

NOVA Chemicals (Canada) Ltd.

Application for Approval to Construct the Kimball Pipeline Replacement Project

EB-2015-0212

OEB STAFF INTERROGATORIES

1. Reference: Application, Exhibit 3, Tab G, pages 2 and 3, paragraphs 8 and 9

Please provide updates and timing for finalizing a road crossing agreement and abandonment plans with the Township of St. Clair.

2. Reference: Application, Exhibit 3, Tab B pages 1- 6

- a. Please provide updates on issues and concerns identified by stakeholders, including the Aboriginal communities, affected by the proposed project.
- b. How is NOVA planning to mitigate and address these issues and concerns?

3. Reference: Application, Exhibit 2, page 2, paragraph 6

Typically, the OEB's order for leave to construct requires that construction starts within 12 months from the date issued.

The planned construction start is on or about June 2017. Assuming the OEB approves the application in November 2015, NOVA's planned construction start would fall within about 20 months from the date of approval. NOVA asked that the order, if granted, expire within 36 months from the date issued.

- a. Please identify and discuss the circumstances that may cause the construction to be delayed beyond June 2017.
- b. Please explain the reasons for requesting a 36 month term.
- c. Assuming that construction does not start within the 12 month term, which aspects of NOVA's application and evidence are anticipated to change and may have to be updated?

4. Please comment on the attached draft conditions of approval that are proposed by OEB staff.

Please note that these conditions are draft version and may be subject to additions or changes by the Board.

**Leave to Construct Conditions of Approval
Application under Sections 90 of the OEB Act**

NOVA Chemicals (Canada) Ltd.

EB-2015-0212

1. NOVA Chemicals (Canada) Ltd. (NOVA) shall construct the facilities and restore the land in accordance with the Board's Decision and Order in EB-2015-0212 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued, unless construction has commenced prior to that date.

(b) NOVA shall give the Board notice in writing:
 - i. of the commencement of construction, at least ten days prior to the date construction commences;
 - ii. of the planned in-service date, at least ten days prior to the date the facilities go into service;
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction; and
 - iv. of the in-service date, no later than 10 days after the facilities go into service.
3. NOVA shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
4. NOVA shall advise the Board of any proposed change to Board-approved construction or restoration procedures. Except in an emergency, NOVA shall not make any such change without prior notice to and written approval of the Board. In the event of an emergency, the Board shall be informed immediately after the fact.

5. Both during and after construction, NOVA shall monitor the impacts of construction, and shall file with the Board one paper copy and one electronic (searchable PDF) version of each of the following reports:
- a) a post construction report, within three months of the in-service date, which shall:
 - i. provide a certification, by a senior executive of the company, of NOVA's adherence to Condition 1;
 - ii. describe any impacts and outstanding concerns identified during construction;
 - iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction;
 - iv. include a log of all complaints received by NOVA, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions; and
 - v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project.
 - b) a final monitoring report, no later than fifteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
 - i. provide a certification, by a senior executive of the company, of NOVA's adherence to Condition 3;
 - ii. describe the condition of any rehabilitated land;
 - iii. describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction;
 - iv. include the results of analyses and monitoring programs and any recommendations arising therefrom; and
 - v. include a log of all complaints received by NOVA, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions.