

Ms. Christine Long  
OEB Registrar  
Ontario Energy Board  
P.O. Box 2319, 27th Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

October 13, 2021

**Re: EB-2020-0293 – Enbridge St. Laurent Ottawa North Replacement Project  
Pollution Probe Correspondence**

Dear Ms. Long:

Pollution Probe is in receipt of the Notice dated September 30, 2021 for the above noted proceeding and the Reply letter from the OEB dated October 4, 2021. It appears that the proceeding is restarting based on the newly updated application submitted by Enbridge in September 2021. Thank you for the clarity in the OEB Reply letter indicating that stakeholders that previously applied for participation in the proceeding do not need to reapply. This was a question that several stakeholders had.

Pollution Probe believes that the issues raised in its letter dated September 13, 2021 remain relevant and it appears that the OEB Letter of Direction to Enbridge dated September 30, 2021 is meant in part to address some of the gaps raised (e.g. to notify stakeholders of the changes to the proposed pipeline) and to commence the pre-Leave to Construct requirements including Ontario Pipeline Coordination Committee (OPCC) for the updated proposed pipeline.

It is unclear to Pollution Probe at what stage the OEB will review the application for completeness and whether the gaps identified would restrict the application from proceeding or if the OEB intends to resolve those gaps during the proceeding. Enbridge also suggests that the proposed pipeline should be exempt<sup>1</sup> from consideration of alternatives based on an Enbridge internal IRP assessment. In EB-2020-0091<sup>2</sup>, Enbridge acknowledged that it bears the risk that the OEB might not approve an as-filed Leave to Construct application if the OEB determines that an IRP Plan would have been a better approach. This project was previously removed from EB-2020-0181 due to the need for a more integrated and wholistic assessment of options and solutions. These issues have not been addressed in the new evidence filed with the OEB. The application gaps extend far beyond the OEB IRP Decision and exempting this project from requirements and a fulsome assessment of alternatives is not desirable and not in the public interest.

In its letter dated September 22, 2021, Enbridge indicates that the new pipeline proposal is within the study area of the Environmental Assessment for the original pipeline routes assessed. The OEB Environmental Guidelines indicate “Applicants are expected to identify all reasonable alternatives within

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<sup>1</sup> Another recent LTC project (EB-2019-0159) was propose to be exempt from IRP consideration by Enbridge based on their internal screening. Based on the details of the screening the OEB disagreed and provided a fulsome approach to assess the project and all alternatives resulting. This ultimately determined that the project was not required and it was ultimately withdrawn.

<sup>2</sup> EB-2020-0091 Decision, Page 59.

the study area and to compare their impacts systematically and consistently, using appropriate impact prediction techniques and methods for evaluating alternatives.” (Page 14 of OEB Environmental Guidelines). It is unclear why the application and Environmental Assessment did not include all reasonable alternatives and the new route that is currently proposed. The current application continues to exclude reasonable alternatives and does not include an Environmental Assessment or mitigation plan for the proposed route. In the case of a similar relocation project in EB-2020-0198, the Environmental Assessment did not include all reasonable alternatives and after consideration of the options and need to meet the OEB’s requirements, Enbridge ultimately requested to withdraw the Leave to Construct application from the OEB.

It appears that some of the work conducted on the original Environmental Assessment could be leveraged to assess environmental and socio-economic impacts related to the updated proposed route. Mitigation plans for any proposed pipeline are specific to the exact route selected and include detailed evaluation of impacts specific to the location within the proposed right-of-way. This is particularly true in a congested location like the City of Ottawa. Stakeholders impacted by the newly proposed route would not have had the ability to participate in any public consultation related to the new portion of the route. The OEB typically requires consultation with impacted stakeholders and a minimum circulation period prior to a Leave to Construct application and that the final (or amended) Environmental Assessment be review by the OPCC, permitting authorities and other impacted stakeholders. It appears that the OEB direction to circulate material related to the new project route is intended to begin this process. Rather than complete a brand-new Environmental Assessment, it could be more efficient for Enbridge and its environmental consultant to create an addendum or ammedment to the Environmental Assessment indicating the additional alternatives considered, preferred option and mitigation plan. This could be used for the public consultation related to the proposed project.

Finally, in the OEB Notice dated September 30, 2021, the OEB also included a link to an Issues List. Based on a review of the Issues List, Pollution Probe believes that the Issues List appears sufficiently broad to include all issues, including project need and all alternatives to the proposed pipeline.

Respectfully submitted on behalf of Pollution Probe.



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