

Sent by RESS

November 30, 2020

Ontario Energy Board  
2300 Yonge Street  
Suite 2700  
Toronto, ON M4P 1E4

Attention: Christine E. Long, Registrar

Dear Ms. Long:

**Re: EB-2020-0198 - Enbridge Gas Inc. NPS 20 Waterfront Relocation Application  
Toronto and Region Conservation Authority Intervenor Request Letter**

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We are environmental legal counsel to Toronto and Region Conservation Authority (TRCA). We are writing to request intervenor status on TRCA's behalf in OEB Proceeding EB-2020-0198, the Application by Enbridge Gas Inc. for approval of its NPS 20 Waterfront Relocation Leave to Construct (Enbridge Application). TRCA wishes to file interrogatories, review and test evidence, make submissions, and participate in the hearing.

**ABOUT TRCA**

TRCA derives authority and responsibilities under the *Conservation Authorities Act*, R.S.O. 1990 c.C.27. Under this legislation, TRCA administers Ontario Regulation 166/06, which requires permits for certain development activities including works associated with pipeline construction and rehabilitation within regulated areas. In addition, under the *Clean Water Act*, 2006, TRCA participates in the Credit Valley-Toronto and Region-Central Lake Ontario (CTC) source protection region and is responsible for facilitating and supporting the CTC Source Protection Committee in the development of assessment reports and source protection plans for the TRCA watersheds.

TRCA's jurisdictional area is 3,467 km<sup>2</sup> of which 2,505 km<sup>2</sup> are land space in the City of Toronto and the Regional Municipalities of Peel, Durham and York. The remaining 961 km<sup>2</sup> are water-based in Lake Ontario, including the shoreline between the cities of Mississauga and Ajax. TRCA's jurisdiction extends over 9 major watersheds, including the Don River. TRCA owns more than 16,000 hectares of land in the Toronto region. The pipeline contemplated in this Application falls in the area of TRCA oversight and ownership along the Don River.

TRCA is statutorily mandated to establish and undertake programs to promote the conservation, restoration, development and management of natural resources in partnership of local municipalities in the province. TRCA also has statutory authority to issue permits for construction, development and inspection activities for municipal and private projects including the project proposed by Enbridge Gas Inc.

TRCA has specialized knowledge and experience regarding TRCA's watersheds and the environment more generally, including hydrology/flooding, erosion, ecology, hydrogeology, water quality, natural habitats, plants and animals, and identifying environmental needs and targets and restoring the natural environment.

TRCA proposes a focused intervention on the areas of its interest and expertise, and intends to provide meaningful comments on the Enbridge Application to assist the tribunal.

### **TRCA CONCERNS WITH ENBRIDGE APPLICATION**

TRCA has several concerns with the Enbridge Application for the NPS 20 Waterfront Relocation Project.

In the Enbridge Application, Enbridge provided the Stantec Environmental Report that sets out several different options. TRCA has communicated with Enbridge about this work, however, Enbridge undertook the Enbridge Application without further notification to TRCA, and without full responses to TRCA's previously expressed questions, comments and concerns.

TRCA has also identified a potential conflict with the existing West Don Lands Flood Protection Landform (FPL) due to the construction related effects on the integrity of the West Don Lands FPL in the area of River Street and King Street/Queen Street intersection. There are concerns about the need for a 10 metre minimum setback from the limits/footprint of the FPL due to geotechnical considerations, in addition to key commitments to undertake a range of technical study requirements prior to 90% Detail Design and permit submission for the proposed pipeline. Potential impacts to the FPL do not appear to be identified or considered as part of the consideration of alternative routes in the Enbridge Environmental Report.

Further, TRCA has not been provided with any alternative pre-design solutions to the proposed replacement (only route solutions as per Enbridge's preferred pre-design option were provided until receipt of the Enbridge Application). While TRCA understands that communications about alternative routes occurred between Enbridge, the City of Toronto, and Waterfront Toronto, TRCA was not involved in those discussions, in particular relating to the potential requirement to use property currently identified for potential future TRCA ownership as a part of the broader Waterfront Toronto led Port Lands Flood Protection Project (PLFPEI). Additionally, the design options may impact a proposed landform feature east of the Don River.

TRCA also is concerned about the current pipeline that crosses the Don River along the Keating Railway Bridge, including the current risk of failure or inability of the current pipeline to withstand floods and severe weather events, and the eventual removal of the pipeline structure.

**TRCA'S REPRESENTATIVES**

TRCA requests that electronic copies of the pre-filed materials and all documents in the proceeding be delivered to TRCA's Counsel:

Willms & Shier Environmental Lawyers LLP  
1 Toronto Street, Suite 900  
Toronto, Ontario M5C 2V6  
Tel: 416-862-4836 / 416-862-4828  
Fax: 416-863-1938

Attention: Julie Abouchar /Jacquelyn Stevens  
Email: [jabouchar@willmsshier.com](mailto:jabouchar@willmsshier.com) / [jstevens@willmsshier.com](mailto:jstevens@willmsshier.com)

We request that the above individuals be listed on the intervenors list under Toronto and Region Conservation Authority.

Toronto and Region Conservation Authority's full name and address is:

Toronto and Region Conservation Authority  
101 Exchange Avenue  
Vaughan, Ontario L4K 5R6  
Tel: 416-661-6600  
Fax: 416-661-6898

Yours truly,



Jacquelyn Stevens  
Partner  
*Certified as a Specialist in Environmental Law  
by the Law Society of Ontario*

cc: TRCA

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