



Conservation Halton Meeting of the Board
Thursday, March 21, 2013

Attn: Board of Directors via Chair Taylor

Re: Questions to follow the Enbridge Pipeline Inc. presentation,
and alternative recommendations to those proposed in CH file PPR 151

Hello,

BurlingtonGreen Environmental Association has been tracking public concern in the provinces of Ontario and Quebec as well as internationally and keeping informed of developments regarding Enbridge's Line 9B National Energy Board application. Locally, BurlingtonGreen has endeavored to create citizen and political awareness of this pending project. Conservation Halton's vision *"to sustain a healthy watershed with clean streams, vigorous forests, abundant green space and balanced growth that results in strong livable communities,"* and mandate *"to help protect the natural environment from lake to escarpment for the benefit and enjoyment of present and future generations"* aligns with support for further involvement to hold Enbridge accountable to all safeguards of pipeline integrity. This letter outlines requests based on the collaborative volunteer efforts of many local citizens who have become well acquainted with this project application, including its local and wider-scope implications.

At a recent Enbridge presentation to the Hamilton Conservation Authority, BurlingtonGreen volunteers left with outstanding questions. We kindly request that the Conservation Halton Board take the opportunity today to address these questions to Mr. Hall following his presentation so his answers may further inform you, and be documented in the public record.

Additionally, we would like to request that the Conservation Halton Board consider an alternative recommendation to that provided in CH file PPR 151 regarding CH participant involvement.

Our request is that Conservation Halton make a commitment to be named as a collaborating partner to provide local ecosystem expertise for the City of Burlington's Letter of Comment proposed for submission to the National Energy Board.

The following recommendations are identified for the Monday, March 25th Development and Infrastructure Committee in the City staff report E-15-13 :

- Direct the General Manager of Development and Infrastructure to submit an application to the National Energy Board requesting that the City of Burlington be granted participation rights to write a Letter of Comment; and
- Provide the General Manager of Development and Infrastructure with delegated authority to submit the Letter of Comment by July 9, 2013; and

- Authorize engineering and legal department staff to continue to collaborate with other municipalities in anticipation of participating in the hearing; and
- Direct the General Manager of Development and Infrastructure to forward a council endorsed letter to the Association of Municipalities Ontario encouraging other affected municipalities to participate.

To clarify, it has not been recommended that the City of Burlington seek intervenor status for the NEB hearing, only to participate by submitting a letter of comment which the NEB would receive and represent such content in its own qualification of Enbridge.

Please note the NEB prefers collaborative participant applications and is seeking unique information at the local level to consider. Support from Conservation Halton would increase the City's likelihood of being approved to provide a Letter of Comment to the NEB by July 9th, 2013.

Also, it is likely that the City of Toronto will lead a collaborative group of municipalities and may seek intervenor participant status for the NEB hearing. By supporting the City of Burlington, which in turn is a collaborating municipal partner, Conservation Halton would also be supporting this larger significant effort to ensure Enbridge operates Line 9 with the utmost of integrity to protect the citizens of Ontario and Quebec and the lands and waterways from western tar sands oil spills. Furthermore, we hope that the Region of Halton joins along with Burlington to represent local citizens and our shared environment.

Another option for consideration would be for Conservation Halton to participate collaboratively with other local conservation authorities under the lead of Conservation Ontario, should it decide to apply for participant status.

In conclusion, we applaud the collaborative efforts and shared commitment of Conservation Halton, the City of Burlington and PERL to successfully safeguard the interests of the Niagara Escarpment and watershed from the identified implications of the Nelson Aggregate proposed expansion. We see Enbridge's Line 9 project proposal to be a comparable and critical proposal that requires this same collaboration and commitment.

Thank you for your time and consideration of these requests and I have provided the recommended questions below.

Respectfully,

Michelle Bennett
BurlingtonGreen Environmental Association
www.burlingtongreen.org

Questions to Enbridge:

1. Can you at this time confirm where (if any) the pipeline shut off valves across Halton are?
2. Please clarify which municipal departments and contacts should have this information for each of Burlington, Milton, Oakville and Halton.
3. Would Enbridge voluntarily install shut off valves at any creek that affects Halton area watersheds leading to Lake Ontario (including Hamilton's Spencer Creek and Grindstone Creek)

even though these may not meet the new definition of Navigable Waters that the federal government recently changed? If an NEB decision directs this of any Ontario or Quebec creek would Enbridge comply?

4. How many pipeline sensors that can detect a volume variance of 2% and over are located across the Halton pipeline? What is the distance between them?
5. How close are these sensors to any shut off valves? Is there a standard distance?
6. What is the range of gallons that would need to pass by a detected leak before the line has been cleared? How much time might it take to clear a line for maintenance?
7. Is there any plan for including sensors that can detect leaks smaller than 10 gallons, or the 2% volume change?
8. What might give cause for an integrity dig permit to be requested?
9. When will new permits for integrity digs be requested to CH and Halton ROW landowners based on inline Line 9 inspection data? How many do you know or anticipate?
10. The cost of Enbridge's regular annual inspection and maintenance schedule is significantly less than the stated \$160M Enbridge plans to spend in 2013-14 on integrity digs and maintenance. If Enbridge has no concern about the integrity of its 38 year old pipeline handling a flow reversal to accept a range of oil products coming from the west, why such a significant step up of inspection? What causes of concern does Enbridge have?
11. What impact did the diluents have on wildlife and humans at the Kalamazoo River spill and how was this mitigated? What impact did the heavy crude oil itself have?
12. Enbridge claims diluted bitumen to have no difference in impact to the interior lining of its pipeline, although many including Enbridge eagerly await the coming independent corrosivity report from the US PHMSA in June. Can you clarify if you are referring to the heavy crude in itself when you state it is no more corrosive than any oil product, or if this is also known of the toxic chemical dilution mix that is added to the heavy crude oil (25% of the total composition) to dilute it for transport?
13. When Enbridge claims it would take complete responsibility of any spill clean up and related cost, why is it that the company is stalling on the recent US EPA request to clean up the hot spots of sunken heavy crude that can still be disturbed by paddles and boat motors in the Kalamazoo River since the 2010 major rupture? If Enbridge refuses this further EPA requested clean up how are other stakeholders and governing agencies supposed to trust your statement of taking full responsibility to clean up any spill?
14. In August 2012 concerned citizens discovered segments of the Line 9 pipeline dangerously exposed in Scarborough's Rouge River area. Why did it take so long for Enbridge to rectify the exposed pipe? What procedural changes may result of this incident?

15. Will Enbridge share its terrain scoping indicating sensitive ecosystems, all water flow crossings and established time of a spill flow to Lake Ontario, and determined clean up deployment points on all watersheds to CH for review?
16. What impact might the daily blasting from nearby Nelson Aggregates have on the pipeline? Can this area be given special inspection consideration given the area's ESA and endangered species since tremors from this blasting activity can be felt by homes on Side Rd. No. 1 which are even further away than the pipeline is from the quarry?
17. Can Enbridge share the history of leaks, causes and maintenance along the Halton ROW to CH and the Halton municipalities including identified property addresses and dates?
18. Given you have stated (previously) that site visits to property owners are to happen every 3 years can you confirm that every property owner has allowed Enbridge on their properties within the last 3 years for this to occur? Do your agreements with property owners require permission from the owner each time Enbridge representatives are to come onto the property?
19. Although we recognize this project is economy driven, Enbridge has stated the interests of the environment are a priority as well. The proposal to expose the aging Line 9 pipeline to its maximum capacity volume and pressure allowable by Canadian regulations contradicts your claim of safeguarding the interests of the environment. Since cleaning up a spill is not a solution, but proactive, preventive risk mitigations is, would Enbridge consider adjusting the proposal to increase risk mitigation by reducing the volume and pressure, even if it reduces profits but better respecting the interests of the environment and the people that live in these communities?