



National Energy  
Board

Office national  
de l'énergie

## Enbridge Pipeline Inc. - Line 9B Reversal and Line 9 Capacity Expansion Project

### Backgrounder

#### *Overview*

On 6 March 2014, the National Energy Board released its Reasons for Decision concerning the Line 9B Reversal and Line 9 Capacity Expansion Project (Project) application submitted by Enbridge Pipelines Inc. (Enbridge). The Board has approved the Project with conditions, but denied Enbridge's request for exemption from leave to open requirements. Interested persons should also refer to the full text of the Board's Reasons for Decision.

With this decision, Enbridge will be able to react to market forces and provide benefits to Canadians, while at the same time implementing the Project in a safe and environmentally sensitive manner.

On 29 November 2012, the Project application was filed under section 58 and Part IV of the *National Energy Board Act* (NEB Act). On 19 December 2012, the Board determined that the application was complete and its assessment could start.

The application involves the reversal of a 639-kilometre segment of Line 9, called Line 9B, between North Westover, Ontario and Montreal, Quebec, and a capacity expansion from 240,000 to 300,000 barrels per day for the entire Line 9 from Sarnia, Ontario to Montreal, Quebec. Among other requests, Enbridge also asked for a revision to its Line 9 Rules and Regulations Tariff to allow for the transportation of heavy crude oil, and an exemption from having to apply for leave to open.

In a previous decision issued on 27 July 2012, the Board approved reversal of the western segment of Line 9 between Sarnia, Ontario and North Westover, Ontario. The requested reversal in flow direction from west to east for Line 9B would see the entire Line 9 revert back to the direction that was originally approved by the Board in 1975 and the direction in which Line 9 flowed for 23 years (between 1976 and 1999).

#### *The Board's Hearing Process*

The Board decided to hold a public hearing for this Project, consisting of written evidence and oral final argument.

The oral final argument portion of the hearing was held at the following locations:

- Tuesday, 8 October to Friday, 11 October 2013  
Montréal, Québec
- Wednesday, 16 October to Friday, 18 October 2013  
Toronto, Ontario

Enbridge provided its written reply argument on 25 October 2013.

During the Board's hearing process it heard from Participants regarding pipeline integrity, spills and emergency response, and also regarding Enbridge's consultation efforts.

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The Board's approval is subject to conditions set out in the Orders and described in the accompanying Reasons for Decision. For example, the Board's conditions require Enbridge to undertake activities regarding pipeline integrity, emergency response, and continued consultation.

The Board's Reasons for Decision and conditions also make reference to Enbridge's ongoing emergency response planning and consultation with municipalities, first responders and Aboriginal groups.

### ***List of Issues Considered***

- The need for the proposed Project.
- The potential commercial impacts of the proposed Project.
- The appropriateness of the proposed Rules and Regulation Tariff and tolling methodology.
- The potential environmental and socio-economic effects of the proposed Project, including the potential effects of malfunctions or accidents that may occur, and any cumulative environmental effects that are likely to result from the proposed Project.
- The engineering design and integrity of the proposed Project.
- The safety, security, and contingency planning associated with the construction and operation of the proposed Project, including emergency response planning and third-party damage prevention.
- Consultation with Aboriginal groups and the potential impacts of the proposed Project on Aboriginal interests.
- Consultation activities and potential impacts of the proposed Project on affected landowners and land use.
- The terms and conditions, related to the above issues, to be included in any approval the Board may issue for the proposed Project.

The Board did not consider the environmental and socio-economic effects associated with upstream activities, the development of oil sands, or the downstream use of the oil transported by the pipeline.

### ***Public Participation***

In July 2012, changes to the NEB Act were passed, including the addition of section 55.2, which sets out when the Board will allow a person or a group to participate in a hearing to consider an application to construct and operate a pipeline or power line.

The Board **must** hear from those who are, in the Board's opinion, directly affected, and **may** choose to hear from those who, in the Board's opinion, possess relevant information or expertise.

The Board received applications to participate from 178 persons or groups, of which 160 were granted as requested. Eleven persons who requested intervenor status were instead granted the opportunity to submit a letter of comment and seven were not granted standing. As a result, there were 60 Intervenors and 111 Commenters registered for this proceeding.

### ***Participant Funding***

The NEB administers a Participant Funding Program (PFP) which provides financial assistance to support the timely and meaningful engagement of individuals, Aboriginal groups, landowners, incorporated non-industry not-for-profit organizations, or other interest groups who seek to intervene in the NEB's oral hearing process for facilities applications.

On 1 February 2013, the NEB indicated that \$200,000 would be available under its PFP for interested persons to participate in the regulatory review process for the Project.