



ORDER MO-029-2011

IN THE MATTER OF the *National Energy Board Act* (NEB Act) and the regulations made thereunder; and

IN THE MATTER OF an application filed by St. Clair Pipelines Management Inc., on behalf of St. Clair Pipelines L.P. (St. Clair) under subsection 74(1)(d) of the NEB Act, with the National Energy Board (NEB or Board), under File OF-Fac-Gas-S402-2011-01 01.

BEFORE the Board on 20 December 2011.

WHEREAS the Board received an application by St. Clair dated 2 May 2011, pursuant to subsection 74(1)(d) of the NEB Act, for leave to abandon the Empire Odourant Station located on Iroquois Street in the Regional Municipality of Niagara Falls (formerly Township of Willoughby) in Part of Lots 301, 302 and 303, Plan 337 and Part of Huron Boulevard, Plan 337 (the Project);

AND WHEREAS the Board issued Hearing Order MHW-002-2011 on 13 September 2011, establishing the process for the Board's consideration of the Project application;

AND WHEREAS pursuant to the *Canadian Environmental Assessment Act* (CEA Act), the Board has considered the information submitted by St. Clair and has performed an environmental screening of the Project;

AND WHEREAS the Board has determined, pursuant to subsection 20(1)(a) of the CEA Act that, with the implementation of St. Clair's proposed environmental protection measures and mitigation measures and the NEB's recommendations, the Project is not likely to cause significant adverse environmental effects;

AND WHEREAS the Board has considered St. Clair's evidence and argument in the MHW-002-2011 proceeding and finds that it is in the public interest to grant the relief requested;

IT IS ORDERED THAT, pursuant to subsection 74(1)(d) of the NEB Act, St. Clair is granted leave to abandon the Empire Odourant Station, upon the performance of the following conditions to the satisfaction of the Board:

1. St. Clair must cause the abandonment operations to be carried out in accordance with the specifications, standards and other information referred to in its application and as agreed to in its related submissions.

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2. St. Clair must implement or cause to be implemented all of the policies, practices, programs, mitigation measures, recommendations and procedures for the protection of the environment included in or referred to in its application or as otherwise agreed to in its related submissions.
3. St. Clair must file with the Board for approval, within 120 days following the completion of abandonment activities:
 - a) the results of the Phase II Environmental Screening Assessment (ESA) conducted at the station site;
 - b) St. Clair's plans with respect to conducting any additional assessments, remediation activities and reporting to the Board (refer to the Board's *Remediation Process Guide* [2011]) as a result of the outcomes of the Phase II ESA;
 - c) St. Clair's detailed plans, if any, with respect to implementing groundwater monitoring, including, but not limited to, details regarding the parameters to be monitored, applicable standards/levels to assess against, well locations, anticipated frequency and duration, and responsibilities for monitoring and well maintenance; and
 - d) the outcomes of St. Clair's consultation with applicable and/or interested federal and provincial authorities regarding a), b) and c).
4. St. Clair must file with the Board, within 120 days following the completion of abandonment activities, one of the following:
 - a) confirmation that the Station site has been fully transferred to TCPL, including details regarding the satisfaction of the conditions of sale, if any; or
 - b) if the transfer of the Station site to TCPL is still pending, the reasoning for this pending status; or
 - c) if the transfer of the Station site to TCPL has been terminated with no possibility of being completed in the future, a modified abandonment plan for the Station site which describes in detail how the site will be fully reclaimed, for approval by the Board.
5. St. Clair must file with the Board for approval, within 120 days following the completion of abandonment activities, information demonstrating that there is adequate coverage for future financial liabilities.

6. St. Clair must file with the Board, within 120 days of the date of completion of the abandonment activities, confirmation, by an officer of the company, that the Project was completed and all activities were conducted in compliance with all conditions of this Order. If compliance with any of these conditions cannot be confirmed, the officer of the company shall file with the Board details as to why compliance cannot be confirmed. The filing required by this condition must include a statement confirming that the signatory to the filing is an officer of the company.
7. Unless the Board otherwise directs prior to 31 December 2012, this Order shall expire on 31 December 2012, unless the abandonment activities have been completed by that date.

NATIONAL ENERGY BOARD



for
L. George
Acting Secretary of the Board