

Line 9B Reversal and Line 9 Capacity Expansion Project

Frequently Asked Questions: Line 9B

What is the Enbridge Pipelines Inc. Line 9B Reversal and Line 9 Capacity Expansion Project?

On 29 November 2012, Enbridge filed its application under section 58 and under Part IV of the National Energy Board Act. Enbridge is seeking approval for the reversal a 639 km segment of Line 9 between North Westover, Ontario and Montreal, Québec. In addition, Enbridge requested to increase the capacity of the entire Line 9 from approximately 240,000 barrels per day (bpd)) to approximately 300,000. Also included in the application is a request for the revision to the Line 9 Rules and Regulations Tariff to allow transportation of heavy crude oil.

If approved, the shift in flow direction from west to east would see the pipeline revert back to the direction that was originally approved in 1975. The current westward flow has been in place since 1999.

Is there a Line 9A?

No. The Line 9 Reversal Phase 1 Project was a separate project relating to Enbridge's Line 9 Pipeline, which responded independently to market needs.

After an oral hearing phase consisting of final oral argument held in May 2012, the NEB released a letter of decision on 27 July 2012 approving Enbridge's application for the Line 9 Reversal Phase 1 Project to allow crude oil to flow in an eastward direction between the Sarnia Terminal and the North Westover Station in southwestern Ontario.

The Board is now reviewing the Line 9B Reversal and Line 9 Capacity Expansion Project.

How will the Board review this application?

Applications like this project, filed under section 58 or Part IV of the NEB Act, do not automatically trigger a public hearing.

After the application was submitted, the NEB reviewed it and determined that it was in the interest of Canadians to hold a public hearing for the project, consisting of written evidence and oral final argument.

During a review of an application, the NEB considers all information that is relevant to the question of whether or not the application should be approved. Some of the topics that could be considered include:

- the design of the project;
- safety and security of the project;
- environmental and socio-economic effects of the project;
- impact of the project on potentially affected Aboriginal interests;

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- impact of the project on landowners and other potentially affected stakeholders; and
- economic feasibility of the project.

What are the key dates for the review of this application?

The Hearing Order contains all the events and dates for this hearing process. Here are some of the key dates:

- Hearing Order Issued (19 February 2013)
- Deadline for Applications to Participate (19 April 2013)
- Deadline for Letters of Comment (6 August 2013)

Are there any provincial approvals required for the project?

Beyond federal approval, companies are still required to obtain any applicable provincial or municipal permits and licenses. It is the responsibility of the applicant to determine what permits and licenses are required.

Where can I find more information about the project?

For information on this project or past projects, publicly filed documents are available on our website (www.neb-one.gc.ca). To navigate from our homepage, first click on “Major Applications and Projects”, then “Enbridge Pipelines Inc. – Line 9B Reversal and Line 9 Capacity Expansion Project”, and then “Regulatory Documents”.

Project information is also available directly from Enbridge at www.enbridge.com/line9b. If you have any questions or concerns, or if you require further information regarding this project, please call Enbridge at 1-888-767-3098 and leave your contact information, or send an e-mail to line9reversal@enbridge.com.



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Frequently Asked Questions: NEB Process

What is the purpose of a Hearing Order?

The Hearing Order contains important events and dates for this hearing process, and explains how to apply to participate. As a reference guide it can help individuals navigate through the process.

How can I participate in the hearing?

You can apply to participate using the Application to Participate form that the Board will release in a future Procedural Update. The Board may grant you the right to become an intervenor or submit a letter of comment. For more information, please review the next question and the s.55.2 Guidance at Appendix VI of the Hearing Order.

Given the legislative changes brought about by the *Jobs, Growth and Long-term Prosperity Act*, who is eligible to participate in the hearing?

In July 2012, Parliament passed the *Jobs, Growth and Long-term Prosperity Act*, which changed the criteria for participating in a Board hearing. To participate in a hearing, you must either be directly affected or have relevant information or expertise. The Board is required to hear from persons who are directly affected, and may hear from persons who have relevant information or expertise. Anyone wishing to participate in a facilities hearing must apply for and be granted status to participate.

The goal of public hearings is to allow those with an interest in a project to participate in the process and express their views. Under the amended legislation, the NEB will decide on a case-by-case basis who is considered to be directly affected or who has relevant information or expertise based on their specific and detailed interest.

Your application to participate must clearly demonstrate a connection between your interests and the List of Issues to be discussed during the hearing. You must fully complete all required fields on the Application to Participate Form in order to be considered. The Board will only use the information provided on the form in its assessment.

If granted permission to participate, you may be permitted to participate as an intervenor or by filing of a letter of comment.

What is the deadline to apply to participate in the hearing?

Anyone wishing to participate in the hearing must apply by 19 April 2013. The Application to Participate Form will be available through the NEB's website once it is released. The form will be released in a Procedural Update after the Board determines if a revised List of Issues will be issued.

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Frequently Asked Questions: NEB Process

Is there any funding available to participate in the hearing?

The Board is making available \$200,000.00 under its Participant Funding Program to assist landowners, Aboriginal groups, incorporated non-industry, not-for-profit organisations, and other interested persons to participate in the regulatory process of the proposed project. Please review the Participant Funding Program Guide on the Board's website (www.neb-one.gc.ca) to determine when and how to apply for funding and what funding will cover.

Will the changes stemming from the *Jobs, Growth and Long-term Prosperity Act* affect the NEB hearing process?

Among other changes, the *Jobs, Growth and Long-term Prosperity Act* imposed time limits on hearings and changed the decision-making process for certificate applications. The NEB will continue to conduct its proceedings in an open, fair and impartial manner. The NEB has always strived for efficiency in our hearing processes and these new time limits will not impact our ability to complete the process to the high standards we maintain.

The Board retains the authority to make decisions on certain matters, such as Section 58 projects and applications related to tolls and tariffs. The Board also regulates the construction, operation and eventual abandonment of energy infrastructure projects under its jurisdiction.

How long will the hearing take?

On 19 December 2012, the NEB announced its decision to assess the Line 9B Reversal and Line 9 Capacity Expansion Application in a written hearing with oral final argument. The Oral Final Argument will be held the week of 26 – 30 August 2013, with the Board's decision to be released at some time afterwards. The Board must issue an order or dismiss the Application before 19 March 2014.

A detailed timeline is available in Appendix II of the Hearing Order (please refer to the NEB's website).

Who is the Process Advisor and how can he help me?

The Process Advisor is Michael Benson. He is available to answer your questions on the hearing and assist you with participation options. He can be contacted toll free at 1-866-899-1265 or by email at michael.benson@neb-one.gc.ca. See Appendix VIII of the Hearing Order for more information.



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Frequently Asked Questions: How to participate

You must apply for and be granted participation rights by the National Energy Board (NEB or the Board) in order for your views to be considered in this hearing. Only information submitted by persons who are granted participation rights by the Board will be included on the record of this proceeding.

Interested persons must apply to participate in this proceeding by filling out the Application to Participate form, which will be available on the NEB website www.neb-one.gc.ca once the Board releases it in a Procedural Update.

The deadline for the Application to Participate is 19 April 2013.

If granted participation rights, the Board may grant you the right to:

- Submit a Letter of Comment; or
- Become an Intervenor.

Submit a Letter of Comment

A letter of comment allows you to present your knowledge, views or concerns on the project to the Board in writing.

You must apply to participate by 19 April 2013 to become a Letter of Comment Writer.

Become an Intervenor

The Board may grant an Intervenor the right to:

- Provide written evidence;
- Ask Information Requests of Enbridge and other Intervenors;
- Give final argument; and/or
- Other methods of participation as the Board considers appropriate.

Intervenors must also respond to Information Requests asked of them.

You must apply to participate by 19 April 2013 to become an Intervenor.

Line 9B Reversal and Line 9 Capacity Expansion Project Frequently Asked Questions: Environment

What is the National Energy Board's (NEB or the Board) environmental mandate?

The Board's role includes promoting safety and security, economic efficiency, and environmental protection in the Canadian public interest. The Board considers environmental protection as a component of the public interest and has included it as a goal in the NEB Strategic Plan:

The environment is protected throughout the lifecycle of NEB-regulated facilities and activities.

Does the NEB conduct environmental assessments (EA)?

Yes. Since its inception in 1959, the NEB has always considered the environment when making regulatory decisions. The NEB has significant experience in considering potential environmental effects by conducting EAs and has been doing so long before the 1995 *Canadian Environmental Assessment Act* (CEA Act) came into force.

Will an EA be conducted for the Enbridge Line 9B Reversal and Line 9 Capacity Expansion Project?

Yes. The Board has and will continue to perform rigorous EAs under the NEB Act for proposed facilities under its jurisdiction, including this project.

How do recent changes to the CEA Act affect EAs for NEB regulated projects?

The NEB continues to conduct EAs for proposed NEB-regulated facilities. The Board is dedicated to the safety and protection of the environment and Canadians and will continue to perform this important assessment under the NEB Act even when an EA is not triggered by the *Canadian Environmental Assessment Act, 2012*.

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What factors does the NEB consider during an EA?

The NEB conducts an EA as part of its review of applications for projects under its jurisdiction. The NEB considers many factors, including:

- physical and meteorological environment
- soil, soil productivity and vegetation
- wetlands, water quality and quantity
- fish, wildlife, and their habitat
- species at risk or species of special status and related habitat
- heritage resources
- traditional land and resource use
- human health, aesthetics and noise

The EA considers the likely environmental effects, the adequacy of proposed mitigation measures to protect the environment, and the significance of effects after the mitigation measures are implemented. The Board commonly imposes additional conditions on most proposed projects to ensure environmental protection measures are sufficient and certain.

Does the NEB have the expertise to conduct EAs?

Yes. The NEB has decades of experience conducting EAs, and approximately 50 Environment, Socio-economic, Lands and Engagement Specialists deployed to teams throughout the organization. These specialists conduct environmental and socio-economic assessments, environmental inspections, audits of environmental management systems, lands administration, and landowner complaint resolution.

What kind of environmental information must the company provide?

Companies are required to file information explaining how the proposed project is predicted to affect the environment and what measures they will take to avoid or mitigate impacts to the environment.

Hearing and compliance-related documents, including environmental reports submitted by applicants, are available for public viewing on our website and from the NEB library.

To view a complete list of what the NEB requires from its regulated companies regarding EAs for proposed projects, you can view our Filing Manual at <http://www.neb-one.gc.ca/clf-nsi/rpblctn/ctsndrgltn/flngmnl/flngmnl-eng.html>.

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Frequently Asked Questions: Pipeline Safety

Will the National Energy Board (NEB or the Board) consider pipeline safety and security in its assessment of the Enbridge Pipelines Inc. Line 9B Reversal and Line 9 Capacity Expansion Project?

Yes. The Board will consider pipeline safety and security as part of its assessment and will not approve the project if it cannot be undertaken safely.

How does the Board monitor pipeline companies?

The NEB puts safety and environmental protection at the forefront of its responsibilities in protecting Canadians, and expects the companies it regulates to continually assess and continually improve their safety and environmental performance.

The NEB's dedication to pipeline safety and security continues after a project is approved. The Board regulates pipelines throughout their lifecycle, from application to abandonment, to ensure companies remain effective in managing safety and environmental protection.

The NEB holds companies accountable for results in the public interest using a rigorous compliance monitoring and enforcement program, which includes compliance audits and the inspection of construction and operating facilities. When a violation or an unsafe condition is detected, the NEB expects immediate correction and an assessment of the root causes in order to prevent the issue from happening again. Failure to address a violation or unsafe condition can result in further NEB sanction, such as suspension of operation.

What happens if there is a release?

The NEB's focus is on preventing accidents from happening in the first place. The NEB expects regulated companies to strive for zero spills or releases. However, should an incident occur, the NEB's top priority is the safety and security of people, as well as the protection of the environment.

Each regulated company must maintain an up-to-date emergency procedure manual outlining the company emergency management procedures to be followed during an incident. The procedures must address emergency management, environmental protection, and worker and public safety. This plan must be on file with the NEB and the Transportation Safety Board (TSB).

Companies are responsible for reporting the incident to the TSB and the NEB and for implementing their emergency response plan. The Board would then initiate its incident response procedures, which may include activation of its Emergency Operations Centre where appropriate.

The NEB will verify that a company conducts an adequate and appropriate clean-up and remediation of any environmental effects resulting from the incident.

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I heard in the media that the project application includes changing the type of oil being transported in Line 9? Will the Board take this into consideration when making its decision?

Yes, the application includes a revision to the Line 9 Rules and Regulations Tariff to allow the transportation of heavy crude. This revision will be part of the Board's decision regarding the project.

In making its decision on the project, the Board will consider a number of factors including the nature of the product in the pipeline. Incident response plans are expected to consider the nature of the product(s) in a pipeline.