



Hamilton

City Hall, 71 Main Street West
Hamilton, Ontario,
Canada L8P 4Y5
www.hamilton.ca

Alvin Chan Manager Legislative Approvals/Staging of Development
Planning and Economic Development Department
Growth Management Division
71 Main Street West, 6th Floor, Hamilton, ON L8P 4Y5
Phone: 905.546.2424 Ext. 2978 Fax: 905.540-5611
Email: alvin.chan@hamilton.ca

February 10, 2020

SENT VIA EMAIL (boardsec@oeb.ca) and REGULAR MAIL

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto ON M4P 1E4
Attention: Board Secretary

Dear Ms. Young:

RE: City of Hamilton ("City") Response to Procedural Order #1 and Interrogatories for File EB-2019-0159

Enbridge Pipelines Inc. ("Enbridge") Leave to Construct Application for the 2021 Dawn to Parkway Extension and Integrated Resource Planning Proposal ("Proposal")

As recognized by the Ontario Energy Board in Procedural Order No. 1, this Application has generated significant interest in this community. The City of Hamilton's interest in this Application relates primarily to its impact on Climate Change and the environmental, cultural and financial well-being of the municipality, as well as the health, safety and well-being of its inhabitants.

Accordingly, in response to Procedural Order #1 dated January 30, 2020 for the Enbridge Pipelines Inc. Leave to Construct Application of the 2021 Dawn to Parkway Extension and Integrated Resource Planning Proposal under File EB-2019-0159, the City of Hamilton offers the following submissions:

A. Submissions Related to Procedural Order #1

1. further to section 1a. of Procedural Order #1, the City of Hamilton requests that the following issue be added to the Draft Issues List:

"Given the lifespan of the proposed pipeline being beyond 2050, and, as it falls fully within the municipal boundaries of the City of Hamilton, how does Enbridge Gas Inc., proposed Leave to Construct Application address the City of Hamilton's declared Climate Emergency and subsequent policies and goals?"

2. further to section 1a. of Procedural Order #1, the City of Hamilton requests that the following question be added to Draft Issue 6:

“Does the Project’s environmental assessment adequately address issues related to Climate Change?”

3. further to section 1b. of Procedural Order #1, that the Leave to Construct proceeding specifically address:

- a. impacts related to the methods of upstream natural gas extraction (such as hydraulic fracturing) for natural gas that will be transported through the pipeline; and
- b. impacts related to the ultimate downstream consumption of the natural gas transported through the pipeline;

B. Further requests unrelated to Procedural Order #1

In addition to the items in A. above that provide the submissions specified by Procedural Order No. 1, the City of Hamilton also wishes to request the following:

1. Matters related to the conduct of the hearing

The City of Hamilton further requests that:

- a. the Ontario Energy Board require an ecological study and an independent peer review of Enbridge’s proposal, to be completed and funded by Enbridge, prior to any decision to grant Leave to Construct; and,
- b. in view of the fact that the hearing is entirely related to the geographic City of Hamilton, that the Ontario Energy Board hold an oral hearing in the City of Hamilton to ensure a fully transparent and accessible process.

2. Interrogatories

The City of Hamilton requests that the Board issue an Order pursuant to Rule 26 of its Rules of Practice and Procedure to require Enbridge to answer the interrogatories specified below in respect of the following matters:

Climate Change Issues:

Hamilton City Council has declared a climate change emergency on March 27, 2019 (copy enclosed). Hamilton joins well over 800 other municipalities across the world, including the Government of Canada, who have declared a climate change emergency.

In order to reduce the catastrophic impacts of climate change the United Nations Intergovernmental Panel on Climate Change has stated the world needs to drastically reduce Greenhouse Gas (“GHG”) emissions and become carbon neutral by 2050.

Given this the Air Quality and Climate Change Team within the Public Health Section of the Healthy and Safe Communities Department request more information on how Enbridge

plans to help meet these important targets. Specifically, the following interrogatories are requested:

- 1. How is Enbridge planning to help achieve Hamilton's community-wide GHG emission reduction targets?*
- 2. When and how does Enbridge plan to increase the supply of Renewable Natural Gas (RNG) within its existing network?*

Natural Heritage Issues:

In review, natural heritage staff have provided the following comments as it relates to the Natural Environment.

The Stantec Dawn-Parkway System Expansion: Kirkwall-Hamilton Pipeline Section: Environmental Report (June 21, 2019) relied on existing field data, background information, a field reconnaissance site visit on August 10, 2016, and aerial reconnaissance on December 5, 2016 to evaluate the impacts and proposed route options.

Detailed field studies to confirm species-at-risk (SAR) and Significant Wildlife Habitat (SWH) are proposed "prior to construction" because "these supplemental studies are not expected to change the conclusions regarding potential adverse residual impacts".

SAR and SWH screenings were completed in the Stantec report and numerous areas of potential SAR habitat and candidate SWH were identified along the proposed pipeline route.

However, the deferral to future studies are of concern to staff and has raised several interrogatories to be posed and responded to by Enbridge Gas Inc., being:

- 1. How can decisions on the impacts of the project and the preferred route be made before detailed field data (i.e. Ecological Land Classification, fish habitat assessment, species at risk, Significant Wildlife Habitat) are available?*
- 2. Are decisions being made without complete and current data?*
- 3. Was the local data in the Hamilton Natural Heritage Database/Nature Counts used?*
- 4. Is it reasonable to assume that all potential impacts on natural features, SAR and SWH can be mitigated when the process is well-advanced ("prior to construction")? Will it be too late to properly avoid or mitigate impacts?*
- 5. Will forest habitat along the proposed pipeline route be assessed as Significant Wildlife Habitat (bat maternity colonies, woodland raptor nesting habitat, and woodland area-sensitive breeding bird habitat)?*

Similarly, Significant Woodlands are discussed in the Stantec report, but are not identified on Figure 12 which raises the following interrogatory:

- 6. Where are Significant Woodlands located along the pipeline route (show on Figure 12) and how will they be impacted?*

Moreover, the report provides limited details on the tree replacement program. Since “free to grow” is defined as a plant which is 1 metre tall, it appears that very small caliper nursery stock are proposed, which raises additional concerns and interrogatories, being:

- 7. What size of tree will be compensated?*
- 8. What size of nursery stock will be planted?*
- 9. Does the proposed removal of vegetation and trees and the tree replacement policy (1:1) adequately address the loss of canopy cover and the time lag for the canopy to re-establish? How does this address climate change? If a large tree is to be removed and only one small caliper tree planted to compensate, how does this address the temporary loss of canopy and ecological benefits?*
- 10. Would a more robust tree planting program better mitigate impacts of vegetation loss and climate change?*

Lastly, natural and cumulative impacts are briefly discussed, but details are not provided. Since the proposed pipeline will parallel two to three existing pipelines, the increasing width of the corridor and associated loss of natural area was not discussed which raises additional concerns interrogatories to be addressed by Enbridge Gas Inc.:

- 11. Is trenchless technology (tunnelling) under sensitive features (stream crossings, wetlands) being considered as a way of minimizing disturbance and impacts?*
- 12. What on-going maintenance requirements are proposed (e.g. periodic vegetation removal, site alteration) and how will these impact natural features?*
- 13. What are the cumulative impacts of expanding the width of the pipeline corridor on the Natural Heritage System and how are they being addressed? How wide will the area of disturbance be?*

Thank you for the opportunity to make these submissions and please do not hesitate to contact the undersigned, should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alvin Chan', with a stylized, flowing script.

Alvin Chan, BES, MCIP, RPP
Manager, Legislative Approvals/Staging of Development
Growth Management Division
Planning and Economic Development Department
71 Main Street West, 6th Floor
Hamilton, ON, L8P 4Y5
Tel: 905-546-2424 Ext 2978
Fax: 905-540-5611
Email: alvin.chan@hamilton.ca

Attachments: (1)



CITY COUNCIL MINUTES 19-006

5:00 p.m.
March 27, 2019
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors T. Jackson (Deputy Mayor), B. Clark, C. Collins, J.P. Danko, J. Farr, L. Ferguson, B. Johnson, S. Merulla, N. Nann, J. Partridge, E. Pauls, M. Pearson, A. VanderBeek, T. Whitehead and M. Wilson

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the "Dish with One Spoon" Wampum Agreement.

The Mayor called upon Father Mark Gatto of St. Catherine of Siena Roman Catholic Church, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS (Item 5)

- 5.19 Correspondence from Aird Berlis respecting Local Planning Appeal Tribunal Appeal No. PL170981, 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11)

Recommendation: Be received and referred to Item 12 of Planning Committee Report 19-004

- 5.20 Correspondence from the Beasley Neighbourhood Association respecting the Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a))

Recommendation: Be received and referred to Item 9 of the Planning Committee Report 19-004

- 5.21 Correspondence from Hamilton-Halton Home Builders' Association respecting Modifications to C5 Zoning brought about through PED19029.

3. **Accelerating and Prioritizing Climate Action in Response to the Climate Emergency (Added Item 8.3)**

(Merulla/Collins)

That Item 3 of the Board of Health Report 19-003, be amended by adding a new subsection (c) (iii) and re-lettering the following subsections accordingly, to read as follows:

- (a) That the City of Hamilton declare a climate emergency that threatens our city, region, province, nation, civilization, humanity and the natural world;
- (b) That a multi-departmental Corporate Climate Change Task Force of City of Hamilton staff be created under the leadership of the City Manager;
- (c) That the Corporate Climate Change Task Force be directed to investigate and identify:
 - (i) Additional actions to be taken to incorporate into existing plans and policies to achieve net zero carbon emissions before 2050;
 - (ii) Best processes to centralize reporting on Climate Change for the Corporation of the City of Hamilton;
 - (iii) ***Green initiative investments and returns to the community, including, but not limited to, the following:***
 - (1) ***The City of Hamilton has reduced its carbon footprint since 2005. In addition to efforts surrounding mitigating personal property flooding the City has initiated a number of energy conservation initiatives;***
 - (2) ***Energy intensity at City facilities (e.g. Recreation, Lodges, Entertainment, Police, etc.), has been reduced by 28% when comparing 2017 versus 2005;***
 - (3) ***The City of Hamilton was a leader in the development of local district energy. The City of Hamilton established Hamilton Renewal Power Inc. (HRPI), which operates cogeneration at the wastewater treatment plant and landfill. HRPI generates 28,000,000 kwh of renewable energy annually with a reduction of 100,000 tonnes of carbon dioxide;***
 - (4) ***Cumulative greenhouse gas (GHG) reductions from energy conservation initiatives over the period 2011-2017 is 52,325 tonnes;***
 - (5) ***When comparing greenhouse gas (GHG) emissions for the periods 2016 versus 2005, 2005 emissions were in excess of***

120,000 tonnes, decreasing to in excess of 80,000 tonnes by 2016; and,

(6) At the Bay Area Climate Change Summit some clear directions were discussed that would allow Hamilton to meeting its climate change targets:

(aa) All new building be built net zero by 2030 and all new buildings retrofitted by 2050 including fuel switching;

(bb) All diesel vehicles be decommissioned by 2030 and all vehicles electrified by 2050;

(cc) Low carbon technology for our steel manufacturing and other district energy technologies; and,

(dd) These initiatives would need to be taken by all partners and the City could show leadership by committing to these actions for construction and renovations of City facilities, requiring net zero construction where the City funds organizations for building (i.e. affordable housing) and the City could continue to “green” its own fleet of vehicles towards the goals listed above;

(iv) Gaps in current programs and projects and strategies to address those gaps; and,

(v) The establishment of a critical path and Terms of Reference to initiate an awareness strategy campaign to encompass the history of global warming, climate change and the United Nation’s Declaration on a Climate Emergency, which is to include the impacts of not taking such action, and the investment vs. the expense of taking such action;

(d) That the Corporate Climate Change Task Force report back to the Board of Health within 120 days; and,

(e) That Council supports City of Hamilton staff participation in Bay Area Climate Change Implementation Teams as subject matter experts to accelerate climate action across the Bay Area.

Result: Amendment CARRIED by a vote of 13 to 3, as follows:

NO - Councillor Maureen Wilson

YES - Councillor Jason Farr

NO - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Councillor Esther Pauls

NO - Councillor John-Paul Danko

YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Result: Main Motion, As Amended, CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. Consumption and Treatment Services in Hamilton (BOH19017) (Item 9.1)

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark