



EB-2005-0201

IN THE MATTER OF the *Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule. B;*

AND IN THE MATTER OF an Application by Union Gas Limited, pursuant to subsection 90(1), for an Order or Orders granting leave to construct natural gas pipelines and ancillary facilities in the Township of Brooke-Alvinston, the Township of Adelaide-Metcalf and the Township of Strathroy-Caradoc and in the City of Hamilton, the City of Burlington and the Town of Milton.

BEFORE: Gordon Kaiser
Presiding Member and Vice Chair

Pamela Nowina
Member

ORDER

An Application dated February 8, 2005 has been filed by Union Gas Limited with the Ontario Energy Board (the Board) under section 90 of the *Ontario Energy Board Act, 1998* seeking an Order or Orders of the Board granting leave to construct two sections of natural gas pipeline along with associated compressor station modifications.

The proposed facilities consist of the construction of 18.2 kilometres of 48 inch diameter steel natural gas pipeline in the Counties of Lambton and Middlesex and 17.1 kilometres of 48 inch diameter steel natural gas pipeline in the City of Hamilton and the Region of Halton. In addition to the construction of the two pipelines, Union will upgrade the existing Parkway compressor and install further compression at its Dawn compressor station. Construction of the proposed

facilities will allow Union to increase capacity of the Trafalgar gas transmission system to meet the increasing gas requirements of current and future customers.

The Board issued a Notice of Application on March 1, 2005. Union served and published the Notice as directed by the Board. The Application was heard in Toronto on June 27 and 28, 2005. The Board issued its Oral Decision on June 28, 2005, approving the proposed project. The Board found the Application to be in the public interest subject to the Board's Conditions of Approval, a copy of which is attached as Appendix "A".

THE BOARD THEREFORE ORDERS THAT:

1. Leave to construct the proposed natural gas pipelines and ancillary facilities is granted to Union Gas Limited, subject to the Conditions of Approval contained in Appendix "A" attached to this Order.
2. Union shall pay the Board's costs of these proceedings immediately upon receipt of the Board's invoice.

ISSUED at Toronto July 6, 2005

ONTARIO ENERGY BOARD

Peter H. O'Dell
Assistant Board Secretary

APPENDIX "A"

TO

BOARD FILE No. EB-2005-0201

CONDITIONS OF APPROVAL

Union Gas Limited Trafalgar Facilities Expansion Program 2006

1 General Requirements

- 1.1 Union Gas Limited shall construct the facilities and restore the land in accordance with its application and evidence, except as modified by this Order and these Conditions of Approval.
- 1.2 Unless otherwise ordered by the Board, authorization for Leave to Construct shall terminate December 31, 2006, unless construction has commenced prior to then.
- 1.3 Except as modified by this Order, Union Gas shall implement all the recommendations of the Environmental Study Report filed as Volumes 2 and 3 in the pre filed evidence, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee (“OPCC”) review.
- 1.4 Union Gas shall advise the Board's designated representative of any proposed material change in construction or restoration procedures and, except in an emergency, Union Gas shall not make such change without prior approval of the Board or its designated representative. In the event of an emergency, the Board shall be informed immediately after the fact.

2 Project and Communications Requirements

- 2.1 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Facilities.
- 2.2 Union Gas shall designate a person as project engineer and shall provide the name of the individual to the Board's designated representative. The project engineer will be responsible for the fulfilment of the Conditions of Approval on the construction site. Union Gas shall provide a copy of the Order and Conditions of Approval to the project engineer, within seven days of the Board's Order being issued.
- 2.3 Union Gas shall give the Board's designated representative and the Chair of the OPCC ten days written notice, in advance of the commencement of the construction.

- 2.4 Union Gas shall furnish the Board's designated representative with all reasonable assistance for ascertaining whether the work is being or has been performed in accordance with the Board's Order.
- 2.5 Union Gas shall file with the Board's designated representative notice of the date on which the installed pipelines were tested, within one month after the final test date.
- 2.6 Union Gas shall furnish the Board's designated representative with five copies of written confirmation of the completion of construction. A copy of the confirmation shall be provided to the Chair of the OPCC.
- 2.7 Where blasting is required, Union Gas shall follow its Standard Blasting Specifications and shall determine the locations of wells within 100 meters of blasting operations and shall test water quality of all wells within 100 meters before and after blasting operations.

3 Monitoring and Reporting Requirements

- 3.1 Both during and after construction, Union Gas shall monitor the impacts of construction, and shall file four copies of both an interim and a final monitoring report with the Board. The interim monitoring report shall be filed within six months of the in-service date, and the final monitoring report shall be filed within eighteen months of the in-service date. Union Gas shall attach a log of all complaints that have been received to the interim and final monitoring reports. The log shall record the times of all complaints received, the substance of each complaint, the actions taken in response, and the reasons underlying such actions.
- 3.2 The interim monitoring report shall confirm Union Gas' adherence to Condition 1.1 and shall include a description of the impacts noted during construction and the actions taken or to be taken to prevent or mitigate the long-term effects of the impacts of construction. This report shall describe any outstanding concerns identified during construction.
- 3.3 The final monitoring report shall describe the condition of the rehabilitated land and the effectiveness of the mitigation measures undertaken. The results of the monitoring programs and analysis shall be included and recommendations made as appropriate. Any deficiency in compliance with any of the Conditions of Approval shall be explained.

- 3.4 Within fifteen months of the in-service date, Union shall file with the Board a written Post Construction Financial Report. The Report shall indicate the actual capital costs of the project and shall explain all significant variances from the estimates filed with the Board.

4 Easement Agreements

- 4.1 Union Gas shall offer the form of agreement approved by the Board to each landowner, as may be required, along the route of the proposed work.

5 Other Approvals

- 5.1 Union Gas shall obtain all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project, shall provide a list thereof, and shall provide copies of all such written approvals, permits, licences, and certificates upon the Board's request.