

NPS 12 East Sixteen Mile Creek Pipeline Replacement

Application for Leave to Construct
EB-2022-0012

EXHIBIT A - GENERAL

A.1.1 ACRONYMS AND ABBREVIATIONS

Terminology used in this document is defined where it is first used. The following list will assist readers who may choose to review only portions of the document.

ac	acres
CH	Conservation Halton
CHER	Cultural heritage evaluation report
CHVI	Cultural heritage value or interest
CHL	Cultural heritage landscapes
CSA	Canadian Standards Association
ER	Environmental Report
ha	hectares
HCCC	Six Nations Haudenosaunee Confederacy Chiefs Council
HDI	Haudenosaunee Development Institute
HDD	Horizontal directional drilling
HWN	Huron-Wendat Nation
kPa	kilopascal
LTC	Leave to Construct
m	metre
MOE	Ministry of Energy
MMA	Ministry of Municipal Affairs
MECP	Ministry of Environment, Conservation and Parks
ENDM	The Ministry that was formerly the Ministry of Energy, Northern Development and Mines, which is now the MOE and MNMNR.
MCFN	Mississaugas of the Credit First Nation
MNMNRF	Ministry of Northern Development, Mines, Natural Resources and Forestry
MNRF	The Ministry that was formerly the Ministry of Natural Resources and Forestry, which is now the MNMNR.
MOE	Ministry of Energy
MOP	Maximum operating pressure
MPa	megapascal
MHSTCI	Ministry of Heritage, Sport, Tourism, Culture Industries
NPS	Nominal Pipe Size

OEB	Ontario Energy Board
OPCC	Ontario Pipeline Coordinating Committee
psi	Pound force per square inch
ROW	Right(s)-of-way
SAR	Species at risk
SARA	<i>Species at Risk Act</i>
SCPL	Sun-Canadian Pipe Line Company Limited
SMYS	Specified minimum yield strength
SNGR	Six Nations of the Grand River
TMHC	Timmins Martelle Heritage Consultants
TSSA	Technical Standards and Safety Authority
TWS	Temporary workspace
WPS	Welding procedure specifications

A.1.2 EXHIBIT LIST

Exhibit A: General

Exhibit	Tab	Schedule	Description
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	1	2	Exhibit list
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Exhibit B: Purpose, Need, Proposed Project and Timing

Exhibit	Tab	Schedule	Description
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Exhibit C: Routing and Environmental

Exhibit	Tab	Schedule	Description
C	1	1	Route selection
	1	2	Environmental Report Summary
	1	3	Environmental Protection Plan
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Exhibit D: Project

Exhibit	Tab	Schedule	Description
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	1	2	Project construction methods
	1	3	Design specifications
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	1	5	Project costs (section not applicable)
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Exhibit E: Land Matters

Exhibit	Tab	Schedule	Description
E	1	1	Summary of land matters
	1	2	Negotiations to date
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	1	5	Line list

Exhibit F: Indigenous Relations

Exhibit	Tab	Schedule	Description
F	1	1	Indigenous Consultation Summary
	1	2	Indigenous correspondence summary table

Exhibit G: Record of Consultation - Supporting Documents

Exhibit	Tab	Schedule	Description
G	1	1	Consultation Summary
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	1	3	Provincial Ministries and conservation authority correspondence summary table
	1	4	Municipal correspondence summary table

Appendices

Appendix	Description
1	Environmental Report
2	Indigenous consultation records and supporting documentation
3	Record of consultation - supporting documents

A.1.3 APPLICATION AND APPROVALS REQUESTED

Ontario Energy Board

IN THE MATTER OF the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15 (Sched. B)*, as amended (the “OEB Act”);

AND IN THE MATTER OF an application by Sun-Canadian Pipe Line Company Limited under section 90(1) of the OEB Act for an order granting leave to replace an approximately 480 metre portion of existing privately owned NPS12 pipeline that has been exposed at East Sixteen Mile Creek in the Town of Milton;

AND IN THE MATTER OF an application by Sun-Canadian Pipe Line Company Limited under section 97 of the OEB Act for approval of the proposed form of easement agreements included herein.

LEAVE TO CONSTRUCT APPLICATION: NPS 12 EAST SIXTEEN MILE CREEK PIPELINE REPLACEMENT

1. The Applicant, Sun-Canadian Pipe Line Company Limited (“Sun-Canadian”) is a corporate body duly formed pursuant to the laws of Canada having an office in the City of Hamilton. Sun-Canadian was founded in 1953 to safely transport refined petroleum products for its owners from refineries in the Sarnia area to marketing plants in London, Hamilton, and the Toronto area in an environmentally sound and efficient manner.
2. Since its construction, Sun-Canadian has safely operated the NPS12 Pipeline for 48 years. The NPS12 Pipeline is an important infrastructure that transports hydrocarbon refined product (“LVP”) from Sarnia to London, Hamilton, and Toronto. To support the continued safe, reliable, and environmentally responsible transportation of LVP, Sun-Canadian is planning to construct and operate a new segment of pipeline to replace the portion of line that has been exposed in the East Sixteen Mile Creek.
3. Sun-Canadian hereby applies (“Application”) to the Ontario Energy Board (“OEB”), pursuant to section 90(1) of the OEB Act for Leave to Construct (“LTC”) the NPS 12 East Sixteen Mile Creek Pipeline Replacement (the “Project”): specifically the Project involves the replacement of approximately 480 metres (m) of existing pipeline in the vicinity of the East Sixteen Mile Creek crossing with a new section of pipe – to be installed at a depth that will eliminate three existing areas of shallow depth of cover. Once the new segment of pipeline is installed, the existing segment will be decommissioned by cutting out / isolating

- it from the new pipeline alignment, removing any remaining product within the pipeline segment, capping of the segment, and filling it with concrete.
4. The new pipeline will generally follow the alignment of the existing NPS12 pipeline, to the extent practical, and in consideration of the existing Sun-Canadian easement, adjacent land uses, and environmental and social constraints.
 5. New easement will be required for a portion of the replacement pipeline segment. The new easement will be approximately 300 m in length and will affect two properties on the west side of Trafalgar Road. The owners of the two affected properties are the same owners who have the existing pipeline on their property. Sun-Canadian will secure temporary workspaces via existing easement agreements with neighbouring parties. No new landowners will be affected.
 6. The existing pipeline occupies a Right-of-Way ("RoW") that is shared with other utilities owners and operators. A watermain, owned by Halton Region, an Enbridge Gas natural gas pipeline, and Milton Power lines are situated in the RoW. These utilities will continue to operate without disruption and mitigation measures will be applied to limit potential impacts during construction.
 7. Pending LTC approval, receipt of permits, agreements, and other necessary approvals, construction is planned to occur during the Summer and Fall of 2022. The purpose, need, and timing of the Project is described in greater detail in Exhibit B.1.1. A map identifying the approximate location of the replacement pipeline segment is included as Exhibit B.1.2 of this Application.
 8. Through the completion of an Environmental Report (ER), Sun-Canadian has planned the Project pursuant to the OEB's Environmental Guidelines for the Location, Construction, and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition (2016) ("Environmental Guidelines"). A copy of the ER is attached as Appendix 1 of the Application. The principal objective of the ER was to identify an environmentally preferred route and outline various environmental mitigation and protection measures for the construction and operation of the Project while meeting the intent of the OEB's Environmental Guidelines.
 9. The route selection process, documented within the ER, was undertaken in accordance with the OEB Environmental Guidelines, which identifies the environmental and socio-economic features, and the routing principles, to be considered. The location of the replacement pipeline segment was determined by considering the confines of available space and the tie-in locations to the existing pipeline. Routing also considered socio-economic constraints,

environmental considerations, and constructability while utilizing the most reasonably direct route. Further discussion on route selection is included in Exhibit B.1.1 of the Application.

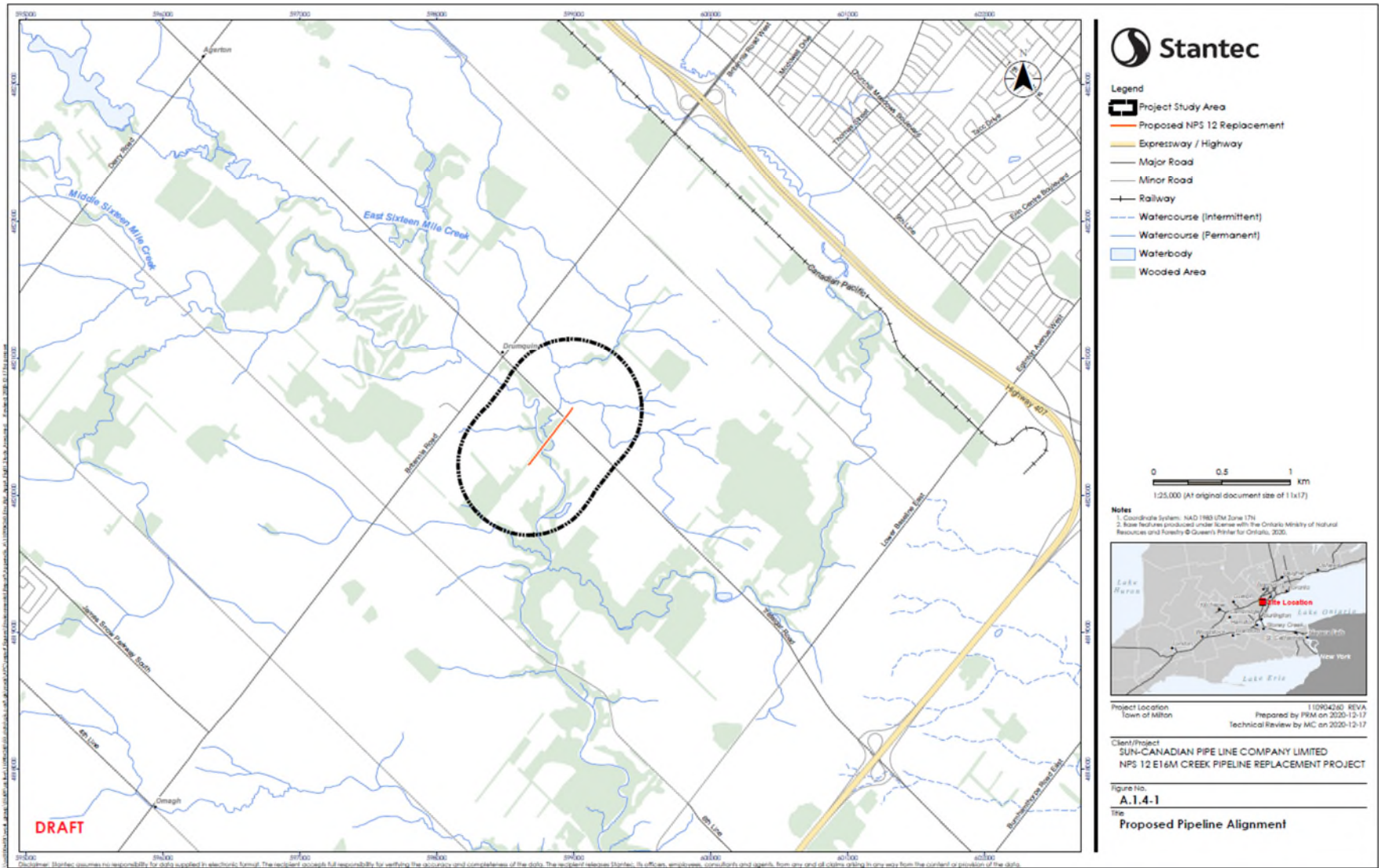
10. Sun-Canadian recognizes the importance of consultation and engagement and that it is an essential requirement of the OEB Environmental Guidelines. Sun-Canadian identified interested and potentially affected parties and informed them about the Project, solicited information about their values and local environmental and socio-economic circumstances, and received advice about key Project decisions, before those decisions were finalized. Exhibit A.1.5 lists the Ontario Pipeline Coordinating Committee (“OPCC”) members, while Exhibit A.1.6 lists interested parties. Exhibit F outlines the engagement and consultation activities and plans with Indigenous communities. Exhibit G outlines the engagement and consultation activities with the public, municipalities and agencies. Exhibit G is comprised of the Record of Consultation and supporting documents, which includes a record of the consultation log and detailed supporting documents.
11. With respect to Indigenous consultation, the Ministry of Energy, Northern Development and Mines (ENDM), now the Ministry of Energy (MOE), Indigenous Energy Policy team provided a letter on July 28, 2020, that outlined the Crown’s direction on the duty to consult. ENDM delegated the procedural aspects of the Crown’s duty to consult to Sun-Canadian. The letter included a list of Indigenous communities that should be consulted on the basis that they may be adversely affected by the Project, as follows:
 - Huron-Wendat Nation (Huron Wendat);
 - The ENDM Delegation Letter noted that interests are specific to archaeological resources.
 - Mississaugas of the Credit First Nation (“MCFN”); and
 - Six Nations of the Grand River (SNGR);
 - The ENDM Delegation Letter noted that consultation is required with both the Six Nations Elected Council and Haudenosaunee Confederacy Chiefs Council (“HCCC”), and all correspondence with the HCCC should copy the Haudenosaunee Development Institute (“HDI”).
12. Exhibit D includes details on project design specifications, construction methodologies, pressure testing procedures and key milestones.

13. Exhibit E includes a summary of land matters, negotiations to-date and a description of land related permits and agreements required and copies of draft agreements to be offered to affected landowners, where easements are required (Sun-Canadian's Grant of Easement Pipeline Agreement is attached as Exhibit E.1.4). A redacted landowner list is provided as Exhibit E.1.5, which describes the parcels, a copy of which will be filed in accordance with the OEB's rules on confidentiality.
14. Sun-Canadian is a non-rate regulated private enterprise and the Project is financed by Sun-Canadian. There are no cost impacts on ratepayers. Therefore, disclosure of Project costs and an economic feasibility assessment are not applicable. No supporting information is required relating to project costs and economic feasibility assessment.
15. This approach is supported by the OEB's recent Decision and Order dated March 12, 2020 in EB-2019-0007 which at page 5 notes:
16. "In this case, the OEB's review does not include consideration of the Project cost and economics as Imperial Oil is not a rate-regulated entity, and the costs of the Project will therefore not be passed on to ratepayers through any OEB-approved rates."
17. Sun-Canadian requests that this Application proceed by way of a written hearing in English.
18. Sun-Canadian requests that the OEB make the following orders:
 - (1) an order pursuant to section 90 of the *Ontario Energy Board Act* granting Leave to Construct the Project; and
 - (2) an order pursuant to section 97 of the *Ontario Energy Board Act* approving the proposed grant of easement pipeline agreement found in Exhibit E.1.4.
19. Sun-Canadian requests that copies of all documents filed with the Board in connection with this proceeding be provided to Sun-Canadian's regulatory lead and legal counsel as follows:
 - a. Applicant: Sun-Canadian Pipe Line Company Limited
 - b. Address: 830 Highway 6 North, Flamborough, ON L0R 2H0
 - c. Contact: Peter Martens

- d. Phone: 289-230-4350
- e. Email: pmartens@sun-canadian.com
- f. Applicant's counsel: Borden Ladner Gervais LLP
- g. Address: Bay Adelaide Centre, East Tower, 22 Adelaide Street West, Suite 3400, Toronto, ON M5H 4E3
- h. Contact: John A.D. Vellone
- i. Phone: 416-367-6730
- j. Email: jvellone@blg.com

A.1.4 MAP OF PROJECT

Figure A.1.4-1: Proposed Pipeline Alignment



A.1.5 OPCC DISTRIBUTION LIST

Table A.1.5-1: OPCC Distribution List

First Name	Last Name	Title	Representing	Address	Town	Province	Postal Code	Phone	Email
Zora	Crnojacki		Ontario Energy Board	PO Box 2319, 2300 Yonge Street, 26th Floor	Toronto	ON	M4P 1E4	416-440-8104	zora.crnojacki@oeb.ca
Helma	Geerts	Land Use Policy & Stewardship	Ministry of Agriculture, Food and Rural Affairs	1 Stone Road West, 3rd Floor SE	Guelp h	ON	N1G 4Y2	519-546-7423	helma.geerts@ontario.ca
Dan	Minkin	Heritage Planner	Ministry of Heritage, Sport, Tourism and Culture Industries	401 Bay Street	Toronto	ON	M7A 0A7	416-314-7147	dan.minkin@ontario.ca
Tony	Difabio		Ministry of Transportation	301 St. Paul Street, 2nd Floor	St. Catharines	ON	L3R 7R4	905-704-2656	tony.difabio@ontario.ca
Kouroush	Manouchehri		Technical Standards and Safety Authority	345 Carlingview Drive	Toronto	ON	M9W 6N9	416-734-3539	kmanouchehri@tssa.org
Sally	Renwick	Team Lead, Environmental Planning, Land Use and Environmental Planning Section	Ministry of Natural Resources and Forestry	300 Water Street	Peterborough	ON	K9J 8M5	705-755-5195	sally.renwick@ontario.ca
Scott	Oliver	Western Municipal Services Office	Ministry of Municipal Affairs and Housing	659 Exeter Rd, 2nd Floor	London	ON	N6E 1L3	519-873-4033	scott.oliver@ontario.ca
			Ministry of Environment, Conservation and Parks, Central Region	Place Nouveau 9th Flr, 5775 Yonge St	Toronto	ON	M2M 4J1		eanotification.cregion@ontario.ca
Cory	Ostrowka	Environmental Specialist, Environmental Management	Infrastructure Ontario	1 Dundas Street West, Suite 2000	Toronto	ON	M5G 2L5	416-571-8294	cory.ostrowka@infrastructureontario.ca
Jason	McCullough	Senior Advisor, Indigenous Energy Policy Unit	Ministry of Energy, Northern Development and Mines	6th Floor, 77 Grenville Street	Toronto	ON	M7A 2C1	416-526-2963	jason.mccullough@ontario.ca
Debbie	Scanlon	Manager Approvals Section	Ministry of Environment, Conservation and Parks	40 St. Clair Av. W, 14th Floor	Toronto	ON	M4V 1M2	647-627-5917	sourceprotection@ontario.ca

A.1.6. LIST OF INTERESTED PARTIES

1. In addition to OPCC members, Sun-Canadian identified key municipal and provincial staff, Indigenous communities and local organizations that may have an interest in the Project. The identification of interested and potentially affected parties was undertaken using a variety of sources, including the Ministry of the Environment, Conservation and Parks (MECP)'s Environmental Assessment Government Review Team Master Distribution List. Indigenous communities were identified through consultation with ENDM (now MOE). Directly affected and adjacent landowners were also consulted. A list of directly affected and adjacent landowners can be found in Exhibit E.1.5.

Table A.1.6-1: Additional Provincial, Municipal, Other Agency and Indigenous Community Contacts

First Name	Last Name	Title	Representing	Phone	Email
Brad	Allen	District Manager, Aurora District	Ministry of Natural Resources and Forestry	905-713-7372	brad.allan@ontario.ca
Maria	Jawaid	District Planner, Aurora District	Ministry of Natural Resources and Forestry	907-713-7367	maria.jawaid@ontario.ca
James	Hamilton	Manager, Heritage Planning Unit	Ministry of Heritage, Sport, Tourism and Culture Industries	416-212-7505	james.hamilton@ontario.ca
Ben	Davis	Regulations Officer	Conservation Halton	905-336-1158 x 2278	bdavis@hrca.on.ca
Anneleis	Eckert	Rural Planner	Ministry of Agriculture, Food and Rural Affairs	519-827-6040	anneleis.eckert@ontario.ca
Barbara	Koopmans	Commissioner, Planning & Development	Town of Milton	905-878-7252 x 2398	planning@milton.ca
Troy	McHarg	Commissioner, Corporate Services/Town Clerk	Town of Milton	905-878-7252	towncler@milton.ca
Shawn	Clelow	Infrastructure & Right of Way Technologist	Town of Milton	905-878-7252	shawn.clelow@milton.ca
Graham	Milne	Regional Clerk	Halton Region	905-825-6000 x 7110	graham.milne@halton.ca
Robert	Clackett	Senior Planner	Halton Region	905-825-6000 x 7554	robert.clackett@halton.ca
Diana	Jiona	Manager, Infrastructure	Halton Region	905-878-7252 x 2513	diana.jiona@milton.ca

		e & Right of Way			
Wayne	Hill	Monitoring Program Coordinator	Haudenosaunee Development Institute		tworowarchaeology@gmail.com
Janice	Williams	N/A	Haudenosaunee Development Institute		janicewilliams@hdi.land
Janice	Bomberry	N/A	Haudenosaunee Development Institute		janicehdi@gmail.com ; shannonhill@hdi.land
Raechelle	Williams	Environmental Supervisor	Haudenosaunee Development Institute	519-445-4222	
Lonny	Bomberry	Lands and Resources Director	Six Nations of the Grand River	519-753-0665	lonnybomberry@sixnations.ca
Tanya	Hill-Montour	Archaeology Supervisor	Six Nations of the Grand River	226-388-0665	tanyahill-montour@sixnations.ca
Adam	LaForme	Archaeological Operations Supervisor	Mississaugas of the Credit First Nation		Adam.LaForme@mncfn.ca
Mark	LaForme	Director, Director of Consultation & Accommodation	Mississaugas of the Credit First Nation		Mark.Laforme@mncfn.ca
Erika	Johannsen	Field Archaeologist	Mississaugas of the Credit First Nation	905-870-5844	
Maxime	Picard	Project Coordinator	Huron Wendat Nation	418-843-3767 x2105	maxime.picard@cnhw.qc.ca