ONTARIO ENERGY BOARD

Enbridge Gas Inc.

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B; and in particular sections 40(1) and 91 thereof;

AND IN THE MATTER OF an application by Enbridge Gas Inc., for a favourable report to the Ministry of Northern Development, Mines, Natural Resources and Forestry to support a license to drill gas storage wells and for an order or orders granting leave to construct a related gathering pipeline.

EB-2021-0248

INTERROGATORIES OF

CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION / SOUTHWIND DEVELOPMENT CORPORATION INC. ("CKSPFN")

TO ENBRIDGE GAS INC. ("EGI")

March 2, 2022

OEB Issue 1.0: Need for the Project

CKSPFN – 1.1

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Table 1.1, Page 6 of 153

Preamble:

"TKC 68 is being drilled to replace deliverability lost through the abandonment of six natural gas storage wells in the Kimball-Colinville DSA."

Question:

- a) Please clarify whether it was the abandonment of six natural gas storage wells or five natural gas storage wells (see page 92 of 153 of the above referenced document, "The well is required to replace deliverability lost through the abandonment of five natural gas storage wells in the Kimball-Colinville DSA. Reestablishing the lost deliverability will assist with the continued safe and reliable distribution of natural gas to existing and future Enbridge Gas customers.")
- b) Please identify the location of abandoned wells, reason for abandonment, and associated OEB file number or other regulatory orders to abandon these wells.
- c) Will the proposed project fully replace the deliverability lost through the abandonment of wells?

d) Are any other projects planned in CKSPFN territory to replace the deliverability lost through the abandonment of the above referenced wells?

CKSPFN – 1.2

Reference:

Ministry of Energy, Northern Development and Mines, June 1, 2021, Letter of Delegation to Enbridge Gas Inc., located at 2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 70 of 153

Preamble:

"Enbridge is planning to drill 2 wells (an A-1 observation well (TCV 7) and a natural gas storage well (TKC 68)). The project will also include the installation of a 120m NPS 10 lateral pipeline with a maximum operating pressure of 9,310 kPag (above the current LTC threshold of 2,000 kPag), this pipeline will connect the natural gas storage well (TKC 68) to the existing Kimball-Colinville gathering pipeline."

Questions:

- a) Please explain the need for operating the 120m NPS 10 lateral pipeline 7,310 kPag above the current LTC threshold of 2,000 kPag.
- b) Please outline any risks associated with operating a pipeline above its current LTC threshold.
- c) Will Enbridge be requesting an increase to the maximum operating pressure (MOP) of the 120m NPS 10 lateral pipeline?
- d) Will the increased maximum operating pressure in the 120m NPS 10 require an increase in MOP for any of the connecting pipelines?

OEB Issue 2.0: Project Alternatives

CKSPFN – 2.1

Reference:

EGI_APPL_20211214.PDF at page 13 of 298

Preamble:

"12. The need to drill an observation well in the Coveny Storage Pool was identified within the Enbridge Gas Asset Management Plan, which was filed within the Company's 2021 Rates proceeding.¹

Questions:

- a) Please explain the reason for an A1 observation well to be drilled.
- b) What does it mean when gas migrates to this area of the formation?

¹ EB-2020-0181, Exhibit C, Tab 2, Schedule 1, p. 206

c) What are the potential risks of gas migration to this area of the formation?

CKSPFN – 2.2

Reference:

EGI_APPL_20211214.PDF at page 18 of 298

Preamble:

"2. Enbridge Gas has identified several facility and non-facility alternatives for replacing deliverability lost from the abandoned wells. The alternatives include:

1) Drilling a new injection/withdrawal well in the Kimball-Colinville Storage Pool;

2) Modifying the size of the existing pipelines in the Kimball-Colinville Storage Pool; and

3) Purchasing natural gas for delivery to Enbridge Gas's system during peak periods."

Questions:

- a) What quantity of gas is required to replace the deliverability lost from the abandoned wells?
- b) Could the need for gas be met by renewable natural gas (RNG)?
- c) Please provide an assessment of fugitive emissions from the operation of the now abandoned five natural gas storage wells in the Kimball-Colinville DSA.
- d) Please provide an assessment of fugitive emissions from the operation of the proposed project and the three alternatives.
- e) Please comment on Enbridge Gas' approaches to managing fugitive emissions corporately, and within the Kimball-Colinville DSA, including Enbridge policies on fugitive emissions with respect to the three alternatives.
- f) Please provide Enbridge Gas policies on reducing greenhouse gas emissions from operations and how those policies apply to the three alternatives.

OEB Issue 3.0: Project Cost and Economics

CKSPFN has no comments on this OEB issue currently.

OEB Issue 4.0: Environmental Impacts

CKSPFN – 4.1

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Table 1.1, Page 13 of 153

Preamble:

Under O. Reg. 64/16 and O. Reg. 63/16, the MECP requires a PTTW for dewatering more than 400,000 L/day, and an EASR for dewatering between 50,000 and 400,000 L/day. This can include dewatering and taking water for hydrostatic testing from a natural water source. There are some exceptions for surface water takings where active or passive surface water diversions occur such that all water taken is returned within another portion of the same surface water feature.

Questions:

- a) How much water will Enbridge be taking for this project?
- b) If a Permit to Take Water (PTTW) is required, what is the application process and how will Enbridge notify CKSPFN of the PTTW application?

CKSPFN – 4.2

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 23 of 153

Preamble:

"A review of the LIO (NDMNRF 2020a) and NHIC database (NDMNRF 2020b) indicates that the Project is not located within the boundary of PSW. There are also no unevaluated wetlands within 500 m of the TCV 7 and TKC 68 Project locations. One unevaluated wetland is located 1.5 km south of TCV 7 and is located south adjacent to Ryan's Creek."

Question:

How far away are any Provincially Significant Wetlands (PSW) from the proposed project sites?

CKSPFN – 4.3

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 25 of 153

Preamble:

"Seasonal concentration areas are those sites where large numbers of a species gather together at one time of the year, or where several species congregate. No seasonal concentration areas have been identified in the TCV 7 and TKC 68 Study Areas through NDMNRF mapping and the NHIC database (NDMNRF 2020b)."

Question:

Enbridge Gas states that no seasonal concentration areas were identified through NDMNRF mapping and the NHIC. Did Enbridge undertake a Significant Wildlife Habitat (SWH) analysis per the applicable SWH table?

CKSPFN – 4.4

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 25 of 153

Preamble:

"The TCV 7 Study Area is immediately adjacent to an area designated as a "Primary Corridor (Group "C" Feature)" that is associated with Indian Creek."

Question:

Has Enbridge considered the impacts of this adjacency on wildlife, and the potential negative impacts of the project on this corridor (e.g., invasive species dispersing through the corridor)?

CKSPFN – 4.5

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 25 of 153

Preamble:

"Based on a preliminary review of background information and available aerial imagery, there is potential for Amphibian Breeding Habitat (Woodland) to occur in the wooded area adjacent to the TCV 7 Study Area east of the access route."

Questions:

- a) What field studies will Enbridge be undertaking to assess this potential amphibian breeding habitat?
- b) Can Enbridge confirm CKSPFN environmental monitors will be invited to attend these field studies and provided capacity to do so?
- c) When will the data on Amphibian Breeding Habitat be available for CKSPFN to review?

CKSPFN - 4.6

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 26 of 153

Preamble:

"The NHIC database (NDMNRF 2020b) was searched to obtain historic records of SOCC from the vicinity of the TCV 7 and TKC 68 Study Area, those records are summarized in Table 3.2 below. No NHIC data was available in the TKC 68 Project location."

Questions:

- a) How large of an area was searched?
- b) Did Enbridge review the nearest neighbouring NHIC grid square(s) where information is available?
- c) Please provide NHIC grid square references for the area searched, the date when these records were retrieved, and any NHIC data obtained.

CKSPFN – 4.7

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 26 of 153

Preamble:

"Based on a review of background information, 8 SAR are known to occur in the vicinity of the TCV 7 Study Area, including 3 species of birds, 4 species of mammals, and 1 plant species (Table 3.3)."

Question:

Please provide the spatial area searched for these records, including NHIC grid square references and the date retrieved.

CKSPFN – 4.8

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 28 of 153

Preamble:

"At the time of writing this ER, no NHIC Report capturing the TKC 68 Study Area was available"

Question:

Has Enbridge Gas exhausted all available sources of information regarding natural heritage in the TKC 68 Study Area? Please provide details on Enbridge Gas' information search.

CKSPFN – 4.9

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 34 of 153

Preamble:

"One SGRA was identified in the Study Area of TKC 68. SGRA's are defined as "Group C Features" in the Lambton OP and are considered to be designated natural heritage system features (County of Lambton 2020 pg 8-2)."

Question:

How will this Significant Groundwater Recharge Area (SGRA) be protected?

CKSPFN – 4.10

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 37 of 153

Preamble:

"The new natural gas storage well will be drilled with either a rotary tool (with a rotating bit) or cable tool (with a chisel-type bit). Either method will involve the removal of drill cuttings via a fluid. Drill cuttings and the medium to remove them will be stored in tanks on the drilling pad, prior to testing for contaminants and subsequent removal to an appropriate facility."

Question:

- a) What is this "fluid"? Please provide a Material Safety Data Sheet for the fluid used in the drilling process.
- b) What steps will be taken to ensure this fluid does not come into contact with the groundwater system, especially given this area is noted as a Significant Groundwater Recharge Area (SGRA)?

CKSPFN – 4.11

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 45 of 153

Preamble:

"There is the potential for 5 SOCC and 8 SAR to occur in/near the TCV 7 Study Area. The majority of species will avoid direct interaction, through avoidance of the woodlot. Bobolink and Eastern Meadowlark habitat and species may be encountered in the agricultural fields. Potential impacts on wildlife, wildlife habitat, and SAR from construction include habitat lass, direct mortality from construction vehicles and/or adults abandoning young due to disturbance, habitat degradation through spills, and sensory disturbance. A field investigation to confirm the potential presence of habitat to support Bobolink and Eastern Meadowlark will be conducted, and approval/mitigation measures implanted as warranted."

Question:

Can Enbridge Gas confirm that CKSPFN environmental monitors will be permitted to attend the above referenced field investigation(s) and provided capacity funding for both attendance and review of field studies?

CKSPFN – 4.12

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 51 of 153

Preamble:

"Although rare in occurrence, it is plausible that accidents or emergency events may arise due to an unforeseen chain of events during the Project's construction or operational life. Due to the rarity and magnitude of such events, they have not been assessed here, as they are extreme in nature when compared to the effects of normal construction and operation activities and require separate response plans."

It is very important for CKSPFN to have a full understanding of the potential impact of this project on its territory, regardless of the rarity of those potential impacts. Already, CKSPFN lacks a full understanding of all Enbridge Gas infrastructure within our treaty territory.

Questions:

- a) Please provide a description of the accidents or emergency events that may arise due to an unforeseen chain of events during the project's construction or operational life.
- b) Please provide a list and explanation of accidents or emergency events that Enbridge Gas has experienced west of London, Ontario over the last 20 years.
- c) Please provide a map and access to GIS shapefiles for Enbridge Gas transportation, storage, and distribution assets west of London, Ontario.

CKSPFN – 4.13

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 52 of 153

Preamble:

"To make assumptions about the magnitude and probability of effects, an approximate 100 m boundary around the proposed Project locations was used for the cumulative effects assessment. The 100 m boundary has been found, through previous experience with oil and gas infrastructure construction, to be appropriate for the most encountered net effects."

CKSPFN rejects the idea that a 100m boundary around the proposed Project locations is appropriate. 100m is an arbitrary boundary of which natural ecosystems and all living relatives do not know the borders. We have raised this issue in previous OEB filings, without an appropriate remedy.

In Enbridge's reply submission to CKSPFN comments on the 2022 Storage Enhancement Project (Filed: 2022-02-25, EB-2021-0078, Page 9 of 14), Enbridge stated, "Enbridge Gas is committed to engaging with CKSPFN regarding cumulative effects to better understand how CKSPFN's Aboriginal or treaty rights may be impacted by Enbridge Gas's ongoing development and operations in the Project area, how the

Project may further contribute to this impact and what may be done to avoid, offset or minimize the impact."

It is extremely difficult for CKSPFN to assess the cumulative effects of Enbridge Gas activities on CKSPFN's Aboriginal or treaty rights when projects are filed and assessed on a piecemeal basis. To truly assess cumulative effects in our territory, CKSPFN must be able to consider the larger picture of existing and planned gas infrastructure and the residential, commercial, and industrial development that may be enabled by expanded gas services in the region.

Question:

Will Enbridge commit to working with CKSPFN to conduct and fund a CKSPFN-led Cumulative Effects Assessment of all Enbridge Gas infrastructure within CKSPFN treaty territory?

CKSPFN – 4.14

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 52 of 153

Preamble:

"The project schedule identifies three key milestone activities:

- 1. ER and technical design 2021
- 2. Construction Winter 2021/Spring 2022
- 3. Operation and Maintenance 2022 to 2072*

*Fifty years of operation is used as an assumption, although the Project may be operational beyond fifty years."

Question:

- a) Please explain how operating a gas storage well for fifty years and perhaps longer is in line with Enbridge's Climate Policy².
- b) Does Enbridge monitor fugitive emissions from its gas storage and distribution system?
- c) Does Enbridge have a goal to reach net zero emissions? If so, is Enbridge's gas storage and distribution system included in the target to net zero emissions?
- d) Has Enbridge considered any non-gas alternatives to meet the stated energy needs?

CKSPFN – 4.15

Reference:

² https://www.enbridge.com/~/media/Enb/Documents/CSR/Policies/climate_policy.pdf

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 57 of 153

Preamble:

"A Spills Response Plan should be developed by the contractor, reviewed with personnel, and posted in site trailers."

Question:

- a) When will the Spills Response Plan be available for CKSPFN review?
- b) What substances will be on site at either Project location, that could trigger the implementation of the Spills Response Plan?

CKSPFN – 4.16

Reference:

September 24, 2021, Stantec Letter re: Enbridge Gas Inc. – Notice of Study Commencement for the Coveny and Kimball-Colinville Well Drilling (TKC 68 and TCV 7) Project, located at 2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 81 of 153

Preamble:

"Project activities at TKC 68 will commence with the construction of a temporary gravel drilling pad that will be approximately 10,000 square meters. Access to the site will be via temporary steel plates. Upon completion of drilling activities, approximately 120 metres of Nominal Pipe Size (NPS) 10-inch lateral pipeline will be constructed to connect the new natural gas storage well to the existing Kimball-Colinville gathering system. A permanent gravel pad of 60 square meters will then be installed around the well."

"Project activities at TCV 7 will commence with the construction of a temporary gravel drilling pad that will be approximately 10,000 square meters. Access to the site will be via a new permanent access laneway. Upon completion of drilling activities, a permanent gravel pad of 60 square meters will be constructed around the well."

Question:

- a) In project documents, the temporary gravel drilling pad is listed at both 8,100 square meters and 10,000 square meters. Please confirm the size of the temporary gravel drilling pad.
- b) What activities will occur on this temporary gravel drilling pad?
- c) Why is the temporary gravel drilling pad significantly larger than the 60 square meters permanent well pad?

CKSPFN – 4.17

Reference:

September 28, 2021, email from the Ministry of Northern Development, Mines, Natural Resources and Forestry to Stantec, located at 2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 112 of 153

Preamble:

In the email, MNDMNRF states, "Thank you for circulating this information to our office, however, please note that we have not completed a screening of natural heritage or other resource values for the project at this time. Please also note that it is your responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal bylaws or other agency approvals."

Question:

- a) Has Enbridge completed a screening of natural heritage or other resource values for the proposed project?
- b) Can Enbridge confirm that the proposed project is compliant with all relevant federal or provincial legislation, municipal bylaws, or other agency approvals?

CKSPFN – 4.18

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 105 of 153

Preamble:

"Thank you for your inquiry to the Permissions and Compliance team, Species at Risk Branch, Ministry of the Environment, Conservation and Parks. What's New? The Ministry of the Environment, Conservation and Parks (MECP) has responsibility for the administration of the Ontario Endangered Species Act (ESA). In MECP, work associated with ESA authorizations has been centralized from Ministry of Natural Resources and Forestry district offices into one Permissions and Compliance team within the new Species at Risk Branch in MECP.

Question:

What documentation has been submitted to the MECP related to SAR, and what correspondence has occurred? Please provide all correspondence.

OEB Issue 5.0: Route Map and Form of Landowner Agreements

CKSPFN has no comments on this OEB issue currently.

OEB Issue 6.0: Indigenous Consultation

CKSPFN – 6.1

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 35 of 153

Preamble:

"A screening for built heritage resources and cultural heritage landscapes in the Study Areas was conducted. The screening identified that in no portion of either Study Area contains known or recognized cultural heritage value, nor the potential for cultural heritage value. There is also no local or Indigenous knowledge, or accessible documentation, suggesting the Study Areas are considered a landmark in the local community, contains structures or sites important in defining the character of the area, has a special association with a community, person, or historical event, or contains or is a part of a cultural heritage landscape."

Question:

Has Enbridge specifically asked CKSPFN to provide information regarding cultural heritage landscapes?

CKSPFN – 6.2

Reference:

Ministry of Energy, Northern Development and Mines, June 1, 2021, Letter of Delegation to Enbridge Gas Inc., Appendix: Procedural Consultation, located at 2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 73 of 153

Preamble:

The Ministry of Energy, Northern Development and Mines delegated the procedural aspects of consultation in respect of the Project to Enbridge (Proponent) through this letter.

"Roles and Responsibilities Delegated to the Proponent

On behalf of the Crown, please be advised that your responsibilities as Project Proponent for this Project include:

- providing notice and information about the Project to Indigenous communities, with sufficient detail and at a stage in the process that allows the communities to prepare their views on the Project and, if appropriate, for changes to be made to the Project. This can include:
 - accurate, complete and plain language information including a detailed description of the nature and scope of the Project and translations into Aboriginal languages where appropriate;
 - maps of the Project location and any other affected area(s);
 - information about the potential negative effects of the Project on the environment, including their severity, geographic scope and likely duration. This can include, but is not limited to, effects on ecologically sensitive areas, water bodies, wetlands, forests or the habitat of species at risk and habitat corridors;
 - a description of other provincial or federal approvals that may be required for the Project to proceed;
 - o whether the Project is on privately owned or Crown controlled land;

- any information the Proponent may have on the potential effects of the Project, including particularly any likely adverse impacts on established or asserted Aboriginal or treaty rights;
- a written request asking the Indigenous community to provide in writing or through a face-to-face meeting:
 - any information available to them that should be considered when preparing the Project documentation;
 - any information the community may have about any potential adverse impacts on their Aboriginal or treaty rights; and
 - any suggested measures for avoiding, minimizing or mitigating potential adverse impacts;
 - information about how information provided by the Indigenous community as part of the consultation process will be collected, stored, used, and shared for their approval;
- identification of any mechanisms that will be applied to avoid, minimize or mitigate potential adverse impacts;
- identification of a requested timeline for response from the community and the anticipated timeline for meeting Project milestones following each notification;
- an indication of the Proponent's availability to discuss the process and provide further information about the Project;
- the Proponent's contact information; and
- any additional information that might be helpful to the community;
- following up, as necessary, with Indigenous communities to ensure they received Project notices and information and are aware of the opportunity to comment, raise questions or concerns and identify potential adverse impacts on their established or asserted rights;
- gathering information about how the Project may adversely affect Aboriginal or treaty rights;
- bearing the reasonable costs associated with the procedural aspects of consultation (paying for meeting costs, making technical support available, etc.) and considering reasonable requests by communities for capacity funding to assist in participating in the consultation process;
- considering and responding to comments and concerns raised by Indigenous communities and answering questions about the Project and its potential impacts on Aboriginal or treaty rights;
- as appropriate, discussing and implementing changes to the Project in response to concerns raised by Indigenous communities. This could include modifying the Project to avoid or minimize an impact on an Aboriginal or treaty right (e.g. altering the season when construction will occur to avoid interference with mating or migratory patterns of wildlife); and
- informing Indigenous communities about how their concerns were taken into consideration and whether the Project proposal was altered in response. It is considered a best practice to provide the Indigenous community with a copy of the consultation record as part of this step for verification.

Question:

Please provide information Enbridge Gas has obtained regarding how the Project may adversely affect Aboriginal or treaty rights.

CKSPFN – 6.3

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 81 of 153

Preamble:

"Enbridge Gas's preliminary work on the Project has identified the following potential authorizations:

Provincial approvals:

- Ontario Energy Board
- Ministry of Natural Resources and Forestry
- Ministry of Heritage, Sport, Tourism and Cultural Industries
- Ministry of the Environment, Conservation and Parks

Municipal approvals:

- Township of St. Clair
- County of Lambton

Other approvals:

- St. Clair Region Conservation Authority
- Hydro One Networks Inc.

Other authorizations, notifications, permits and/or approvals may be required in addition to those identified above."

Question:

- a) Please provide an update on the status of authorizations listed above.
- b) Has Enbridge determined if any other authorizations, notifications, permits and/or approvals are required in addition to those identified above?

CKSPFN – 6.4

Reference:

2021-12-14, EB-2021-0248, Exhibit F, Tab 1, Schedule 1, Attachment 1, Page 94 of 153

Preamble:

"The drilling of the wells will be planned in accordance with the requirements of the latest addition of CSA Z341 – Storage of Hydrocarbons in Underground Formations. Pursuant to the requirements of CSA Z341 the following studies and reviews will be completed to support the Project:

• An assessment of neighbouring activities to determine the impact of the Project on:

- a) wells within 1 km,
- b) operations within 5 km, and
- c) the integrity of all wells penetrating the storage zone; and
- A "what if" analysis of hazards and operability (HAZOP) for each of the storage pools."

Question:

When will the above studies be available for CKSPFN to review?

OEB Issue 7.0: Conditions of Approval

CKSPFN will review Enbridge's responses to the above interrogatories and determine at that time whether any further conditions of approval should be placed on the applicant.