



Attn: National Energy Board

Re: Project Name: Enbridge Line 9B Reversal and Line 9 Capacity Expansion Project
File Number: OF-Fac-Oil-E101-2012-10 01
Hearing Order Number: OH- 002-2013

August 2, 2013

BurlingtonGreen is a city-wide, citizen based non-profit agency that strives to give a voice for the local environment. Area residents who appreciate Burlington's unique natural heritage and understand that various urban pressures can have a negative impact collaborate to create awareness of environmental concerns with city officials and the general public, and advocate in support of the City of Burlington's strategic goal to be a more sustainable city. The following comments are offered to the National Energy Board (NEB) for consideration in the hearing process regarding Enbridge's Line 9B Reversal and Line 9 Capacity Expansion project application. On behalf of BurlingtonGreen's membership we thank the NEB for this opportunity.

Source Water Protection at Risk: The potential risk and impact to Burlington and Halton Region source water begins outside the west municipal border in Flamborough, Hamilton with the Beverly Swamp and Medad Valley which feeds the Grindstone watershed system. This water system then flows down to the ecologically sensitive north Aldershot area and continues through urban south Aldershot into Cootes Paradise, Burlington Bay, and Lake Ontario. Further watersheds across Burlington and Halton also require absolute source water protection since the entire watershed system flowing down the Niagara Escarpment ultimately flows to Lake Ontario. According to Halton-Hamilton Source Water Protection any watershed contamination (creek or groundwater) can potentially reach the Lake Ontario water intake pipes within two hours. Lake Ontario is the source water for 100% of Burlington's urban population. Any contamination of the rural area aquifer would have serious consequences to rural Burlington and north Halton residents (Oakville, Milton) nearest and south of the pipeline. Operating isolation valves in addition to regular inspection methods are essential preventative risk management tools.

BurlingtonGreen requests that the NEB support the Halton Region July 10, 2013 Council resolution to install remotely operable isolation valves at all crossings of watersheds that would affect Halton Region.

Protect a Unique National Natural Heritage Treasure: The section of Line 9 through Burlington is unique in Ontario in that it crosses the crest of the Niagara Escarpment which is a designated UNESCO

Biosphere Reserve, and across lands designated under the *Ontario Greenbelt Act*. These designations help to conserve the Province of Ontario's natural and social capital by protecting prime agricultural lands, forests, water, wetlands, heritage properties and recreational spaces. The pipeline also travels very near and across the ecological, recreational and culturally significant Bruce Trail. Within the 11km distance between existing isolation valves near KP3010 and KP3021, Line 9 crosses 10 areas that are either a significant watercourse, or has ANSI Earth or Life Sciences designation, or is a provincially or locally significant area, or a significant wetland. The Bronte Creek watershed system is also directly crossed by Line 9 at KP3023 so would have a 2km delay from the isolation valve to the west before the volume of tar sands crude oil was depleted. Between Guelph Line and Walkers Line the pipeline travels within 250m and less of the Niagara Escarpment cliff face, and eventually descends down the rock face south of Mount Nemo Conservation Area. (See pages 7-9 of Enbridge's detailed Line 9 right of way map <https://www.neb-one.gc.ca/ll-eng/livelink.exe/fetch/2000/90464/90552/92263/790736/890819/918445/947647/B11-4 - Attachment 1 to NEB IR 2.7 - A3H3C0 ?nodeid=947010&vernum=0&redirect=3>)

BurlingtonGreen requests that the NEB require Enbridge to clearly and specifically provide prevention and emergency response protocols that takes into account the unique circumstances of ANSI and ESA designated areas and in particular the pipeline's descent down the face of the Niagara Escarpment.

Sufficient Funding for Pipeline Integrity: Enbridge continues to state that Line 9 has an unlimited life cycle with adequate maintenance. As with any aging tool or asset, the older it gets and the more it is used, the more often it will break down and have mishaps. BurlingtonGreen is concerned that the proposed maintenance schedule and stated related funding may be insufficient. Zero spill incident tolerance requires ongoing use of internal inspection tools like smart pigs, corrosion cleaning pigs, and follow-up integrity digs and repair work. A one-time spending requirement of \$5-10 million for Line 9B and \$8.5 million for Line 9A has been stated in Enbridge's public information session material. At this time the latest inspection results are unknown including the integrity and repair requirements for the Burlington, Halton area. Over the entire 813km length how do we know that this budget will be sufficient to ensure the pipeline is entirely intact? Comparing the \$450 million Enbridge spent over the entire 24,613km asset network following the 2010 Marshall, MI incident to revamp the control centre, do 175 inline inspections and 3000 integrity digs and repairs, are the funds as stated for Line 9 sufficient?

BurlingtonGreen requests that the NEB require that whatever funding is needed for Enbridge to perform preventative inspections and maintenance is guaranteed to exist and be made available for this purpose. Further, that Enbridge's operating budget is sufficient and anticipates increasing inline inspections within shorter periods with sufficient follow up maintenance as required given the ask to increase capacity of an already aged pipeline

Local Reporting Required: Transparency has been a problem that has tarnished Enbridge's reputation, and diminished the public's trust of the company. Anything that Enbridge can do to improve transparency to local municipalities and the general public (as appropriate) is encouraged.

BurlingtonGreen requests that the NEB require that local area specific historical maintenance, and

ongoing inline inspection results and follow up maintenance be communicated in a timely manner to the local municipality and property owners with pipeline easements for their own records.

Further, BurlingtonGreen requests that the NEB require Enbridge to communicate product changes to local municipalities in real time so that should a spill incident occur, first response emergency crews will be aware of the product in the pipeline and respond accordingly.

Analyse Possible Sediment Shift: Although Line 9 is less than 1km away from an active quarry the scope of Enbridge's map is not wide enough to show this proximity (see p.8 of Enbridge detailed project map link above and attached Burlington area satellite map). The Nelson Aggregates quarry has been operational for decades and will continue for several more years with daily blasting operations that cause tremors to structures on properties further away from the quarry than the pipeline.

BurlingtonGreen requests that the NEB require Enbridge provide an engineering analysis to show the risk to pipe integrity due to shifting sediment caused by past and future blasting operations by Nelson Aggregates and any other active quarry within close proximity of the pipeline.

Further, BurlingtonGreen requests the NEB require Enbridge to provide an engineering analysis to show the risk of failure over time under adverse conditions of climate change which may include increased seismic activity, shifting flora and fauna species with migrating ecosystems, changes in water levels and shifting sediment base.

Adequate Compensation Available for Business Operations: In addition to the priceless ecologically sensitive areas stated above there are several agricultural, commercial and tourism recreation operations in the immediate area of the pipeline dependent on the groundwater aquifer and watershed system for source water that would be negatively impacted by a spill incident and that may disrupt business operations. This would also include the Bronte Creek Provincial Park which is within 3km directly south of Line 9.

BurlingtonGreen requests that the NEB require Enbridge to have sufficient insurance and other funding available to make whole any damage to persons, businesses and properties caused by a leak or spill incident.

Clarify Primary Product: Enbridge has stated in public information sessions that they have transported tar sands heavy crude oil since 1968 and have a current transport volume over 100,000 bpd of diluted bitumen. They also have stated that they will carry "mainly light crude oil" through Line 9. Given the nature of the source it seems more probable that in fact tar sands heavy crude oil will be the main product transported via Line 9 if this project is approved more so than limited amounts of light or medium crude oil.

BurlingtonGreen requests that the NEB have Enbridge clarify the product proportion of the 300,000 bpd capacity request, and for how long Enbridge anticipates transporting light or medium crude oil products before switching to tar sands heavy crude oil primarily.

Who's Economic Benefit? BurlingtonGreen questions Enbridge's transparency of where tar sands heavy crude (diluted bitumen) will be delivered for subsequent refining. Enbridge's current Eastern Region distribution network spurring from Line 9 includes Line 10 to Klantone, New York and Line 11 to

Nanticoke, ON on the Lake Erie shore. These refineries and the two Line 9 Quebec refineries have limited capacity to process tar sands heavy crude. Without substantive capital investment to the Canadian refineries, are these in fact export delivery sites to other refineries in the US? If so arguments that economies of Ontario and Quebec will be enhanced are unfounded.

BurlingtonGreen requests that the NEB confirm if the Line 9, 10 and 11 delivery points are primarily export gates to US refineries. Can Enbridge confirm that these delivery points have credible plans to invest to upgrade their facilities, create Canadian jobs and enhance local economies? Enbridge needs to clarify the volume of product that will remain in Canada for further processing and be destined for the Canadian consumer market.

Accountability: There is a fiduciary duty of Enbridge directors, and sworn ethics of all professional engineers (on staff or contracted) to ensure no harm to the public.

BurlingtonGreen requests that the NEB confirm what process is in place to ensure Enbridge Directors and associated accredited professionals are held responsible and accountable.

Investment in a Renewable Energy Future: BurlingtonGreen recognizes and supports the need for a more rapid transition from fossil fuels to more sustainable renewable energy sources to combat the devastating effects of climate change. To counter continued reliance on fossil fuels and the resulting air pollution and green house gases created from extraction through to end use, BurlingtonGreen supports any mitigation measures that the NEB could impose on Enbridge (and its clients) if it approved this application to support faster creation of renewable energy infrastructure and transition to clean energy sources.

BurlingtonGreen requests that if the NEB approves Enbridge's application, it requires Enbridge to direct significant funds into renewable energy projects with the goal of replacing the need for fossil fuel.

Clarify The Real Price of Tar Sands Oil: Enbridge has stated that refineries in Eastern Canada would benefit by being able to source tar sands heavy crude oil because it is cheaper than foreign sources. BurlingtonGreen supports triple bottom line accounting evaluation and counters that the cost of the environmental devastation resulting from the extraction process has not been fully accounted for in the standard pricing for a barrel of oil. If for whatever reason economic conditions and pricing were to reverse, the premise that Western tar sands oil is cheaper would be false. Since markets are not static, this assurance cannot be confirmed over time. In addition, the capital funding to upgrade Eastern Canadian refineries would substantially impact their cost to source Western tar sands heavy crude oil.

BurlingtonGreen requests that the NEB deny Enbridge's tariff change request for Line 9A and 9B to allow tar sands heavy crude oil (diluted bitumen) at this time, and that this application may only be re-submitted at such time as the price of tar sands heavy crude oil includes environmental damages, tar sands heavy crude oil can be refined in Eastern Canada for domestic market consumption, and extracted without causing significant environmental devastation.

Response to Requests: If it is possible to receive direct notification of the NEB's and Enbridge's responses to these respectfully suggested requests based on the outcome of the hearing for BurlingtonGreen to share with Burlington residents it would be appreciated.

Respectfully submitted with approval by the BurlingtonGreen Board of Directors and Sustainable Energy Eco Team on behalf of BurlingtonGreen members and volunteers.

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Attachments:
Conservation Halton Hazard ESA Wetland Maps West and East
Satellite maps of Burlington, ON and Halton Region