



Ontario | Commission  
Energy | de l'énergie  
Board | de l'Ontario

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# DECISION AND ORDER

**EB-2022-0203**

## ENBRIDGE GAS INC.

**Application for leave to construct natural gas pipeline and  
associated facilities in the Municipality of Chatham Kent**

**BEFORE: Patrick Moran**  
Presiding Commissioner

**Pankaj Sardana**  
Commissioner

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**April 6, 2023**



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## 1 OVERVIEW

On August 30, 2022, Enbridge Gas Inc. applied to the Ontario Energy Board under section 90(1) of the Ontario Energy Board Act, 1998, S.O. 1998, c. 15, (Schedule B), for an order granting leave to construct approximately 5.7 kilometres of 4-inch diameter extra high-pressure natural gas pipeline in Blenheim, in the Municipality of Chatham Kent (the Project). Enbridge Gas also applied for approval of the form of easement agreement it offers to landowners for the routing and construction of the proposed pipeline.

The proposed pipeline will connect Waste Connections of Canada Inc.'s planned renewable natural gas (RNG) facility at Ridge Landfill to Enbridge Gas's distribution system and will be used to transport the RNG that is produced at the facility. In addition, Enbridge Gas plans to construct a RNG injection station. The general location of the Project is shown on the map in Schedule A to this decision and order.

The OEB finds that the Project is in the public interest and grants Enbridge Gas leave to construct the Project as described in the application, subject to the Conditions of Approval, set out in Schedule B to this decision and order.

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## 2 PROCESS

The OEB held a written hearing to consider this application. A Notice of Hearing was issued on September 23, 2022. Federation of Rental-housing Providers of Ontario (FRPO), Ontario Petroleum Institute (OPI) and Pollution Probe applied for and were granted intervenor status. FRPO and Pollution Probe also applied for and were granted cost eligibility.

On October 31, 2022, the OEB issued Procedural Order No. 1 setting the timeline for the proceeding. In accordance with the procedural schedule, written interrogatories by OEB staff, FRPO, and Pollution Probe were filed on November 16, 2022. Enbridge Gas responded to the interrogatories on November 30, 2022.

OEB staff, FRPO, and Pollution filed written submissions by December 16, 2022. Enbridge Gas filed a written reply submission on January 9, 2023.

On March 14, 2023, the OEB placed the proceeding in abeyance, pending receipt of the Ministry of Energy's letter of opinion regarding the adequacy of the Indigenous consultation undertaken by Enbridge Gas. On March 27, 2023, Enbridge Gas filed an update to the application to include the Ministry of Energy's letter of opinion. On March 28, 2023, the OEB issued a letter advising Enbridge Gas that it would resume the proceeding.

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## 3 DECISION

In keeping with the OEB's Standard Issues List for natural gas leave to construct applications, the decision is structured to address the following issues:

1. Project Need
2. Project Alternatives
3. Project Cost and Economics
4. Environmental Impacts
5. Landowner Matters
6. Indigenous Consultation
7. Conditions of Approval

### 3.1 Project Need

The proposed pipeline will connect Waste Connections' planned RNG facility at Ridge Landfill to Enbridge Gas's natural gas distribution system. Enbridge Gas stated that Waste Connections requested Enbridge Gas to construct new pipeline facilities to facilitate injection of RNG supply volumes produced at the planned RNG facility. Enbridge Gas stated that the proposed pipeline is designed to meet the requested RNG injection volumes only and does not contribute to any future growth plans in the area.

The Project need is underpinned by the M13 Service (Union South Transportation of Locally Produced Gas) contract executed between Enbridge Gas and Waste Connections, effective July 28, 2022. The contract includes a provision for the payment by Waste Connections of a contribution in aid of construction (CIAC) for the full amount of the Project construction cost.

Enbridge Gas stated it has no planned purchases of RNG from Waste Connections and is not seeking any approvals with respect to the purchase of RNG volumes as part of the current proceeding. Enbridge Gas noted that it would only procure RNG from Waste Connections if Waste Connections was the successful bidder in a future Request for Proposal (RFP) process as part of the OEB-approved Voluntary RNG Program or if subsequent approvals were received to recover the costs associated with RNG in the gas supply portfolio.<sup>1</sup>

Enbridge Gas noted that Waste Connections has separately requested natural gas service from Enbridge Gas for ancillary Ridge Landfill facilities. However, Enbridge Gas explained that any natural gas services constructed by Enbridge Gas for Waste

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<sup>1</sup> Enbridge Gas response to OEB Staff-1b)

Connections' ancillary facilities are distinct from the Project.<sup>2</sup> In response to Pollution Probe requesting further clarification, Enbridge Gas stated that it has not made a determination on whether the Project will be used to service the Ridge Landfill facility and reiterated that any natural gas services constructed by Enbridge Gas for Waste Connections' ancillary facilities are distinct from the current Project.<sup>3</sup>

OEB staff submitted that there is a need for the Project, based on the evidence filed by Enbridge Gas.

## Findings

The OEB finds that Enbridge Gas has adequately demonstrated a need to construct new pipeline facilities to accommodate Waste Connections' planned RNG facility. The new pipeline will facilitate the injection of RNG supply into Enbridge Gas's existing local distribution system.

### 3.2 Project Alternatives

Enbridge Gas stated that it applied the IRP Binary Screening Criteria and determined that the Project meets the definition of a Customer-Specific Build, as defined in the IRP Framework:

**Customer-Specific Builds** – If an identified system need has been underpinned by a specific customer's (or group of customers') clear request for a facility project and either the choice to pay a Contribution in Aid of Construction (CIAC) or to contract for long-term firm services delivered by such facilities, then an IRP evaluation is not required.

The Project is driven solely by Waste Connections' request to connect to Enbridge Gas's distribution system.

Enbridge Gas stated that the only existing system in the area that can facilitate the RNG injection volumes requested by Waste Connections is 5.7 km from Ridge Landfill. The proposed pipeline will connect to Enbridge Gas's existing NPS 4-inch portion of the Chatham East Line and terminate at the Ridge Landfill facility. Enbridge Gas explained that all nearby distribution pipelines other than the proposed Project pipeline are used to serve the Blenheim and surrounding markets with a demand of only 140,000 m<sup>3</sup>/day, which could only be fully accessed by multiple pipeline connection locations, and this is still lower than the 184,104 m<sup>3</sup>/day demand required by Waste Connections.<sup>4</sup> Therefore,

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<sup>2</sup> Enbridge Gas response to Pollution Probe-1b) & c)

<sup>3</sup> Enbridge Gas reply submission, page 8, paragraph 20

<sup>4</sup> Enbridge Gas reply submission, page 9, paragraph 24

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Enbridge Gas stated there are no other feasible facility alternatives able to meet Waste Connections' need.

Enbridge Gas also noted that it considered a number of potential routes for the Project, however, the proposed route is the preferred route from an environmental and socio-economic perspective. The Environmental Report noted that the preferred route is the shortest, most direct route; in proximity to the fewest natural Ecological Land Classification communities; passes the fewest number of residences and businesses; and avoids a key trucking route for the Ridge Landfill.

OEB staff submitted that the Project is the best alternative to meet the stated need and that the proposed route is acceptable.

In its submission, FRPO raised that the Ridgetown Line may be a more economic alternative to the proposed Project, stating that the relative proximity of the Ridgetown Line to Ridge Landfill has the potential to reduce Project costs by shortening the required pipeline. Additionally, FRPO noted that the reduced 3,450 kPa Maximum Operating Pressure (MOP) of the Ridgetown Line (as opposed to the 6,040 kPa MOP of the Chatham East Line) would allow a thinner wall pipe and reduce the compression costs for the operator of Ridge Landfill, resulting in cost savings for the Project. FRPO further stated that it believed that operating the network appropriately (i.e., adjusting pressures to allow market access while maintaining system integrity) would provide ample market for the RNG produced at Ridge Landfill at the stated maximum delivery parameters.

FRPO submitted that Enbridge Gas did not meet its onus of demonstrating that the Project is in the public interest, primarily through its lack of demonstration of the assessment of alternatives and requested that Enbridge Gas provide the OEB with its analysis of the Ridgetown Line as a project alternative with its reply submission. FRPO further submitted that if the alternative assessment is not provided as part of Enbridge Gas's reply submission, the OEB should reject the application and direct Enbridge Gas to re-file the application.

In its reply submission, Enbridge Gas noted that some sections of the Ridgetown Line were designed as 3,450 kPa, however, other sections of the pipeline are rated at 1,900 kPa and therefore, the pipeline is operated at 1,900 kPa.

Enbridge Gas further stated that the alternative proposed by FRPO does not have adequate market demand to accommodate Waste Connections' requested injection volumes. Enbridge Gas submitted that on that basis, the Ridgetown Line alternative does not represent a feasible alternative for the Project and does not warrant further analysis.

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By letter dated January 11, 2023, FRPO stated that in accordance with CSA Z662, pipe segments of different MOP must be separated by an above ground valve in a station. FRPO noted that Enbridge Gas has Station 06J-202 near the junction of the Ridgetown Line and the Shrewsbury connection which, in its view, would eliminate the Ridgetown Line pressure constraint identified by Enbridge Gas. FRPO stated that with this station controlling the pressure to a maximum of 1,900 kPa, Enbridge Gas could operate the Ridgetown Line at the higher pressure.

Enbridge Gas responded to FRPO by letter dated January 16, 2023. In that letter, Enbridge Gas stated that because there is no separation between the 1,900 kPa MOP and 3,450 kPa MOP sections of the Ridgetown Line, the entirety of the line must be operated at 1,900 kPa. Enbridge Gas further provided that Station 06J-202 is incorrectly located as stated by FRPO and is not hydraulically linked to the 1,900 kPa section of the Ridgetown Line and therefore, is not able to operate the pipeline at a higher operating pressure. Enbridge Gas submitted that even if the modifications proposed by FRPO were completed, the available market is still substantially less than Waste Connections' requested injection volumes.

### **Findings**

The OEB finds that Enbridge Gas has undertaken an appropriate review of potential routes for the Project and finds that the proposed route is the preferred route from an environmental and socio-economic perspective. FRPO submitted that a better alternative was available involving use of the Ridgetown Line. The OEB accepts Enbridge Gas's explanation of why FRPO's proposed Ridgetown Line alternative is not a feasible alternative to the proposed Project.

The OEB also finds that the proposed Project falls under the customer-specific build category in the OEB's IRP framework, which obviates the need for an IRP evaluation.

### **3.3 Project Cost and Economics**

Enbridge Gas estimated the total cost of the Project to be \$11.5 million. The itemized estimate of the Project costs is set out in Table 1 below.

Table 1: Estimated Project Costs

<u>Item No.</u>	<u>Description</u>	<u>Pipeline Costs</u>	<u>Ancillary Costs</u>	<u>Total Costs</u>
1	Material Costs	\$ 614,615	\$ 928,750	\$ 1,543,365
2	Labour Costs	\$ 4,594,467	\$ 839,784	\$ 5,434,250
3	External Permitting & Land	\$ 600,000	\$ -	\$ 600,000
4	Outside Services	\$ 829,467	\$ 135,500	\$ 964,967
5	Direct Overheads	\$ 977,250	\$ 274,129	\$ 1,251,379
6	Contingency Costs	\$ 1,142,370	\$ 544,541	\$ 1,686,911
7	Direct Capital Cost	\$ 8,758,168	\$ 2,722,704	\$ 11,480,872
8	Indirect Overheads	\$ -	\$ -	\$ -
9	Company Loadings & Interest During Construction	\$ -	\$ -	\$ -
10	Total Project Costs	\$ 8,758,168	\$ 2,722,704	\$ 11,480,872
11	Less: CIAC	\$ 8,758,168	\$ 2,722,704	\$ 11,480,872
12	Net Project Cost	\$ -	\$ -	\$ -

Enbridge Gas included a 17.2% contingency applied to all direct capital costs and stated that the contingency amounts are consistent with similar projects approved by the OEB.

Enbridge Gas and Waste Connections executed a contract under Rate M13 - Union South Transportation of Locally Produced Gas. The contract includes a provision for the payment by Waste Connections of a CIAC for the full amount of the Project construction cost. The CIAC in the contract consists of two pre-payments (\$6.125 million (payable upon execution of the contract) plus \$6.125 million (payable upon installation of the receipt point)). Enbridge Gas confirmed that the second pre-payment by Waste Connections will be trued-up to reflect the actual final Project cost, whether it is above, or below, the total CIAC amount set out in the M13 contract.<sup>5</sup>

Enbridge Gas also stated that there will be increased O&M costs associated with regular annual maintenance as the Project is a new pipeline asset and that these costs would also be covered through the M13 contract.<sup>6</sup>

OEB staff submitted it has no concerns with the recovery of the Project costs based on Enbridge Gas's evidence that all the actual costs for the Project would be recovered from the customer, through the CIAC.

Pollution Probe recommended the OEB approve Enbridge Gas's application, given that Waste Connections has agreed to pay the entire capital cost and related annual O&M costs.

<sup>5</sup> Enbridge Gas response to OEB Staff-3a)

<sup>6</sup> Enbridge Gas response to Pollution Probe-10a)

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FRPO noted that incremental revenues were not considered in the determination of the CIAC and that it submitted there is need for Enbridge Gas's economic treatment of RNG projects to be considered in light of non-discriminatory access to the Enbridge Gas pipeline system.

In response, Enbridge Gas stated that the request for facilities from Waste Connections as well as the executed M13 contract demonstrates that access for RNG producers (in this case Waste Connections) to Enbridge Gas's existing natural gas distribution network has been adequately facilitated and that the established charges and rates agreed to in the M13 contract do not inhibit the economics of the Project from the producer's perspective.

Pollution Probe also noted that Enbridge Gas is proposing rate changes as part of its current 2024 Rebasing proceeding<sup>7</sup> that impact RNG injection services and that it is unclear if these changes have an impact on Waste Connections or its contract. Pollution Probe also raised that the Project was included in the capital expenditures in Enbridge Gas's 2024 Rebasing proceeding and that Pollution Probe is unclear why the Project would be recovered from rate payers through capital treatment considering the CIAC results in a net capital cost of zero.

FRPO stated that while it respects that the determination of the rates for the M13 rate class among all services will be the subject of the Enbridge Gas 2024 Rebasing proceeding, these identified costs go into the economics of the feasibility for the Project proponent.

Enbridge Gas submitted that any rate matters (including changes to M13 rates and charges) as well as the capital expenditure forecast proposed as part of Enbridge Gas's 2024 Rate Rebasing application exceed the scope of the current proceeding and are more appropriately addressed as part of that proceeding.

Enbridge Gas submitted that the evidence in the proceeding demonstrates that the Project costs are reasonable and that the Project is economically justified.

## Findings

The OEB finds that, as all actual Project costs will be recovered from Waste Connections through its CIAC and on-going costs will be recovered by Enbridge Gas through its M13 contract with Waste Connections, there will be no impact to other ratepayers. The OEB accepts that the Project costs are reasonable in the

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<sup>7</sup> EB-2022-0200

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circumstances of this proceeding, including the fact that Waste Connections did not dispute the costs it will bear.

### 3.4 Environmental Impacts

Enbridge Gas retained Dillion Consulting Ltd. to undertake a route evaluation and environmental and socio-economic impact study, which included a cumulative effects assessment, to select the preferred route for the Project. The results of the study are documented in the Environmental Report filed with the application. The Environmental Report also includes consultation input and mitigation measures to minimize impacts from the Project.

Enbridge Gas circulated the Environmental Report to members of the Ontario Pipeline Coordinating Committee, potentially impacted Indigenous communities, the Municipality of Chatham-Kent, and the Lower Thames Valley Conservation Authority. Enbridge Gas filed an update on the comments received on the Environmental Report in its responses to interrogatories.<sup>8</sup>

The Technical Standards and Safety Authority completed its review on the technical aspects of the Project including design, material specification and suitability of the gas for appliances downstream of the customer meters and did not find any instance of non-compliance with the regulation or the adopted standard.<sup>9</sup>

Enbridge Gas stated it would prepare an Environmental Protection Plan prior to mobilization and construction of the Project. The Environmental Protection Plan will incorporate the recommended mitigation measures identified in the ER and received in the consultation from agencies for the environmental issues associated with the Project.

Enbridge Gas stated that “[u]sing the mitigation measures found within the Environmental Report, Environmental Protection Plan and additional mitigation measures provided by regulatory agencies through the permitting and approval process (if received), no significant adverse effects from construction and operation of the Project are anticipated”.

The application identified potential environmental/land permits and approvals from federal, provincial and municipal agencies that Enbridge Gas requires to construct the Project. In response to interrogatories, Enbridge Gas provided an update on the status and expected timing of the permits/approvals it requires for the Project.<sup>10</sup>

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<sup>8</sup> Enbridge Gas response to OEB Staff-4b)

<sup>9</sup> Enbridge Gas response to OEB Staff-4e)

<sup>10</sup> Enbridge Gas response to OEB Staff-8b)

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OEB staff submitted that Enbridge Gas completed the Environmental Report in accordance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (Environmental Guidelines). OEB staff had no concerns with the environmental aspects of the Project, based on Enbridge Gas's commitment to implement the mitigation measures set out in the Environmental Report and to complete the Environmental Protection Plan prior to the start of construction. OEB staff noted that the proposed conditions of approval require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the Project and ensure that impacts of pipeline construction are mitigated and monitored.

## Findings

The OEB finds that Enbridge Gas has completed the Environmental Report in accordance with the OEB's Environmental Guidelines. The OEB further finds that Enbridge Gas's commitment to implement the mitigation measures set out in the Environmental Report and its commitment to complete an Environmental Protection Plan prior to the start of construction provide sufficient measures to ensure that any adverse impacts from pipeline construction will be mitigated and monitored.

### 3.5 Landowner Matters

The Project will be largely located in the public road allowance. Where the road allowance is too narrow or confined to facilitate construction, Enbridge Gas stated that temporary working areas will be required along the route. Enbridge Gas also stated it will require permanent easements for the Project.

With its application, Enbridge Gas filed forms of temporary land use<sup>11</sup> and permanent easement<sup>12</sup> agreements. The same form of agreements were approved by the OEB in a previous proceeding, Enbridge Gas's Greenstone Pipeline Project.<sup>13</sup>

Enbridge Gas stated that it will acquire all easements and temporary land use agreements required for the Project prior to the start of construction.<sup>14</sup> Enbridge Gas stated that it has begun preliminary discussions with landowners and that no concerns by the landowners have been raised.<sup>15</sup>

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<sup>11</sup> Application and Evidence, Exhibit G, Tab 1, Schedule 1, Attachment 2

<sup>12</sup> Application and Evidence, Exhibit G, Tab 1, Schedule 1, Attachment 3

<sup>13</sup> EB-2021-0205, Decision and Order, dated March 17, 2022

<sup>14</sup> Application and Evidence, Exhibit G, Tab 1, Schedule 1, page 2, paragraph 7

<sup>15</sup> Enbridge Gas response to OEB Staff-7c)

OEB staff submitted that the OEB should approve the proposed forms of permanent easement and temporary land use agreements as both were previously approved by the OEB.

## Findings

The OEB approves the proposed forms of permanent easement and temporary land use agreements. Both forms have been previously approved by the OEB. The OEB requires that, in accordance with the standard conditions, Enbridge Gas will obtain all approvals, permits, licences and certificates required to construct, operate and maintain the Project.

### 3.6 Indigenous Consultation

In accordance with the OEB's Environmental Guidelines, Enbridge Gas provided the Ministry of Energy with a Project description to determine if it triggers the Crown's duty to consult. The Ministry of Energy issued a letter, delegating the procedural aspects of the Crown's duty to consult for the Project to Enbridge Gas. In the delegation letter, the Ministry of Energy identified the following Indigenous communities that Enbridge Gas should consult in relation to the Project:

- Aamjiwnaang First Nation (AFN)
- Bkejwanong (Walpole Island First Nation) (WIFN)
- Caldwell First Nation (CFN)
- Chippewas of the Thames First Nation (COTTFN)
- Chippewas of Kettle and Stony Point First Nation (CKSPFN)
- Oneida Nation of the Thames (Oneida Nation)

Direct Notice of this proceeding was provided to all of these Indigenous communities, and none of them sought to intervene.

As part of its application, Enbridge Gas filed an Indigenous Consultation Report dated August 8, 2022 and provided an update on its Indigenous consultation activities as of November 23, 2022.<sup>16</sup>

On March 27, 2023, Enbridge Gas filed the Ministry of Energy's letter of opinion with the OEB. In that letter, the Ministry of Energy expressed its opinion that the procedural aspects of the consultation undertaken by Enbridge Gas to date for the Project were satisfactory.

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<sup>16</sup> Enbridge Gas response to OEB Staff-9b), Attachment 2

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## Findings

The OEB is satisfied that Enbridge Gas followed the OEB's Environmental Guidelines with respect to Indigenous Consultation and finds that the duty to consult has been discharged sufficiently to allow it to approve the Project. This finding is also supported by the letter of opinion regarding the consultations undertaken by Enbridge Gas.

Based on the consultation records filed, Enbridge Gas provided a reasonable opportunity for the Indigenous communities to engage in meaningful conversation about the application and there do not appear to be any outstanding concerns. The OEB also notes that Enbridge Gas provided direct notice of the application to all of the potentially affected Indigenous communities, and none of them sought to intervene or otherwise directly participate in the hearing.

### 3.7 Conditions of Approval

Section 23 of the OEB Act permits the OEB, when making an order, to impose conditions as it considers appropriate.

As part of interrogatories, OEB staff suggested that the OEB's standard conditions of approval for leave to construct applications<sup>17</sup> should apply to the Project with a modification to Condition 6, requiring the applicant to confirm that the actual final Project costs are fully funded by the CIAC paid to Enbridge Gas by Waste Connections. Enbridge Gas agreed with this suggestion.<sup>18</sup>

OEB staff submitted that the OEB should approve the Project subject to the Conditions of Approval attached as Schedule A to its submission.

Enbridge Gas confirmed that it intends to satisfy the conditions as set out in OEB staff's submission and will comply with the final conditions of approval established by the OEB.<sup>19</sup>

## Findings

The OEB accepts the conditions of approval proposed by OEB staff and accepted by Enbridge Gas.

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<sup>17</sup> Natural Gas Facilities Handbook, Appendix D

<sup>18</sup> Enbridge Gas response to OEB Staff-10a)

<sup>19</sup> Enbridge Gas reply submission, page 15, paragraph 42

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## 4 ORDER

### THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas Inc. is granted leave, pursuant to section 90(1) of the OEB Act, to construct the Project in the Municipality of Chatham Kent as described in its application.
2. Pursuant to section 97 of the OEB Act, the OEB approves the form of Easement Agreement and Form of Temporary Land Use Agreement that Enbridge Gas Inc. has offered or will offer to each owner of land affected by the Project.
3. Leave to construct is subject to Enbridge Gas Inc. complying with the Conditions of Approval set out in Schedule B.
4. Parties in receipt of confidential information shall either return the subject information to the Registrar and communicate to Enbridge Gas Inc. that they have done so; or destroy and/or expunge the information and execute a Certificate of Destruction, following the end of this proceeding, in accordance with the OEB's *Practice Direction on Confidential Filings*. The Certificate must be filed with the Registrar and a copy sent to Enbridge Gas Inc.
5. Eligible intervenors shall file with the OEB and forward to Enbridge Gas Inc. their respective cost claims in accordance with the OEB's *Practice Direction on Cost Awards* on or before **April 17, 2023**.
6. Enbridge Gas Inc. shall file with the OEB and forward to intervenors any objections to the claimed costs of the intervenors on or before **April 24, 2023**.
7. If Enbridge Gas Inc. objects to any intervenor costs, those intervenors shall file with the OEB and forward to Enbridge Gas Inc. their responses, if any, to the objections to cost claims on or before **May 1, 2023**.
8. Enbridge Gas Inc. shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at Toronto April 6, 2023

**ONTARIO ENERGY BOARD**

Nancy Marconi  
Registrar

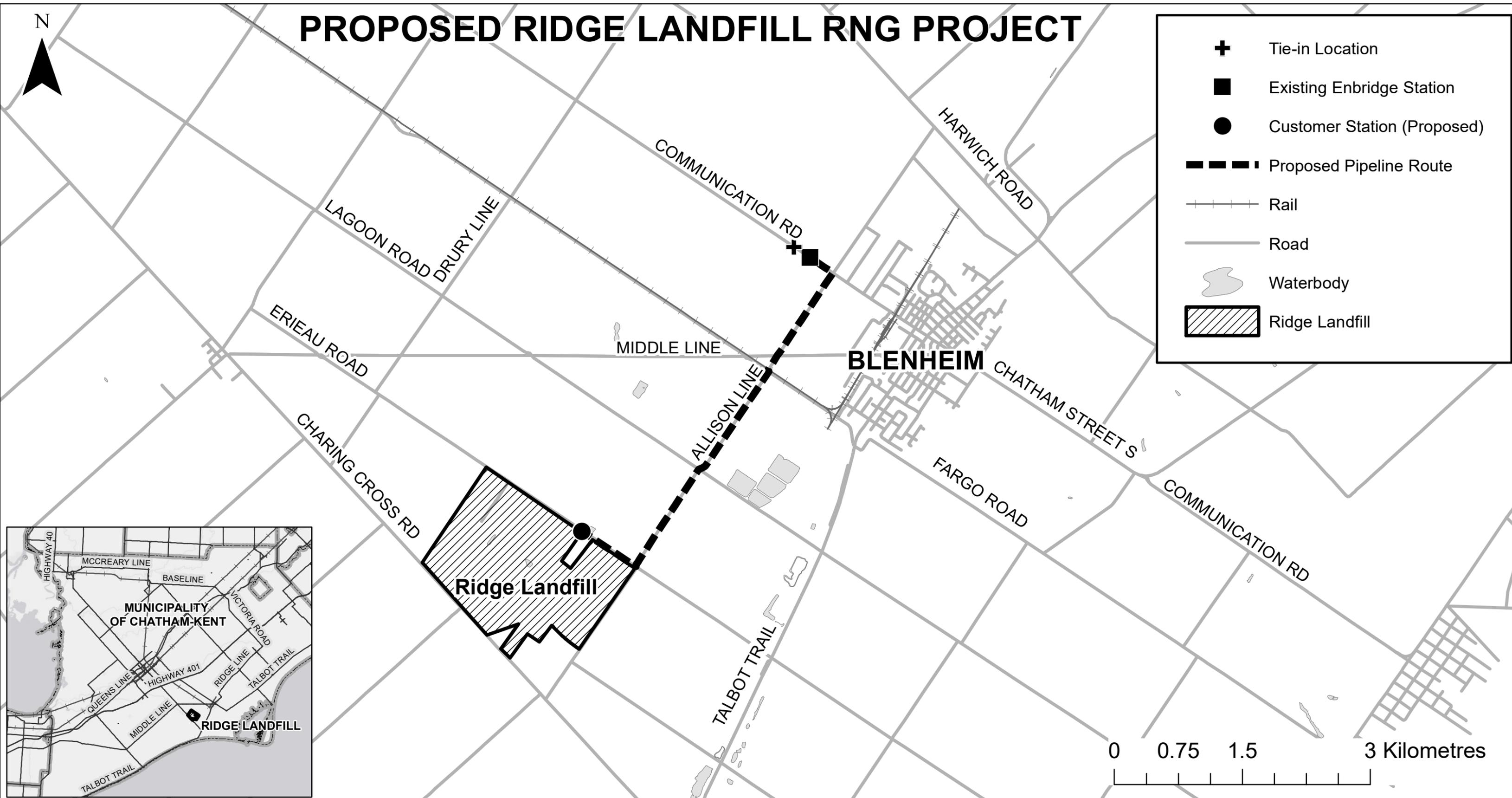
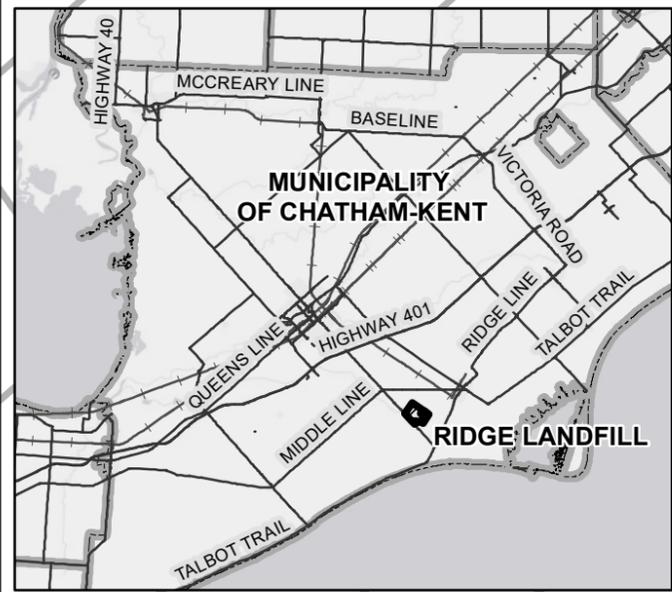
**SCHEDULE A**  
**DECISION AND ORDER**  
**ENBRIDGE GAS INC.**  
**EB-2022-0203**  
**APRIL 6, 2023**

# PROPOSED RIDGE LANDFILL RNG PROJECT

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- Tie-in Location
- Existing Enbridge Station
- Customer Station (Proposed)
- Proposed Pipeline Route
- Rail
- Road
- Waterbody
- Ridge Landfill



0 0.75 1.5 3 Kilometres

**SCHEDULE B**  
**DECISION AND ORDER**  
**ENBRIDGE GAS INC.**  
**EB-2022-0203**  
**APRIL 6, 2023**

**Leave to Construct Application under  
Section 90 of the OEB Act**

**Enbridge Gas Inc.  
EB-2022-0203**

**Conditions of Approval**

1. Enbridge Gas Inc. shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2022-0203 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued unless construction has commenced prior to that date.  
(b) Enbridge Gas Inc. shall give the OEB notice in writing:
  - i. of the commencement of construction, at least 10 days prior to the date construction commences
  - ii. of the planned in-service date, at least 10 days prior to the date the facilities go into service
  - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
  - iv. of the in-service date, no later than 10 days after the facilities go into service
3. Enbridge Gas Inc. shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
4. Enbridge Gas Inc. shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
5. Enbridge Gas Inc. shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Enbridge Gas Inc. shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
6. Concurrent with the final monitoring report referred to in Condition 7(b), Enbridge Gas Inc. shall file a Post Construction Financial Report, that:
  - (a) provides a variance analysis of project cost, schedule and scope compared to the estimates filed in this proceeding, including the extent to which the project contingency was utilized

(b) confirms that the actual final project costs are fully funded by the contribution in aid of construction payments from Waste Connections of Canada Inc.

Enbridge Gas Inc. shall also file a copy of the Post Construction Financial Report in the proceeding where Enbridge Gas Inc. proposes to start collecting revenues associated with the Project.

7. Both during and after construction, Enbridge Gas Inc. shall monitor the impacts of construction, and shall file with the OEB one electronic (searchable PDF) version of each of the following reports:

(a) A post construction report, within three months of the in-service date, which shall:

- i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 1
- ii. describe any impacts and outstanding concerns identified during construction
- iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
- iv. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
- v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licenses, and certificates required to construct, operate, and maintain the proposed project

(b) A final monitoring report, no later than fifteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:

- i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 4
- ii. describe the condition of any rehabilitated land
- iii. describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction
- iv. include the results of analyses and monitoring programs and any recommendations arising therefrom
- v. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received; a description of the complaint; any actions taken to address the complaint; and the rationale for taking such actions

8. Enbridge Gas Inc. shall designate one of their employees as project manager who will be the point of contact for these conditions, and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.