

About Enbridge Inc.

Enbridge Inc. is a leading North American energy infrastructure company. Life takes energy and Enbridge exists to fuel people's quality of life. We safely and reliably deliver the energy people need and want. Our core businesses include Liquids Pipelines, which transports approximately 25 percent of the crude oil produced in North America; Gas Transmission and Midstream, which transports about 19% percent of the natural gas consumed in the U.S.; Gas Distribution and Storage, which serves approximately 3.8 million retail customers in Ontario and Quebec; and Power Operations. Together, our renewable energy projects (either operating or under construction) have the capacity to generate 2000 MW of net renewable power in North America and Europe.

Our regulated utility Enbridge Gas Inc. ("Enbridge Gas") is Canada's largest natural gas storage, transmission and distribution company based in Ontario with a more than 170-year history of providing safe and reliable service to customers and heats over 75 percent of Ontario homes.

Introduction

Enbridge Inc. and Enbridge Gas Inc. (Enbridge) operate extensive pipeline systems in Ontario that require regular maintenance and expansion. Enbridge frequently requires Environmental Activity Sector Registry (EASR) and Permit to Take Water (PTTW) for construction dewatering in support of our maintenance and construction programs. You will find Enbridge's comments below focusing on the proposed modifications to regulatory requirements for construction site dewatering, fixed limits for total suspended solids (TSS), notification for water users as well as some proposed additions.

Proposed Modifications to Regulatory Requirements for Construction Site Dewatering

Enbridge is supportive of the modifications to allow 400,000 L/day water taking limit and only applying it to groundwater as well as applying it to each individual pit and the corresponding area of influence in the construction site. Another positive development is where there is overlap between the areas of influence related to the dewatering pits, the combined water taking from the overlapping areas of influence would be limited to a maximum of 400,000 L/day. These provide flexibility for linear infrastructure projects with an extended geographical footprint, and where multiple construction crews are working simultaneously on the same construction project.

With the 400,000 L/day eligibility criteria proposal only pertaining to the taking of groundwater, contribution from stormwater would no longer be included in determining eligibility. Enbridge supports the removal of stormwater in the 400,000 L/day EASR limit.

Fixed Limit for Total Suspended Solids (TSS)

Enbridge sees significant challenges with the implementation of a fixed TSS limit of 25 mg/L or turbidity of 8 NTU regardless of the distance between watercourse and discharge point (whether to land, watercourse or storm sewer) as well as having this limit apply to both groundwater and stormwater

discharge. The fixed TSS limit also does not consider the background conditions of the watercourse that may receive the discharge. Enbridge works primarily on linear infrastructure with temporary construction disturbance in confined areas without the ability to construct temporary sediment ponds. Enbridge employs best management practices utilizing filter bags, filter tubs and/or flow dissipation devices to enhance TSS removal, but also relies on ground surface filtration and infiltration to reduce discharge of sediment laden waters into watercourses. To achieve the proposed fixed limit, it would in many cases require the use of enhanced treatment methods that may require a mobile ECA; this would increase project costs significantly, without a corresponding increase to environmental protection. Including this change in the EASR regulation would likely lead to an increase in Enbridge PTTW applications for projects that would otherwise qualify for an EASR. The increase in PTTW applications would be solely to achieve flexibility in the turbidity requirements and mitigation. It is Enbridge's opinion that the result of this proposed change is not aligned with the Ministry's goal to simplify and streamline water taking activities for businesses.

Enbridge suggests that this requirement could be improved by considering the distance of discharge to watercourse and the background conditions of the watercourse in this requirement. For consideration the regulation could state that discharge within 30m of a watercourse meet a limit TSS of 25 mg/L or turbidity of 8 NTU or within 10% of the current background conditions of the watercourse.

Notification Protocol for Owners of Water Resources

Enbridge is supportive of a notification protocol for water users and would appreciate clarity in the definitions for "water users or property owners" and "water resources". Particularly for linear infrastructure projects, a proposed construction project could impact many water users and property owners. Clarification is required on whether the intent is to leave a written notice at each property within the area of influence, or directly contact the legal property owner. The latter would require a proponent to complete a title search of the entire route to identify and have legal property owners notified, which would add a significant burden to the project. It would also be helpful to offer additional guidance, including what to do if a property owner is unavailable.

Proposed Amendments to Regulations Made Under the Ontario Water Resources Act

Enbridge is supportive of the removal of the current restrictions related to construction methods so that all construction methods would be eligible for exemption. Enbridge suggests that the regulation state that discharge for surface water seepage meets a limit of 25 mg/L TSS or 8 NTU turbidity or within 10% of the current background conditions of the watercourse.

Additional Considerations

Enbridge would like to note some challenges experienced when using the Public Secure website for EASR registration. We have noticed that the website can be slow to load and regularly times out, and we have experienced a significant delay in having an active EASR removed from the system, resulting in an ongoing annual reporting of "0" for permits in queue for removal. We are supportive of any updates to the website to provide an improved user experience and function.

Conclusion

Enbridge is supportive of the MECP's objective of creating a more flexible approval process to create efficiencies and reduce waiting times, while also ensuring the protection of Ontario's water resources. Our comments are based on balancing the importance of protecting Ontario's water resources while ensuring that project activities remain practical, feasible and cost-effective in their implementation. It remains Enbridge's objective to safely and reliably deliver natural gas to our customers throughout Ontario, in a manner that respects the environment and communities in which we operate. If you have any questions or require additional information please do not hesitate to contact Nicole Gruythuyzen, Government Affairs Senior Advisor (nicole.gruythuyzen@enbridge.com).