" letter (dated March 26, 2019).

Safety, Environmental and Technical Inspection

TNPI will have a competent inspection team onsite for all the pipeline relocation work, the valve compound construction, and the decommissioning activities.

If you would like to discuss details or require additional information about the Project, the NEB encourages you to contact the applicant, TNPI, directly at:

Ms. Caroline Johnston
 Trans-Northern Pipelines Inc.
 5305 McCall Way N.E.
 Calgary AB T2E 7N7

Telephone: 403-476-1302
 Email: cjohnston@tnpi.ca

Copies of the Application or Project Documents can be found on the NEB's website (<http://www.neb-one.gc.ca>) by clicking on "Applications & Filings" under the heading "View Regulatory Documents", entering the Document Number A96967, and clicking on "Go".

We thank you for your interest in this project.

Sincerely,



Caroline Johnston
Regulatory Compliance Lead

c.c.: Gail Sharko, Manager, Regulatory and Stakeholder Relations, TNPI
Wahid Wahiduzamann, P.Eng., PMP, Project Manager, TNPI

Enclosures: TNPI Credit River Pipeline Relocation Map

TRANS-NORTHERN PIPELINES INC.

TAB 4



Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO





Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO

July 30, 2020

For Council Presentation on August 5, 2020

Mayor Bonnie Crombie and Members of Mississauga Council:

Re: Above Ground Valve Compound (“AGVC”) located at Dickson Road and Premium Way

On behalf of the residents of the Dickson Road and Dickson Park Crescent, we are compelled to bring to your attention a situation that has evolved in our neighbourhood. Based on a decision by our City Council to declare the lands at the North East corner of Dickson Road and Premium Way surplus, provisions were made for the approval of the sale of a parcel of City land to Trans Northern Pipelines Inc. (“TNPI”) under which these new owners were able to circumvent what should have been a transparent and inclusive process for construction of an Above Ground Valve Compound (AGVC) at the very entrance to our neighbourhood.

As residents we rely on our elected officials who sit on our City Council, and our City staff who have a duty to ensure that all matters of development and construction are processed and reviewed so that the residents of this City are protected and their best interests are served. City staff also have a duty to communicate to the Council and residents all the relevant information to also ensure that sound decisions are made.

In order to accommodate the new North QEW Credit River Bridge construction, MTO requested TNPI to relocate its two pipelines including a valve compound further to the north inside the Hydro Corridor. Unfortunately TNPI chose to locate the new valve compound at the NE corner of Dickson Road and Premium Way. As part of this process, there have been a series of approvals that have been processed by City Council and City Staff, without any input from the very residents who are the most impacted by the construction of the AGVC. You simply have to view the structure as it sits now to understand how incomprehensible it is to our community that the City of Mississauga would impose this on their taxpayers without a process of disclosure and consultation.

The Gordon Woods Homeowners Association has engaged with our local MPP Cuzzetto, the Regional Chair Iannicca who was previously our Ward 7 Councillor, current Councillor Damerla and Councillor Parrish who resides in the neighbourhood, all of whom have expressed their surprise at the magnitude and the ugliness of this structure and even more surprising (shocking would be a better adjective) that they were not aware that this type of structure was even underway.



Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO

How does this happen? It would be generous to say it has been a calamity of mistakes. As homeowners and taxpayers, we expect more from our City officials and staff. When you view the photos provided today of the current structure on site, we have to ask that when Council approved this on July 3rd, 2019 was it presented appropriately by City staff, and is this what you envisioned for our neighbourhood in your approvals ?

More importantly, as we have tried to get more informed of the process and policies that provide for such a calamity to even occur, it has been concerning that none of the decision makers really scrutinized this transaction and the subsequent construction and structure approvals as it relates to any regulations that are normally in place for something of this magnitude.

We submit along with this letter, a copy of our letter to TNPI dated June 23, 2020 which outlines all our findings and objections to the current structure. More importantly, we are appealing to the members of City Council to consider our concerns and to direct City staff to address the process that has allowed this to advance, and to provide full disclosure to the residents. This should have been a transparent process and somehow too many approvals were processed by City staff that seem to circumvent the rights and safety of the residents impacted by this pipeline. The landowners (TNPI) in this situation have seemingly chosen economic benefits over the logic of good neighbourhood planning. We know that no other locations were considered, and the residents should have been including in that vetting process. More importantly the City should have ensured this on our behalf. In this instance the public notification process was seriously flawed.

Lastly, we have found in our efforts to obtain factual documentation of the process that is in place for circulation and approvals through the City by TNPI, we have been totally ignored and denied. This is not acceptable, and we hope that Council will agree and remedy this on our behalf. A full examination of the facts should take place, and Council and the residents should be apprised of these facts.

There have been grievous errors made by Council, City staff and the landowner TPNI, in the approval process of locating and building this AGVC at the very entranceway to our neighbourhood. In addition, the new proposed Multi Trail pathway which is planned to go through this corridor to get to the QEW Bridge Crossing may also be impacted and since that is proposed to be available to all walkers, joggers, bicyclers, etc. from both sides of the Credit River, it will be an important addition to Mississauga residents outdoor activities and it will undoubtedly be quite actively used. The positioning of this compound right on the corner immediately juxtaposed to the AGVC has major importance, for safety reasons, to all Mississauga residents using these trails for many reasons including walking and driving access to St. Mary's Cemetery, just up Dickson Road.

We respectfully demand that the residents be given the opportunity to have these errors corrected and a remedy be provided that will address all our objections and concerns. Burying the compound at its existing location may be a solution or alternately moving the compound further from the immediate intersection of Dickson Road and Premium Way may be another solution.



Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO

We have collectively provided many hours of our time to get ourselves to this platform with you, where we hope that logic and common sense will prevail and our rights as residents/taxpayers of this community and the City of Mississauga will be acknowledged.

Respectively submitted.

Gordon Woods Homeowners' Association

Per: Donald Stewart, President



Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO

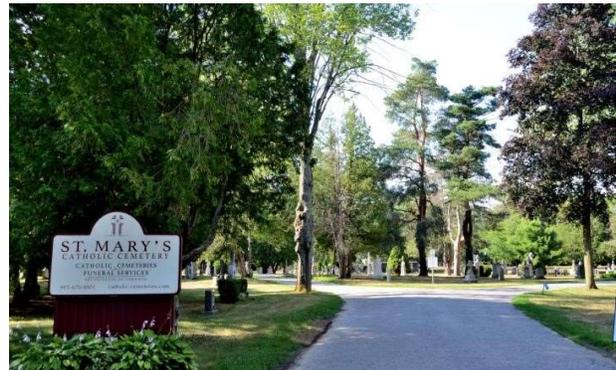




Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO

Residential Area of Dickson Park





Incursion of Above Ground Valve Compound (AGVC)

Located immediately at Dickson Road and Premium Way Intersection





Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO



RESOLUTION NO.: 0268 - 2020 Page 1 of 1

Date: August 5, 2020

Moved by: Dipika Damerla

Seconded by: Carolyn Parrish

1. That Council objects to the location and above ground valve compound under construction by Trans Northern Pipeline (TNPI) on Premium Way.
2. That the City of Mississauga is willing to sell additional land to TNPI to facilitate the burying and relocation of the valve outlet.
3. That staff commence discussions and negotiations related to the sale of lands to facilitate the relocation or burying of the valve outlet with MTO & TPI.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie			✓	
Councillor S. Dasko	✓			
Councillor K. Ras	✓			
Councillor C. Fonseca	✓			
Councillor J. Kovac	✓			
Councillor C. Parrish	✓			
Councillor R. Starr	✓			
Councillor D. Damerla	✓			
Councillor M. Mahoney	✓			
Councillor P. Saito	✓			
Councillor S. McFadden	✓			
Councillor G. Carlson	✓			

ACTING

Carried
_____ Mayor

TAB 5





TAB 6

Cycling Master Plan



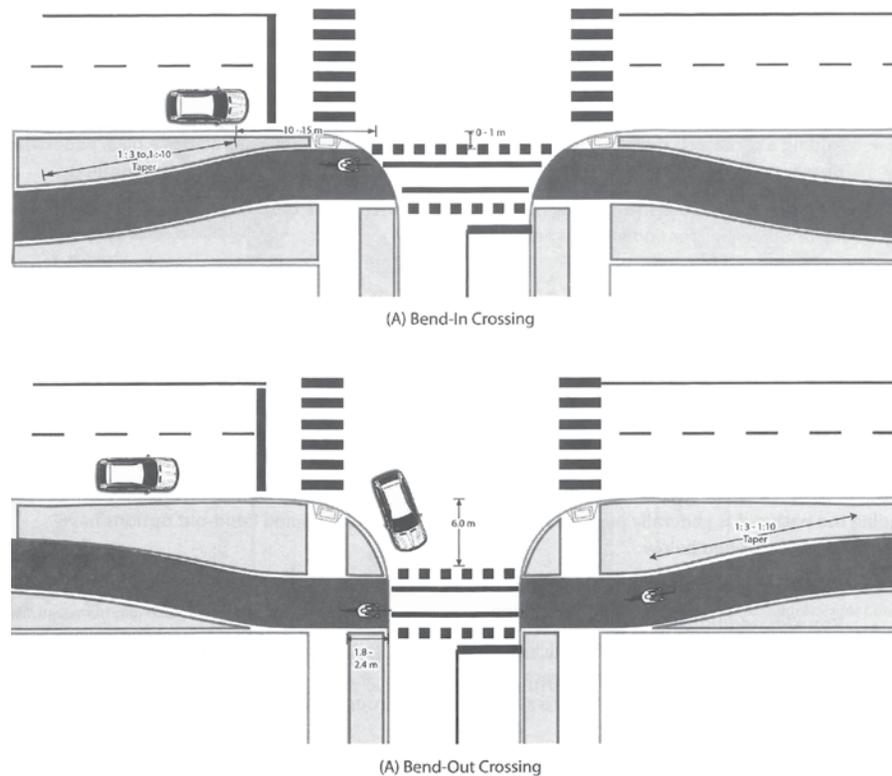
Does Cycling
Move You?



2018

6.7.1 Driveways and Intersections Along Multi-Use Trails

In practice, well-designed driveway crossings of multi-use trails and two-way bike paths follow one of two basic designs: “bend-out” crossings or “bend-in” crossings as illustrated in **Figure 23**.



All pavement markings shown are indicative only. Refer to the MUTCDC or TAC *Bikeway Traffic Control Guidelines for Canada* for approved guidance on pavement markings.

Figure 23: “Bend-in” and “bend-out” boulevard trail crossing
(Image credit: TAC Bicycle Integrated Design, 2017)

Bend-Out Crossing: A bend-out crossing is typically used when there is a high volume of trail users and motor vehicle traffic. This design aims to provide spatial separation between vehicles entering or exiting the driveway and trail users. This increases the visibility of trail users and provides more reaction time to help avoid conflicts. Extra space between the roadway and trail crossing also gives vehicles entering or exiting the driveway a place to stop and wait for traffic to clear without having to block the trail, or hold up traffic on the roadway.

Bend-In Crossing: A bend-in crossing is typically used when bicycle and motor vehicle traffic volumes are lower. It aims to increase visibility of cyclists at intersections by bringing them into the sight lines of vehicles approaching the intersection, and includes elements like smaller curb radii to slow down traffic turning traffic. Wider driveways or intersections may have a median, to stop traffic from making wide turns in front of crossing cyclists.

Pavement markings are an important feature of all multi-use trail crossings and should indicate pedestrian and cyclist paths. Bicycle signals are also needed at signalized intersections and can be used to separate bicycle crossing time from turning motor vehicles where turning volumes are high. Additional design features such as raised crossings and medians may also be incorporated into either of these types of intersection designs where appropriate to provide additional safety benefits.

TAB 7



City of Mississauga
 Transportation and Works
 201 City Centre Drive
 MISSISSAUGA ON L5B 2T4
 mississauga.ca

August 14, 2020

Trans-Northern Pipelines Inc. (TNPI)
 310-45 Vogell Road
 Richmond Hill, ON L4B 3P6

Ministry of Transportation (MTO)
 Central Region
 Bldg B, 125 Sir William Hearst Ave,
 Toronto, ON M3M 0B5

Attn: Gail Sharko (TNPI, Manager, Regulatory and External Affairs)
Calvin Curtis (MTO, Manager, Major Projects Office)

RE: Ministry of Transportation (MTO) QEW Credit River Improvement Project and Trans-Northern Pipelines Inc. (TNPI) Above Ground Valve Compound Relocation

Dear Ms. Sharko and Mr. Curtis:

As you are aware there has been ongoing community opposition and concerns expressed regarding the location and impacts of TNPI's planned above ground valve compound that is being undertaken to facilitate the MTO's QEW - Credit River Improvement project. I am writing in response to the City of Mississauga Council's Resolution (0268-2020) from the meeting on August 5, 2020 which noted:

- " 1. That Council objects to the location and above ground valve compound under construction by Trans Northern Pipeline (TNPI) on Premium Way;
2. That the City of Mississauga is willing to sell additional land to TNPI to facilitate the burying and relocation of the valve outlet; and
3. That staff commence discussions and negotiations related to the sale of lands to facilitate the relocation or burying of the valve outlet with MTO & TNPI."

Per the direction from City Council, City staff has reviewed the plans for TNPI's above ground valve compound and MTO's Reference Design at the north-east corner of Premium Way and Dickson Road in conjunction with the adjacent City property to identify lands that could potentially be sold to TNPI to facilitate the relocation or burying of the above ground valve compound. As shown in Figure 1, City staff has identified two wedge-shaped parcels of land within the Premium Way municipal right-of-way (City PIN 9914337), north and east of the planned above ground valve compound which are approximately 66m² and 136m² in size, respectively.

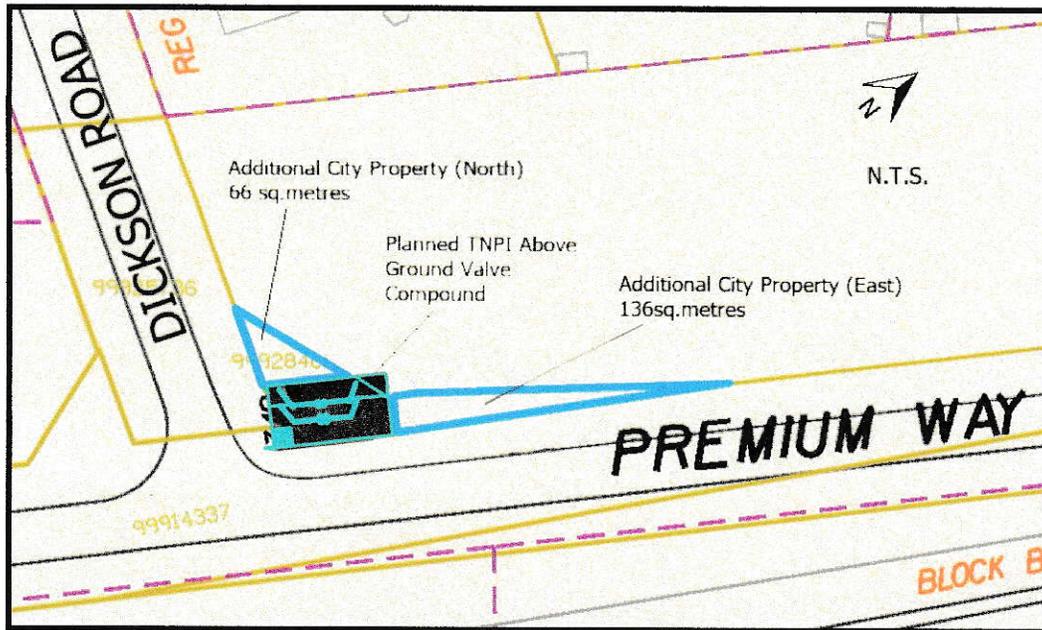


Figure 1 – Available City Property

The City is requesting that TNPI and MTO review the additional City property available to explore options to bury and/or relocate the above ground valve compound, and advise of next steps. Note that the sale of the additional lands identified would require City Council approval to Stop-up and Close the right-of-way and declare the lands as surplus.

If you have any comments or questions, please do not hesitate to contact me.

Sincerely,

Helen Noehammer, M.A.Sc., P.Eng.
 Director of Infrastructure Planning and Engineering Services
 Transportation and Works

c: Geoff Wright, Commissioner, Transportation and Works



City of Mississauga
 Dipika Damerla, Ward 7
 300 City Centre Drive
 MISSISSAUGA ON L5B 3C1
 mississauga.ca

The Hon. Caroline Mulroney, Minister of Transportation
 5th Floor
 777 Bay St.
 Toronto, ON M7A 1Z8
 September 9, 2020

Dear Ms. Mulroney,

I am writing to you to request your support for the Gordon Woods Homeowners Association in Ward 7 in the City of Mississauga. The homeowners are in an ongoing dispute regarding the construction of an Above Ground Valve Compound located at the corner of Dickson Road and Premium Way by the Ministry of Transportation and Trans-Northern Pipelines Inc. (TNPI).

This above ground valve compound is of great concern to the residents of the Gordon Woods community. It presents an obtrusive, industrial structure at the entrance to an established and desirable neighbourhood that is completely unacceptable to the residents. It infringes on the quality and desirability of their community affecting both their personal enjoyment and their safety.

To fully appreciate the validity of their concerns, I am attaching a few photographs that show just how big and unsightly the valve is. I am sure we could agree, that none of us would want something like this at the end of our street. I would be pleased to arrange a tour of the site for you to fully appreciate the looming structure and its inappropriateness for this location if you wish.



The solution is simple. All we are asking is that the valve be moved 75 meters to the west of its current location. The land is crown land owned by Hydro One but they have been unwilling to accommodate the compound despite making allowances in other locations, such as a road allowance through the hydro corridor lands connecting to Central Parkway.

Other options include burying the valve below grade. The home owners and I as the ward councillor have tried every avenue to arrive at a reasonable compromise including reaching out to TNPI, the Ministry of Transportation staff and the Canada Energy Regulator with several options including burying the valve station

or moving the station a little to the west. To this point TNPI and the Ministry of Transportation have been unwilling to make changes or consider other locations that would be acceptable to the Gordon Woods residents.

Unfortunately, despite the strong objection voiced by the local community TNPI has continued to build the valve station.

The city of Mississauga Council formally moved a motion unanimously on the unsuitability of the current location attached to this letter.

I respectfully ask for your assistance and support in engaging with TNPI to reach a resolution to this issue that is satisfactory to the Gordon Woods Homeowners Association. I believe if there is political will to aid the residents we can correct this situation. Thank you for your time and attention to this issue and I look forward to your response. I simply ask that as elected representatives we ask the question:

Would we want something like this at the end of our street?

I think we can all agree that what the residents are asking for is reasonable.

I look forward to hearing from you.

Sincerely,



Dipika Damerla

Councillor, Ward 7, City of Mississauga

Cc: Premier Doug Ford

Cc: Hon. Greg Rickford, Ontario Minister of Energy

Cc: Gordon Woods Home Owners Association

TAB 8



November 30, 2020

Mayor Bonnie Crombie and Members of Council

Dear Council:

Re: **Above Ground Valve Compound "AGVC" at Dickson Road and Premium Way**

Thank you for the recognition of a mistake and your support on August 5th including the passing of the Resolution to either bury or move the AGVC – resolution is attached.

Since that time we have continued to work diligently with all parties involved to attempt to find a satisfactory solution to this monstrosity however we continue to come up empty despite the political will of all elected politicians in our area. On October 16th, Mayor Crombie convened a Webex meeting of all parties to this mess, and the results of that conference call were somewhat encouraging. Some of the key comments from that meeting are as follows:

Mayor Crombie:

- we have a big issue here that is really important to the community and I am happy we have the right people in this meeting today
- obviously this AGVC is an eyesore and a safety concern for the residents

Local MP Sven Spengemann:

- Under Federal Regulations, this can be either above or below ground.
- Premium Way now looks like the entrance to Fort McMurray !!
- These are Indigenous lands and from the Federal Government's perspective the project of Reconciliation includes stewardship of the land – very easy and obvious answer is to say if we put an access valve above ground on the banks of the Credit River that does not need to be there, that is not stewardship of the land from an Indigenous perspective.
- The location is not ideal and we need to be respectful, especially in a city that bears the name of a First Nation, in terms of how we take care of the land. So all other options should be pursued !

Local MPP Rudy Cuzzetto:

- very concerned that this is located at the very corner of a busy intersection
- a speeder could lose control of a car and hit the valve similar to what happened on Lakeshore Road and Stavebank where a car going 150 kph goes airborne and destroys the concrete barrier
- we should consider moving the street (Dickson Road) for the safety of the residents

Gail Sharko of TNPI:

- concrete balusters will protect it



Sven Spengemann:

- for the current site to be safe, there will be need for concrete ram barriers to be constructed that will amplify the AGVC even more.
- from a safety and visual perspective, this location is not ideal

Gail Sharko of TNPI

- we will move the AGVC if we are ordered to do so by MTO

Mayor Crombie:

- we need to get this buried or moved because it is unacceptable to the residents and the City absolutely
- so I don't even care what the costs are at this point !!

The complete conference call minutes can be viewed at the Gordon Woods Homeowners' Association website located at www.gordonwoods.ca under the Tab AGVC at the October 16 meeting date These are lengthy but complete and pertinent extracts from those minutes which are referred to above.

At least in the interim period of time since this dialogue commenced, we have further information which is helpful – we now know that there were seven basic locations considered ranging all the way from the west bank of the Credit River to Lynchmere Road. We have this from MTO and it includes detailed notes of meetings and different considerations for each site. The notes on Site 3B, the chosen location clearly indicated that it would create a blind turn however since it is a 3 way stop, it seems this consideration was overlooked.

What is interesting is that in the overall consideration of sites, a distance of 500 meters was considered from the centre of the QEW, so in the Dickson Park area, they only looked at the homes up to Dickson Park Crescent, seemingly totally missing the factor that these 77 holes in Dickson Park have only one point of access and exit !! It seems the engineers may have totally missed the fact that there were no other access or exits points in the area – they may have assumed that Dickson Road had a northerly exit and termination point at the Queensway !!

On October 30, our Group held a telephone discussion with Mayor Crombie to discuss where we go from here. We had made the suggestion on the Oct. 16th call that we really need an independent knowledgeable third party engineering company to assess the valve compound location and to perform a peer review of the site selection process given the complexities of this area east of the Credit along Premium Way. We have identified WSP Inc www.wsp.com one of Canada's largest engineering companies as having the expertise needed to independently assess the AGVC location to see if other sites might be more safe, appropriate and more acceptable to the Dickson Park residents and to the City. We have ascertained that the cost of this expertise would be in the range of \$20m-25m and Mayor Crombie approved this selection during our call. She instructed us to deal with Ms. Noehammer to get the job done.



Gordon Woods Homeowners' Association

MISSISSAUGA ONTARIO

Ms Noehammer was slow to move on this assignment and ultimately stated that she had to refer it to her Commissioner for assistance. Ultimately I was contacted two weeks ago Wednesday (November 19th) to take a call from City Manager Mitcham, Commissioner Wright, Director Noehammer and Director Trewertha. On that call, the Manager indicated that the City would not be moving forth with this initiative and that it should be done by MTO !!! We reminded the Manager that Mayor Crombie had approved this consulting however the Manager indicated that he does not work for Mayor Crombie but that he acts for City Council and so that is why I am here before you today. This initiative while approved politically has been revoked by City staff !

I ask that the City move ahead with this initiative. WSP has a Master Contract with the City for a variety of engineering services. WSP is awaiting contact from the City to commence this peer review for the satisfaction of both the residents and the City as to the selection of this particular location for this valve compound.

Having this site revisited is critical for the safety of all residents of Mississauga who will traverse along Premium Way without hazard for generations to come. This QEW Credit River Bridge project is a 100 year asset and having this AGVC at its current location will be an embarrassment to the City of Mississauga for all time !!

Respectively Submitted,

Gordon Woods Homeowners' Association

Per: Donald Stewart, President



MISSISSAUGA

60

RESOLUTION NO.: 0374-2020 Page 1 of 2

Date: December 9, 2020

Moved by: Dipika Damerla

Seconded by: Carolyn Parrish

WHEREAS the Ministry of Transportation (MTO) and Infrastructure Ontario (IO) formally requested that TNPI relocate its two pipelines to enable MTO to complete the QEW-Credit River Improvement Project;

AND WHEREAS TNPI is a federally regulated pipeline under the jurisdiction of the Canadian Energy Regulator under the Canadian Energy Regulator Act with pipeline operations in Ontario, Quebec and Alberta;

AND WHEREAS on December 27, 2018 TNPI filed a section 58 Application under the National Energy Board Act (R.S.C., 1985, c. N-7) with the National Energy Board for the relocation of two hydrocarbon pipelines, the removal of an existing underground NPS 10 valve vault and the installation of two new valves within a fenced compound located on the northeast corner of the Premium Way-Dickson Road intersection ("Project");

AND WHEREAS on August 28, 2019 the National Energy Board ("NEB"), the regulator, was replaced by the Canadian Energy Regulator ("CER") under the Canada Energy Regulator Act superseding the NEB with overall responsibility for regulating pipelines including the protection of property, the environment and safety of the public;

And WHEREAS the CER approved TNPI's application to proceed with the Project;

AND WHEREAS MTO and TNPI, carried out an assessment of seven (7) locations for the valve compound and ultimately determined that the valve compound should be located on the northeast corner of the Premium Way-Dickson Road intersection;

AND WHEREAS residents have raised numerous concerns about the location of the valve compound including its safety and unsightliness and the MTO has been unwilling to exercise its jurisdiction and authority to resolve the location to the satisfaction of the residents;

AND WHEREAS the residents, represented by the Gordon Woods Homeowners' Association, have taken steps to mediate their complaint and concerns before the CER under the Canada Energy Regulator Act, without success;

AND WHEREAS Council for the City of Mississauga does not have the jurisdiction or authority to relocate the valve compound or to compel MTO or TNPI to move the valve compound location;



Date: December 9, 2020

Moved by: Dipika Damerla

Seconded by: Carolyn Parrish

AND WHEREAS on August 5, 2020, Council for the City of Mississauga passed Resolution No. 0268-2020 supporting the selling of additional land to TNPI, if land is available, to facilitate a resolution;

NOW THEREFORE BE IT RESOLVED that Council calls for:

1. MTO, TNPI and the CER to take decisive action to investigate the concerns raised and to implement a solution to the valve compound location that is acceptable to the Gordon Woods residents;
2. That Mississauga MPP's named below request MTO and the Minister of Transportation to carry out a Peer Review of the siting of the valve compound in order to resolve the concerns raised by Gordon Woods Residents; and
3. This resolution be circulated to the following provincial and federal elected officials:

Premier Doug Ford
 Hon. Seamus O'Regan Hon.
 Caroline Mulroney MP
 Sven Spengemann
 MPP Rudy Cuzzetto
 MPP Kaleed Rasheed
 MPP Natalia Kusendova MPP
 Sheref Sabawy MPP
 Nina Tangri
 MPP Deepak Anand

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Mayor B. Crombie	✓			
Councillor S. Dasko	✓			
Councillor K. Ras	✓			
Councillor C. Fonseca	✓			
Councillor J. Kovac	✓			
Councillor C. Parrish	✓			
Councillor R. Starr	✓			
Councillor D. Damerla	✓			
Councillor M. Mahoney	✓			
Councillor P. Saito	✓			
Councillor S. McFadden	✓			
Councillor G. Carlson	✓			

Carried
Bonnie Crombie
 Mayor

TAB 9



City of Mississauga
 Transportation & Works
 300 City Centre Drive
 MISSISSAUGA ON L5B 3C1

November 27, 2018

Trans-Northern Pipelines Inc.
 45 Vogell Road, Suite 310
 Richmond Hill, ON L4B 3P6

Attention: Wahid Wahiduzzaman, TNPI Project Manager

Dear Mr. Wahiduzzaman:

RE: Credit River Pipelines Relocation Project – Required
 Lands for an Aboveground Pipeline Valve Compound

This letter of intent is intended to set out certain steps and conditions required by the City of Mississauga (the “City”) to be able to transfer certain lands at the intersection of Dickson Road and Premium Way (the “Lands”).

The City intends to stop up, close, declare surplus certain lands at the intersection of Dickson Road and Premium Way in order to be able to transfer them to Trans-Northern Pipelines Inc. (“TNPI”) to be used as the location of the proposed Above Grade Valve Compound (the “Compound”) depicted on drawing 160950937PL-PLD0010 (see Attachment prepared by Stantec and dated October 31, 2018). A transfer of the Lands to TNPI is subject to the completion of the following conditions:

1. That TNPI agree to acquire the Lands at fair market value from the City;
2. That TNPI prepare a Reference Plan of the Lands for the Compound site to the satisfaction of the City and any commenting agency (as applicable), at TNPI’s sole cost and expense, which, if necessary, will be a strata plan;
3. That, if necessary, a land value appraisal be prepared at TNPI’s cost, and that the value be mutually agreed upon by the City and TNPI;
4. That construction on the Lands shall not commence until the land transfer has been finalized. The Lands must be free of all structures upon transfer;
5. **That a communications plan be prepared by (or on behalf of) TNPI for the notification of the local Ward Councillor and residents of the proposed compound and its purpose, in a form and content approved by the City;**
6. That Infrastructure Ontario (IO) confirms in writing of their agreement with any portion of the Compound being located within or adjacent to the Hydro Corridor lands; and
7. That City Council approve each of the following with the regards to Lands:
 - a. The stop-up and closure of the Lands; and
 - b. The declaration of surplus of the Lands.

It should be noted that City staff cannot guarantee that the lands will be declared as surplus, which is subject to the approval of City Council. TNPI acknowledges that there may be additional conditions to be completed to allow the City to be able to transfer the Lands. In the event that any of the conditions, including those listed above, are not completed, the City will be unable to transfer the Lands.

The City understands that this Letter of Intent will be filed with TNPI's Section 58 Application to the National Energy Board requesting approval for the construction and operation of the Credit River, QEW, and Lynchmere Avenue Pipeline Relocations and new valve compound east of the Credit River.

It should be noted that while the City Staff cannot guarantee the Lands will be declared surplus, City staff support and will recommend the stopping up, closing and declaration of surplus of the Lands and the transfer of the Lands to TNPI in support of the project.

This Letter of Intent will serve to support TNPI's NEB application requirement to construct a new aboveground valve compound for their 273.1 mm OD and 508 mm OD refined low vapour pressure hydrocarbon product pipelines immediately north of the relocated Credit River pipeline crossings.

Yours truly,



Geoff Wright
Commissioner of Transportation & Works
Transportation & Works
Tel: (905) 615-3200 ext. 4940
Email: Geoff.Wright@mississauga.ca
Encl.

Cc: Sandrine Exibard-Edgar - Property Administrator, TNPI (seedgar@tnpi.ca)

Attachments

Stantec's current Valve Compound Plot Plan and Elevation View for its proposed Credit River East Valve Compound: TNPI Drawing Nos. "160950937PL-PLD0010_REV 0" and "160950937PL-PLD0011_REV 0", both dated October 31, 2018

TAB 10



Dipika Damerla, Ward 7
City of Mississauga
300 City Centre Drive
MISSISSAUGA ON L5B 3C1
mississauga.ca

December 15, 2022

Gordon Woods Homeowners Association
Mississauga, Ontario

To Whom It May Concern,

This letter is to confirm that my office received a letter from TNPI regarding the construction of the above-ground valve compound, attached below. To the best of my knowledge, this is the only document that was presented from TNPI to inform my office of what was to be communicated to residents regarding this project.

Sincerely,

Dipika Damerla

A handwritten signature in cursive script, appearing to read 'Dipika Damerla', written in blue ink.



TNPI Credit River Pipelines Relocation Project Project Update Notification No. 1 (May 9, 2019)

This Project Update Notification is intended to update TNPI's Project stakeholders on the current status of TNPI's required pipeline relocations to accommodate the Ontario Ministry of Transportation (MTO) planned widening of the QEW Credit River bridge in the City of Mississauga.

Project Summary

The MTO has formally requested that TNPI relocate its two (2) refined hydrocarbon products pipelines (273.1 mm (10.75 inch) outer diameter OD and 508 mm (20 inch) OD) that cross both the Queen Elizabeth Way (QEW) and the Credit River in Mississauga, Ontario. These relocations are required to enable the MTO to complete its QEW Credit River bridge twinning project, and the construction of a noise abatement wall near the Premium Way-Lynchmere Avenue intersection.

The new segments of pipeline crossing under the Credit River and the QEW will be installed in separate horizontal directionally drilled (HDD) crossings. The replacement segment under Lynchmere Avenue and Premium Way will be installed by an open trench installation method. The TNPI Project also includes the removal of an existing underground NPS 10 valve vault known as the Credit River East (CRE) Valve Site, and installation of two (2) new valves (NPS 10 block valve and NPS 20 check valve) in a fenced compound located in the NW corner of the Premium Way-Dickson Road intersection.

These pipeline relocations are proposed to take place between August 2019 and April-May 2020. The majority of the replaced pipeline segments will be decommissioned in place by TNPI's contractor.

Regulatory and Stakeholder Update

TNPI filed the section 58 application with The National Energy Board (NEB) on December 27, 2018. To date, two (2) Information Requests (IRs) have been received by TNPI from the NEB for additional information regarding the application. TNPI expects to have its NEB Approval Order on or before July 23, 2019.

TNPI is committed to addressing all project relevant concerns or issues raised by Project stakeholders during each phase of the Project. As of April 25, 2019, when TNPI submitted the second IR to the NEB, all project related questions and concerns had been addressed.

TNPI's Pipeline Relocation Project Schedule - Milestone Updates

Due to the concentration of various infrastructure and utilities interests in the area of the pipeline, the length of time required for the detailed design of TNPI's project has been extensive. The relocations include accommodations for powerline relocations and required setbacks from these powerlines, the widening of the QEW Credit River bridge, and

accommodation of existing stormwater and other buried utilities. These interactions and negotiations have necessitated a significant amount of coordination and accommodation. This ongoing process has resulted in the extension of the original pipeline relocation timeline.

Currently, the following milestones represent dates for TNPI's best estimates to complete its pipeline relocations project. Please note milestones provided are subject to change and may generate subsequent updates and another TNPI- Project Update Notification to its stakeholders.

TNPI Credit River/QEW/Lynchmere Milestones

Commence Construction of Credit River HDDs	August 15, 2019
Commence Construction of QEW Pit-to-Pit HDDs	December 2019
Commence Construction of Lynchmere Relocations	October 2019
Complete Construction of Valve Site	March 2020
Complete Hydrostatic Testing	March 2020
NPS 20 Pipeline Taken Out of Service to Perform Tie-ins	April 2020
NPS 10 Pipeline Taken Out of Service to Perform Tie-ins	April 2020
Place Relocated Pipelines back into Service	April 2020
Decommissioning of Existing Pipelines	April-May 2020
Final Cleanup of ROW	May-June 2020

⁽¹⁾ The stated service standard for a "Category C" NEB application is 120 calendar days, which would be calculated from the date of the NEB's "Legislated Time Limit and Decision on Process" letter (dated March 26, 2019).

Safety, Environmental and Technical Inspection

TNPI will have a competent inspection team onsite for all the pipeline relocation work, the valve compound construction, and the decommissioning activities.

If you would like to discuss details or require additional information about the Project, the NEB encourages you to contact the applicant, TNPI, directly at:

Ms. Caroline Johnston
 Trans-Northern Pipelines Inc.
 5305 McCall Way N.E.
 Calgary AB T2E 7N7

Telephone: 403-476-1302
 Email: cjohnston@tnpi.ca

Copies of the Application or Project Documents can be found on the NEB's website (<http://www.neb-one.gc.ca>) by clicking on "Applications & Filings" under the heading "View Regulatory Documents", entering the Document Number A96967, and clicking on "Go".

We thank you for your interest in this project.

Sincerely,



Caroline Johnston
Regulatory Compliance Lead

c.c.: Gail Sharko, Manager, Regulatory and Stakeholder Relations, TNPI
Wahid Wahiduzamann, P.Eng., PMP, Project Manager, TNPI

Enclosures: TNPI Credit River Pipeline Relocation Map

TAB 11

NOTICE
NO
TRESPASSING



**IN CASE OF
EMERGENCY**
CALL
TRANS - NORTHERN
CONTROLLER
TORONTO
1 (800) 361-0608



TAB 12

CAUTION

HYDROCARBONS MAY BE
PRESENT, ALL IGNITION
SOURCES SHALL BE MINIMUM 6
METERS FROM FENCELINE

TAB 13



équiterre

Changing the world, one step at a time

OIL PIPELINE SAFETY FAILURES IN CANADA

Oil pipeline incidents, accidents and spills and the ongoing failure to protect the public

June 2018

Équiterre

50 Ste-Catherine Street West, suite 340
Montreal, Quebec H2X 3V4

75 Albert Street, suite 305
Ottawa, ON K1P 5E7

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By Shelley Kath, for Équiterre



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EXECUTIVE SUMMARY

This report examines the safety track record of oil being moved through pipelines in Canada along with the effectiveness of federal (and provincial in the case of Québec) enforcement measures aimed at ensuring pipeline safety in the country. This study combed through the National Energy Board (NEB) and Transportation Safety Board (TSB) databases for all Canadian provinces with pipelines (results in Appendix A) and zoomed in on four pipelines that run through Québec (two of them also operating in Ontario).

Oil pipeline incidents in Canada are increasing, not decreasing

Alarming, 55% of Québec's pipeline incidents since 2008 have occurred in 2017 alone, and while this figure is based on National Energy Board data that includes both oil and gas pipelines, it should be noted that 86% of those incidents happened on oil pipelines. The spike in pipeline incidents in Québec is virtually all attributable to the Trans-Nord pipeline, but it would be very wrong to presume that, in general, pipeline safety is on the rise and pipeline incidents are on the decline. Québec is not the only province seeing an increase in incidents: British Columbia saw more incidents in 2017 than in any previous year since 2008, Ontario had higher incidents in both 2016 and 2017 than in any other year since 2008, and Alberta saw more incidents on its federally-regulated pipelines in 2017 than in any year since 2012. Pipeline incidents are also rising for Canada in general: the NEB data show that in 2017, there were 173 pipeline incidents across the country – a significant increase from 122 incidents in 2016.

The agencies and datasets tracking pipeline problems – inconsistencies abound

Federally-regulated pipelines – those crossing international or interprovincial borders-- are regulated by the National Energy Board, but pipeline safety is monitored and tracked also by the Transportation Safety Board. Both agencies maintain pipeline incident

datasets, but unfortunately, the datasets differ in terms of timeframe, updating schedules and reporting rules and a lack of agreement between datasets is not uncommon. This makes it hard to construct a complete and accurate picture of pipeline safety for any given pipeline. Responsibility for safe operation of pipelines operating wholly within Québec is shared by several agencies. Unfortunately, Québec's incident database does not necessarily include all spills and cannot be searched by company name, among other inconveniences.

Québec as a case study

Four oil pipelines run through Québec. The Trans-Nord pipeline, operated by Trans-Northern Pipelines Inc., and Valero's Pipeline Saint-Laurent both transport refined oil products (e.g., gasoline, diesel, jet fuel), while Enbridge's Line 9 pipeline and Montréal Pipeline Limited's Portland-Montreal Pipeline both transport crude oil to refineries. Based on a comprehensive analysis of data on spill and other pipeline incidents (e.g., exposed pipe, overpressures, equipment malfunctions, fires, etc.) compiled and reported by federal and provincial agencies, this report reveals facts and trends that stand in stark contrast to claims made by industry and governments about "world class" pipeline safety regimes and "state-of-the-art" equipment and procedures. The numbers paint a disturbing picture.

Trans-Nord's exceptionally poor, unacceptable track record

Since 2004, the Trans-Nord pipeline has experienced far more pipeline safety incidents than any other pipeline in Québec, and things are getting worse rather than better. A total of 79 pipeline incidents were reported on the Trans-Nord pipeline from January 2004 to December 2017 (for Québec and Ontario together). As well, the Trans-Nord pipeline has seen reporting lags of not just days and weeks, but months and even years between the time when incidents occur and when they are reported to the

National Energy Board. Transportation Safety Board data indicates that 75% of all incidents occurred on the pipeline itself rather than on other components like pump stations or valves. National Energy Board data indicates that the largest proportion, nearly 70% of incidents, arose in part from engineering and planning problems. Additionally, NEB data indicates that widely-touted SCADA technology detected only 39% of Trans-Nord spills and incidents. TSB data indicates a 49% detection rate.

The big picture: spills and incidents on Québec's four oil pipelines since 2004

From 2004 to 2017, Québec experienced over 100 pipeline safety incidents. Of these, 23 involved spills of either refined petroleum products or crude oil, with the total amount spilled amounting to nearly 1,000 barrels. Spills, however, tell only part of the story on pipeline safety. Other types of reportable incidents, such as operating at pressures beyond design limits and exposed pipe in water bodies, often involve serious situations that pose health, safety and environmental risks in Québec, and which left unresolved may lead to spills in the future.

Missing in action – enforcement of federal and provincial pipeline safety laws and regulations

The disturbing trend of rising oil pipeline incidents in Canada makes it fair to ask what is happening in relation to government enforcement mechanisms designed to ensure the safety of oil pipelines. To enforce compliance with pipeline safety laws and regulations and reprimand non-compliance, both the federal and Québec governments have a variety of tools at their disposal such as warning letters, compliance orders related to safety or environmental protection, administrative penalties and fines, and even prosecution.

In practice, however, federal and provincial enforcement mechanisms are not making oil pipelines in Québec substantially safer. The Trans-Nord pipeline, for example, has received numerous safety orders from the National Energy Board since 2010, yet incidents

have increased. It remains to be seen whether the 10 new Board Letters and Safety Orders issued in 2017 will see results. Meanwhile, records posted online by the National Energy Board indicate that there have been zero Inspection Officer Orders since 2012 and zero Administrative Monetary Penalties at the federal level. Within Québec, one administrative monetary penalty – for \$2,500 -- has been imposed upon Trans-Nord. In this context, the continuation of Trans-Nord's pipeline incident troubles is no surprise. Strengthening enforcement for federally-regulated pipelines is essential. Additionally, Québec might benefit from enacting a provincial pipeline safety law for its provincially-regulated pipelines, similar to those currently in place in Alberta, Saskatchewan, Nova Scotia and New Brunswick.

Summing up: How can oil pipeline incidents possibly be on the rise in Québec? The answer lies in undue reliance on pipeline safety hype and ineffective regulation

From the analysis of spill and incident track record of oil pipelines in Québec since 2004 presented in this report, a disturbing picture has emerged that requires serious attention. Oil pipeline incidents affecting the environmental health and safety of Québec's communities are on the rise, and the Trans-Nord refined products pipeline is disproportionately responsible for this trend.

Despite assurances by industry and governments, and despite the rhetoric and regulations, why are pipeline spills and incidents still happening? The answers seem to flow from two troubling realities: claims of "world class safety" regimes and "state-of-the-art" technology for oil pipelines have amounted to little more than meaningless marketing mantras, while lax federal and provincial enforcement are letting oil pipelines continue to pose unacceptable risks in Québec and beyond. These findings underscore the urgent need to move beyond oil and to take stronger measures to protect against pipeline safety spills and incidents during the transition to a cleaner energy future.

A. INTRODUCTION

Stretching across Canada – across towns, villages, farms, and water bodies – are a number of pipelines carrying fossil fuels. These pipelines carry oil in several forms, as well as natural gas and related products. This report focuses on the safety records of the long-haul pipelines, referred to as transmission pipelines, that transport oil in this country through the analysis of the National Energy Board (NEB) and Transportation Safety Board (TSB) databases (the province-by-province and Canada-wide results for NEB data are shown in Appendix A).

There are four such pipelines operating in Québec: two that transport refined oil products (e.g., gasoline, diesel, jet fuel) and two that transport crude oil to refineries.

- **Trans-Northern's Ontario-Québec Pipeline**
Referred to in this report as the “Trans-Nord pipeline”, to reflect the name by which it is known in Québec, this pipeline carries refined petroleum products for vehicle and aviation transport, as well as some heating fuel, from Montréal to Ontario.¹
- **Enbridge's Line 9 Pipeline**
Enbridge's Line 9, delivers Western Canadian crude oil and crude oil from the U.S. Midwest² to Montréal on a pipeline originating in Ontario that is supplied by other Enbridge lines to the west.
- **Montréal Pipeline Limited's Portland-Montreal Pipeline**
The Portland-Montreal Pipeline transports crude oil to Montréal from Portland, Maine, which receives crude by tanker from sources located primarily overseas, although recent years have seen very low volumes of crude transported on this line.
- **Valero's Pipeline Saint-Laurent**
The Pipeline Saint-Laurent transports refined petroleum products from Valero's Jean Gaulin Refinery in Lévis to its distribution terminal in Montréal East.³

The first three pipelines listed above cross provincial or international borders, or both, and are regulated by the National Energy Board (NEB). The Pipeline Saint-Laurent, however, runs entirely within Québec's borders and is regulated by agencies in Québec.⁴ The map in **Figure 1**, below, shows the routes of these four oil pipelines within Québec.⁵

1 National Energy Board, “Provincial and Territorial Energy Profiles – Quebec”, undated. Available at <https://www.neb-one.gc.ca/nrg/ntgrtd/mrkt/nrgsstmprfls/qc-eng.html#s2>. Trans-Northern also owns a pipeline in Alberta, which is why they refer to the pipeline that runs through Québec and Ontario as the “Ontario-Québec pipeline” (Trans-Northern Pipelines Inc. “Our Pipelines”, Undated. Available at: <http://tnpi.ca/our-pipelines/>).

2 National Energy Board, “Provincial and Territorial Energy Profiles – Quebec”, undated. Available at <https://www.neb-one.gc.ca/nrg/ntgrtd/mrkt/nrgsstmprfls/qc-eng.html#s2>.

3 *Ibid.*

4 Principally, these include the Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques (MDDELCC), the Ministère de la Sécurité publique, the Régie du bâtiment du Québec (RBQ) and the Ministère de la Justice.

5 National Energy Board, National Energy Board, “Provincial and Territorial Energy Profiles – Quebec”, web-page last modified January 4, 2018. Figure 3, Crude Oil Infrastructure Map. Available at: <https://www.neb-one.gc.ca/nrg/ntgrtd/mrkt/nrgsstmprfls/pdf/mp-qc-l-eng.pdf>

Pipeline owner fined for unsafe incident near GO tracks in Greater Toronto

a day ago By: Canadian Press

Updated a day ago

CALGARY — The Canada Energy Regulator is fining Trans-Northern Pipelines \$40,000 for an incident near a commuter train line in Greater Toronto that resulted in damage to a pipeline transporting gasoline.

It says the incident near Oakville could potentially have resulted in fatalities and injuries because the pipeline is located just 35 metres from rail track that serves the Lakeshore West branch of the commuter GO Train line.

In a statement on its website, the federal regulator says the company owned by Suncor Energy Inc., Shell Canada Ltd. and Imperial Oil Ltd. failed to follow proper safety procedures while performing maintenance on part of its refined products pipeline system that stretches from Nanticoke, Ont., to Montreal.

The CER says in August 2018 a crew from Trans-Northern exposed a 17-metre long section of buried 10-inch pipeline in order to cut out and replace part of it.

It exposed the 10-inch pipe and one end of an adjacent 16-inch pipe it also owns using a hydrovac truck (which uses pressurized water for non-destructive digging) but failed to expose the other end of the 16-inch pipe because the truck was full and couldn't be used anymore.

Rather than waiting for the truck to empty and return, the decision was made to assume the rest of the 16-inch line was buried to the same depth and a contractor-operated backhoe was authorized to continue excavating. It hit the second pipeline and damaged it slightly. No leaks resulted.

"The average daily ridership in 2018 for this branch was approximately 31,900 persons per day," the CER noted.

"A significant pipeline event could have led to fatalities and injuries, environmental damage, and damage to and delays on this commuter train line."

This report by The Canadian Press was first published July 28, 2020.

Companies in this story: (TSX:SU, TSX:IMO)

TAB 14



July 28, 2020

Nando Iannicca
Regional Chair & CEO

10 Peel Centre Dr.
Suite A, 5th Floor
Brampton, ON L6T 4B9
905-791-7800 ext. 4310

To Gordon Woods Homeowners Association:

Long time Gordon Woods Homeowners Association President Don Stewart has asked me to provide some history and my recollections regarding the very valid concerns this community has about the current installation of an above ground valve compound (AGVC) at Dickson Road and Premium Way.

I provide the following:

- In my 30 years as the area Councillor from 1988 to 2018, it is my opinion that this ratepayer association was the most active and engaged in the entire city.
- We would regularly have 4-6 community meetings per year regarding the many items of community concern such as Committee of Adjustment applications, Re-zonings, Gypsy Moth, Hurontario LRT, Emerald Ash Borer, Tree By-law, Heritage Woodland Designation, Trillium Hospital Compound, and many many more.
- The MTO initiative for the Credit River Bridge Rehabilitation and Walkway and Bicycle Path construction was well known to this community. Residents and I attended many meetings hosted by the MTO regarding the project. Despite attending all of these meetings I have absolutely no recollection of ever being advised of the construction of an AGVC at Dickson Road and Premium Way. I say this with complete certainty because had I been aware, I would have immediately called a community meeting knowing it would have certainly been a major item of grave concern.
- The poor communication was made dramatically worse by unfortunate timing. The letter of intent for the AGVC between the City and MTO was issued on November 27, 2018. 2018 was a municipal election year in which I had announced my departure from the ward 7 office at the last Council meeting on December 2017. The municipal election date was October 22, 2018; and the new Councillor was not sworn into office until the inaugural of December 3, 2018. Add the fact that under our Municipal Policies & Procedures, a Councillor cannot issue a newsletter or hold public meetings after June of the election year and you can see how this item and issue was doomed to be "orphaned."

Finally, a 30-year veteran Councillor of this community would have an intimate and detailed appreciation of why this matter would cause a "fire storm" of concern in this community, who was apparently not informed of the AGVC at the only exit from their neighbourhood. One could easily understand how a new Councillor might not have had the same concern about the matter and would



follow the actions and directives of the appropriate City of Mississauga staff, assuming everything was proceeding in the standard, normal course.

Trusting the information I have provided can lead to an acceptable resolution, such as simply burying the structure underground at its current location or moving it either east or west away from the immediate intersection.

Kindest personal regards,

A handwritten signature in black ink that reads 'Nando Iannicca'.

Nando Iannicca
Regional Chair & CEO

10 Peel Centre Dr.
Suite A, 5th Floor
Brampton, ON L6T 4B9
905-791-7800 ext. 4310

Nando Iannicca
Former Ward 7 Councillor
City of Mississauga
1988-2018

Cc: Mayor Bonnie Crombie, City of Mississauga
Councillor Dipika Damerla, City of Mississauga

TAB 15



December 14, 2020

Mr. Donald Stewart
President
Gordon Woods Homeowners' Association
dacstewart7@gmail.com

Dear Mr. Stewart:

Thank you for your correspondence of November 12, 2020, regarding the Credit River Pipeline Relocation Project and the associated construction of an aboveground valve compound by Trans-Northern Pipelines Incorporated (TNPI).

I would like to note the tireless efforts of your local member of Parliament, Mr. Sven Spengemann, and the staff in his office in working with you to understand the concerns, as well as for bringing this matter to my attention and advocating on your behalf.

I understand the concerns of the members of the Gordon Woods Homeowners' Association about the significant change to your community resulting from the industrial appearance of the new valve compound in its current state. I see from your correspondence that you are asking the Canada Energy Regulatory (CER) to initiate a review of the approval of the new facility. The CER is also available to help facilitate a resolution of a dispute via its Alternative Dispute Resolution program. This process is collaborative, interest-based, confidential, and voluntary.

I encourage you to make full use of both the formal complaint process and the Alternative Dispute Resolution as a way to seek an appropriate remedy that satisfies the concerns of all parties.

I would also encourage an open and meaningful discussion between the Gordon Woods Homeowners' Association and TNPI that respects, on the one hand, the need for TNPI to relocate the valve at the request of the city and, on the other hand, the need of the community to have the site restored to an appropriate appearance. It is incumbent on TNPI to establish and maintain strong relationships throughout the project's entire lifecycle. I encourage both parties to adopt the Government of Canada and the CER's view that productive engagement should be guided by the principles of transparency, relevance, inclusivity, accountability, and adaptability. It is important that all sides remain at the table, willing to discuss options and find creative solutions.

With respect to your specific requests of me, I must note that the CER by design operates independently of the Government and independent of me as Minister of Natural Resources. As an adjudicative body, the CER must decide impartially, and without interference, on such matters. This is a critical point worth emphasizing. Our world-class energy regulator is strengthened by its independence. Canadians can have confidence that decisions are made based on clear processes. I know the CER will offer you every service that it can while respecting the limits of its role.

You also referenced safety concerns related to the valve. The issue of pipeline safety is a top priority for the Government of Canada, and the CER is responsible for enforcing the highest safety standards to protect our people, communities, and environment. I have full confidence that safety is at the core of the CER's decision-making with respect to the Credit River Pipeline Relocation Project and of its lifecycle oversight of the construction and operation of the new valve. Traffic safety is another important consideration for communities like yours and will need to be carefully assessed, as well as the impacts properly understood, as part of efforts to ensure the site post-construction is safe for motorists, pedestrians, and nearby residents.

I trust that, if both parties come to the table seeking mutually agreeable solutions, they can be found. I wish you and the members of the Gordon Woods Homeowners' Association every success in your discussions with TNPI and the CER.

Again, thank you for writing and for bringing this important issue to my attention.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Seamus O'Regan". The signature is fluid and cursive, with a long horizontal stroke at the end.

The Honourable Seamus O'Regan, P.C., M.P.

c.c.: Distribution

Distribution

Ms. Gail Sharko
Manager, Regulatory and External Affairs
Trans-Northern Pipelines Incorporated
gsharko@tnpi.ca

Her Worship Bonnie Crombie
Mayor of the City of Mississauga
mayor@mississauga.ca

Ms. Dipika Damerla
Councillor
City of Mississauga
Dipika.Damerla@mississauga.ca

Mr. Rudy Cuzzetto, M.P.P.
Mississauga–Lakeshore
rudy.cuzzetto@pc.ola.org

The Honourable Caroline Mulroney, M.P.P.
Minister of Transportation
Minister of Francophone Affairs
Government of Ontario
caroline.mulroney@pc.ola.org

Mr. Sven Spengemann, M.P.
Mississauga–Lakeshore
Sven.Spengemann@parl.gc.ca

TAB 16



Agenda

Pre-application Meeting		08 02 2021 14:00 – 16:00 (MT)
Application to Commission Requesting Review of Decision on TNPI Credit River Project		Via teleconference (MS Teams)
<p>Pre-reading: Pre-application Meetings Guidance Notes</p> <p>Canadian Energy Regulator Act</p> <p>CER Filing Manual</p> <p>Rules of Practice and Procedure (Part III relates to Applications for review or rehearing)</p> <p>CER Compliance and Enforcement Webpage</p> <p>CER consultation and engagement webpage</p>		
<p>Chairperson: Carly Milne, Director, Facilities Adjudication - East</p>		
<p>Participants from Gordon Woods Homeowners' Association</p> <p>Donald Stewart dacstewart7@gmail.com</p> <p>Molly Verrier molly.verrier@gmail.com</p> <p>Paul Elias pelias@rogers.com</p> <p>Marco Ventola mventola2050@gmail.com</p> <p>Grant Clark grantclark@solutionsforhr.com</p> <p>Michael Pullen mjpullen@rogers.com</p> <p>Tom Tartaglia tarpul1@rogers.com</p> <p>Eric Steen ericleen@gmail.com</p> <p>Bob Walczenko bgw82@rogers.com</p>		
<p>Participants from CER</p> <p>Carly Milne, Director, Facilities Adjudication - East</p> <p>Anne-Marie Erickson, Technical Leader, Socio-economics/Land Matters</p> <p>Joseph McHattie, Legal Counsel</p> <p>Ryan Miller, Engineer</p> <p>Alexandru Murasan, Technical Specialist, Engineering</p>		
Notes		
Item	Description	Discussion
1	Potential Application for Review	Representatives of the Gordon Woods Homeowners' Association described their intent to request the Commission review its approval of the TNPI Credit River project due to concerns relating to

		consultation, location, and safety.
2	Process for review requests requirements	Reviews and requests for rehearing are generally conducted in two phases. In phase 1, the Commission determines if there are grounds to raise a doubt as to the correctness of the decision, order or process. If the Commission determines that there is a doubt, it then moves to phase 2 to determine whether the original decision, order or process should be changed or remain the same.
3	Q&A – Safety Regulations and Standards	<p>Regulations and standards are required to be followed in their entirety to ensure the safety of pipeline systems during their entire lifecycle. The CSA Z662 class location requirements do not stand alone with regards to the overall safety of the pipeline system, but they must be used in combination with other standard requirements to manage the safe operation of the pipelines.</p> <p>For example:</p> <ul style="list-style-type: none"> •The Onshore Pipeline Regulations (OPR) requires companies to establish, implement and maintain a management system, which for example, requires a process for evaluating the risk associated with the identified hazards and to address them. •The CSA Z662 requires companies to have a safety and loss management system with processes and controls for risk management (which would include the evaluation of risks associated with pipelines in the close proximity of roads), design, material selection, construction, operations and maintenance emergency preparedness and response, etc. •In order to mitigate external loading and inadvertent damage during any construction activities, the CSA Z662 requires all pipelines at road crossings (for a distance of 7 m from the traveled surface) to be buried deeper, regardless of the class location. •The Regulations and standards require that pipeline systems be maintained to prevent failures regardless the class location designation. Thus, companies must have damage prevention programs to mitigate the probability of third party damage which may have a higher probability of occurrence in higher class location areas. <p>How does CER enforce non-compliance? Enforcement policy on the CER website (https://www.cer-rec.gc.ca/en/safety-environment/compliance-enforcement/enforcement/enforcement-policy/the-canada-energy-regulators-enforcement-policy.pdf)</p>

4	Q&A – Process Questions	<p>Guide O of the Filing Manual – PDF page 192 to 194 of 286. Deals with reviews.</p> <ul style="list-style-type: none"> • Provides information requirements for applications under section 69 of the CER Act for a review or rehearing of a previous Commission decision or order or to vary a licence or permit • The application must identify the decision, order, licence or permit affected and must include the grounds or the reason for its application <p>Reviews and requests for rehearing are generally conducted in two phases. In phase 1, the Commission determines if there are grounds to raise a doubt as to the correctness of the decision, order or process. If the Commission determines that there is a doubt, it then moves to phase 2 to determine whether the original decision, order or process should be changed or remain the same.</p> <p>References: Section 69 of the <i>Canadian Energy Regulator Act</i> includes:</p> <p>Power to review, vary or rescind — Commission</p> <p>69 (1) The Commission may review, vary or rescind any decision or order it makes and, if applicable, may re-hear any application before deciding it. Section 69 of the CERA authorizes the Commission to review, at its discretion, any matter of fact, policy, law or jurisdiction contained in a decision or order of the Commission. A review may be launched at any time after the issuance of a decision or order</p> <p>The <i>National Energy Board Rules of Practice and Procedure, 1995</i> (Rules), sections 43 to 46, Part III Applications for Review or Rehearing, describe the procedure and the grounds for a review or a rehearing. Subsection 44(2)(b) indicates that an applicant has to provide grounds it considers sufficient to raise a doubt as to the correctness of the decision in the case of a review, or grounds sufficient to establish the requirement for a rehearing. The paragraph sets out the non-exhaustive criteria by which this may be done:</p> <ul style="list-style-type: none"> • was there an error of law or jurisdiction, • have circumstances changed or new facts arisen since the close of the original proceeding, or • are there facts now available not previously discoverable by
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		<p>reasonable diligence.</p> <p>These broad inclusive criterias can also include errors in law according to the test of reasonability or errors in the jurisdiction of the Commission itself.</p> <p>A breach of natural justice including failure to provide procedural fairness could provide grounds for review or rehearing.</p> <p>Parties to the proceeding: These would be the companies, organizations and people who participated in the hearing that is being reviewed. The parties are those persons who were on the CER's distribution list for all the evidentiary submissions and argument made in the original proceeding. That would include commenters whose participation rights were limited to submitting a comment. The definition of 'party' is less rigorous in tribunal proceedings than in court ones. But the idea is that a person who was involved in the original proceeding should have notice that the original proceeding is under question and that person should be able to make submissions about how the decision they originally contributed to might be modified.</p> <p>Relief sought – what you are seeking from the Commission – up to the applicant to describe what this is</p> <p>Appeals - Appeal to Federal Court of Appeal</p> <p>72 (1) An appeal from a decision or order of the Commission on any question of law or of jurisdiction may be brought in the Federal Court of Appeal with the leave of that Court.</p> <p>Application for leave to appeal</p> <p>(2) Leave to appeal must be applied for within 30 days after the date of the decision or order appealed from or within any additional time that a judge of the Court grants in exceptional circumstances.</p> <p>Time limit for appeal</p> <p>(3) An appeal must be brought within 60 days after the day on which leave to appeal is granted.</p> <p>Argument by Regulator</p> <p>(4) The Regulator is entitled to be heard on an application for leave to appeal and at any stage of an appeal.</p> <p>Costs</p> <p>(5) In any appeal under this section, costs may not be awarded</p>
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against any of the commissioners.

Timelines: No specific timelines that staff can provide at this moment, it depends on the process that the Commission sets out. The Commission will communicate the process steps transparently.

CER Staff: Staff supporting the Commission will depend on workloads and timing of the application.

Commissioners: It is the Lead Commissioner's discretion to decide which Commissioners to assign to assess the review application.

Examples of previous review applications:

NGTL 2021 Expansion System Expansion Project GH-003-2018

- 18 April 2019 - Board letter regarding comment process ([A98939](#))
- 6 August 2019 – Board decision letter, Ruling No. 18 ([C00854](#)), Dismissed

TMX – NEB Reconsideration - MH-052-2018

Ruling No. 22, Applications for review from Living Oceans Society (Living Oceans) and Raincoast Conservation Foundation (Raincoast), and Tsleil-Waututh Nation - [#1152149](#); Dismissed ([A96969](#))

Is consideration given to the specific location of the projects in the level of information required for approval? (ie: is different information required for building in a city or in the country) May refer to s.183 and the Filing Manual for an overview of all the considerations that the Commission may take into account in making its decision. You can refer them to the *Reasons for Decision* of the decision Gordon Woods' is challenging so that they can see which considerations were taken into account.

Environment Considerations: Yes, the CER is mandated to assess environmental impacts of a proposed project. The Filing Manual sets out the environmental and socio-economic information needed from companies in an application to the Commission.

Outcome of Commission decision: Cannot presume what the Commission will decide. A different location would need to be re-applied for by the company.

		<p>Site inspections: That is at the discretion of the CER.</p> <p>Provincial regulations: Since interprovincial/international pipelines are federally regulated, applications must follow federal law.</p> <p>Does new Canada Bill C-69 have application to this application ? The CER Act, which was part of Bill C-69, is the law in force since August 2019. The CER Act applies to any application made now.</p>
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