

**EB-2007-0633**  
**EB-2007-0661**

**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 for an Order granting Leave to construct natural gas pipelines in the Township of Dawn-Euphemia, in the County of Lambton.

**AND IN THE MATTER OF** an Application by Union Gas Limited to the Ministry of Natural Resources for licences to drill wells in the Township of Dawn-Euphemia, in the County of Lambton.

**BEFORE:** Pamela Nowina  
Vice Chair and Presiding Member

Bill Rupert  
Member

David Balsillie  
Member

## **DECISION AND ORDER**

Union Gas Limited (the “Applicant” or “Union”) filed an application with the Ontario Energy Board, (the “Board”) dated June 14, 2007, under section 90 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, Schedule B (the “Act”). The Applicant applied for an order of the Board for leave to construct approximately 3,420 metres of 36 inch Nominal Pipe Size (“NPS”) pipeline between the 156 Compressor Station and the Dawn Compressor Station and 1,447 metres of 10 inch, 12 inch and 16 inch NPS storage gathering pipelines within the Dawn 156 Pool (“156 Pool”) and the Dawn 59-85 Pool (“59-85 Pool”). Union Gas has proposed to increase the deliverability of the 156 Pool and the 59-85 Pool to meet the needs of customers seeking high deliverability storage

services. The proposed facilities are located in the Township of Dawn-Euphemia, in the County of Lambton. The Board assigned File No. EB-2007-0663 to this Application.

By letter dated June 12, 2007 and pursuant to section 40 of the Act, the Ministry of Natural Resources, Petroleum Resources Centre, referred to the Board an application by Union for licences to drill five injection/withdrawal wells in the 156 Pool; to deepen the recently drilled stratigraphic test well in the 156 pool so that it can be used as an injection/withdrawal well; and to drill five new injection/withdrawal wells in the 59-85 Pool. The Board assigned File No. EB-2007-0661 to this Application.

For the reasons set out below, the Board finds the construction of the proposed pipelines is in the public interest and grants Leave to Construct, subject to certain Conditions of Approval, which are attached to this Decision. With regard to the application for well licences, the Board has prepared a favourable report to provide to the Ministry of Natural Resources ("MNR"), which is subject to certain Conditions of Approval and is attached as Appendix "B" to this Decision.

### **The Proposed Pipelines and Proposed Wells**

The 156 Pool will require 775 m of NPS 12 and 70 m of NPS 16 gathering lines. The 59-85 Pool will require 68 m of NPS 10, 459 m of NPS 12 and 76 m of NPS 16 gathering line. The proposed pipelines are designed to transport the expected flows to and from the new wells. A NPS 36 pipeline will be constructed from the 156 Compressor Station to Dawn to augment the capacity of the existing pipelines. The pipeline will be approximately 3,420 m in length.

Five new wells will be added to the 156 Pool (UD.280, UD.281, UD.283, UD.284, UD.285). Five new wells will be added to the 59-85 Pool (UD.273, UD.274, UD.275, UD.276, UD.277). One existing well will be deepened in the 156 Pool. Three existing wells (D.59, D.85 and D.139) in the 59-85 Pool will be abandoned as part of the project.

A map is attached as Appendix "A" that shows the location of the proposed pipeline and 156 and 59-85 Pool locations.

### **Proceeding**

The Board issued the Notice of Application on July 5, 2007, which was published and served by Union as directed. TransCanada Energy Ltd. was the only intervenor. Three

requests for observer status were granted. Comments were received from area resident Mr. Larry Vansickle, which will be dealt with in a later section. Accordingly, the Board decided to proceed by way of written hearing.

On September 4, 2007, Union Gas filed interrogatory responses to Board staff questions. As part of the filing, Union notified the Board that they filed amended well drilling applications with the MNR. The MNR requested that Union change the purpose of proposed well (well type) from pool development to natural gas storage on the application for Well Licence (Form 1). Union made this administrative change and revised well drilling applications and surveys were filed. Union also notified the Board that after additional discussions, the location of the proposed facilities on a few landowner properties have been changed. Union stated that the affected landowners had no concern with the proposed changes and revised Letters of Acknowledgement were filed.

On August 28, 2007, Board staff, through written interrogatories, asked Union to clarify certain aspects of the pre-filed evidence and to provide additional information. On September 4, 2007, Union responded to the interrogatories, which concluded the discovery phase of the proceeding.

### **Section 90 and the Public Interest Test**

This is an application under section 90 of the Act, seeking a Leave to Construct Order. Section 96 of the Act provides that the Board shall make an Order granting leave if the Board finds that "the construction, expansion or reinforcement of the proposed work is in the public interest". When determining whether a project is in the public interest, the Board typically examines the need for the project, the environmental impact, the impact on landowners and the Applicant's consultation with First Nations. Each of these factors will be considered in turn.

### **The Need for the Project**

Union has stated that the 2008 Dawn Deliverability Project ("the Project") is required to meet the growing demand for high deliverability storage services, as demonstrated by the results of a binding open season conducted by Union in 2006.

The proposed expansion will increase Union's deliverability capacity by 518,000 GJ/d. Union has signed long-term contracts for 92% of this new capacity. The contract prices

are not subject to regulation by the Board, consistent with the Board's November 7, 2006 decision on the Natural Gas Electricity Interface Review (EB-2005-0551).

### **Environmental Assessment and Proposed Pipeline's Design and Routing**

According to Union's evidence, the design and pipe specifications, installation and testing of the proposed pipeline adhere to the requirements of *Ontario Regulation 210/01* under the *Technical Standards and Safety Act 2000*, Oil and Gas Pipeline Systems. All pipelines will be constructed in the manner recommended and described in the Board document *Environmental Guidelines for Locating, Constructing and Operating Hydrocarbon Pipelines in Ontario (May 2003)* (the "Board's Environmental Guidelines").

Union retained Stantec Consulting Limited ("Stantec") to undertake an environmental and socio-economic impact assessment and to select the preferred route. The assessment was carried out in accordance with the Board's Environmental Guidelines. The results of the assessment are documented in the environmental report written by Stantec, dated May 2007, and which was filed as evidence in this proceeding (the "Environmental Report").

In preparing the Environmental Report, Stantec undertook consultation with government agencies and the public. A Public Information Session was held on February 28, 2007. The Environmental Report included details of the public consultation undertaken.

Union indicated that it would implement the mitigation measures proposed in the Environmental Report. Union will implement its standard water well monitoring program for this project to ensure there are no impacts on fresh water wells in the area.

In accordance with the Board's Environmental Guidelines, the Environmental Report was reviewed by the Ontario Pipeline Coordinated Committee ("OPCC"). There are no outstanding concerns arising from the OPCC review.

The Board accepts Union's evidence regarding the proposed routing, the environmental assessment of the proposed pipeline, and the proposed potential impacts, mitigation and monitoring.

The Board received comments from area resident Mr. Larry Vansickle. Mr. Vansickle did not oppose the project, but was concerned that Union was not proposing to use an

established right-of-way created when the Board approved earlier pipeline construction. Mr. Vansickle preferred Union build the proposed pipeline on the existing right-a-way rather than going through a woodlot.

The Board notes that in the Environmental Report, Stantec stated the following:

*The purpose of the preliminary Route Screening is to eliminate the least acceptable potential Alternative Route segments from further consideration. During this step opportunities that did not provide a reasonable or logical interconnection of the endpoints were no longer considered as potential routes.*

*During this phase Stantec eliminated all opportunities north of Union Gas's Dawn 156 Station (Aberfeldy Line as well as lot lines and fencelines) and south of Dawn Compressor Station (Bentpath Line as well as lot lines and fencelines). These linear features were eliminated as they did not provide a reasonably direct interconnection between the endpoints.*

*In addition, Stantec eliminated numerous interconnections of property lines, road allowances, and existing pipeline easements that did not present logical routing alignments between the endpoints or had environmental and socio-economic impacts that could not be mitigated. This step resulted in the identification of three Alternative Routes which represented the most feasible alignments for connecting the two end points.*

The following three alternative routes were selected within the Lots and Concessions of the Township of Dawn-Euphemia.

- Alternative Route A travels west from Dawn 156 Station along the centre of Lot 31, then south along the centre of Concession 1 to the division of Lots 27 and 28 where it travels east to Dawn Valley Road which it parallels until it reaches the Dawn Compressor Station.
- Alternative Route B travels east along an east/west fence line in Lot 31, Concession 2, before turning due south, parallel to the west side of the centre of Concession 2 and travelling through Lots, 27, 28, 29 and 30, until it reaches the northeast corner of the Dawn Compressor Station.

- Alternative Route C travels east along an east-west fence line in Lot 21, Concession 2 to Cuthbert Road where it turns south, travelling along the west side of the road allowance until the division of Lots 27 and 28 where it then travels westward to join the proposed alignment of Alternative Route B.

The Environmental Report stated that the alternative routes were subject to a comparative analysis and that the comparative analysis identified a Preliminary Preferred Route that was presented on February 28, 2007 at a Public Information Session. The Environmental Report stated that in selecting the Preliminary Preferred Route, the alternative routes were compared quantitatively and Alternative Route B had the least environmental and socio-economic impacts. The Environmental Report also stated that Union and Stantec selected the Preliminary Preferred Route for the proposed pipeline based on more detailed field surveys, environmental and socio-economic constraints, consultation with stakeholders, and comments received during the Public Information Session that was held on February 28, 2007.

The Board is satisfied that good reasons exist for choosing not to follow the pre-existing right-of-way and that the selection of the Preliminary Preferred Route was made after consideration of all relevant environmental impacts. The Board finds that the pipeline design and specifications are acceptable and that the proposed route is the best alternative for the location of the pipeline.

### **Land Issues and Form of Easement**

Section 97 of the Act provides that a leave to construct will not be granted until the applicant has satisfied the Board that it has offered or will offer to each owner of land affected by the approved route or location an agreement in a form approved by the Board.

Union has filed with the Board a form of easement agreement that was offered and will be offered to the affected landowners. Union has informed the Board that it requires four permanent and two temporary easements to construct the proposed pipeline and options for permanent easements are held on all four properties.

Union submitted that the well drilling, constructing gathering lines and roadways will be done on four landowner's properties. Letters of Acknowledgement have been signed with these landowners.

The Board is satisfied that Union is effectively resolving the landowner issues associated with the project. The Board approves the form of easement which has been filed by Union.

### **First Nations Consultation**

The Environmental Report provided information on the consultations with First Nations relative to the proposed project. Two First Nations within the study area for the proposed pipeline were identified; Aamjiwnaang First Nation (“AFN”) and Walpole Island First Nation (“WIFN”). Letters were sent on January 8, 2007 to seek information regarding the status of lands within the study area. The letters outlined the status of the environmental study and invited comments and participation. As well, AFN and WIFN were sent letters on February 8, 2007 to notify them of the Public Information Session that was scheduled for February 28, 2007. Similar letters were sent to other government agencies. No comments were received from AFN.

WIFN contacted Stantec. The discussions and meeting with WIFN are described in the Environmental Report as follows:

*WIFN contacted Stantec on February 23, 2007 to provide information with regards to lands that they are currently in litigation over. The Study Area lies within an area covered by the Treaty of 1822. WIFN is currently seeking recognition of their Aboriginal Title covering this Treaty Area. WIFN requested that the area be investigated for any archaeological resources that may relate to their occupation or use of the land. They also requested that Stantec investigate the presence of any rare or endangered species designated by the province or the federal government.*

*A meeting between the WIFN and Union Gas was held on March 21, 2007 to discuss the Union Gas Dawn 156/59-85 Project and several other Union Gas projects. This meeting, requested by WIFN, did not identify any concerns related to the development of the propose pipeline or expansion of the existing Pools.*

With regard to archaeological resources, section 6.4.6 of the Environmental Report describes the stage I archaeological assessment which was done and recommended a stage II assessment be completed prior to construction. With regard to the presence of rare or endangered species, table 3.2 and 3.3 (App C2) of the Environmental Report lists species of national or provincial concern.

A copy of the Environmental Report was provided to WIFN.

The Board finds the consultation conducted by Stantec on behalf of Union with AFN and WIFN regarding the proposed project to be acceptable.

### **Section 40 and the Application to Drill Wells**

Section 40(1) of the Act states that the MNR shall refer to the Board every application for the granting of a licence relating to a well in a designated gas storage area, and the Board shall report to the MNR on it. The report is deemed to be an order of the Board. Section 40(4) of the Act states that the MNR shall grant or refuse to grant the licence in accordance with the report. The Board shall submit the report to the MNR, and provide copies to all parties as required by the Act.

After its review of the evidence the Board prepared a report recommending the approval of the application to drill the proposed wells, subject to the Conditions of Approval set out in the Report, which it will submit to the Minister of Natural Resources (the "Report"). The Report is attached as Appendix "B" to this Decision.

### **Conclusions**

For the reasons indicated, the Board finds the pipeline project proposed by Union in this proceeding to be in the public interest and grants an Order for Leave to Construct subject to the Conditions of Approval attached as Appendix "C". Of particular note, Union shall implement all the recommendations identified in the Environmental Report.

### **THE BOARD ORDERS THAT:**

1. Pursuant to subsection 96 of the Act Union Gas Limited is granted leave to construct approximately 3,420 metres of 36 inch Nominal Pipe Size ("NPS") pipeline between the 156 Compressor Station and the Dawn Compressor Station and 1,447 metres of 10 inch, 12 inch and 16 inch NPS storage gathering pipelines within the Dawn 156 Pool and the Dawn 59-85 Pool subject to the Conditions of Approval set forth in Appendix "C".



2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, Union shall immediately pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

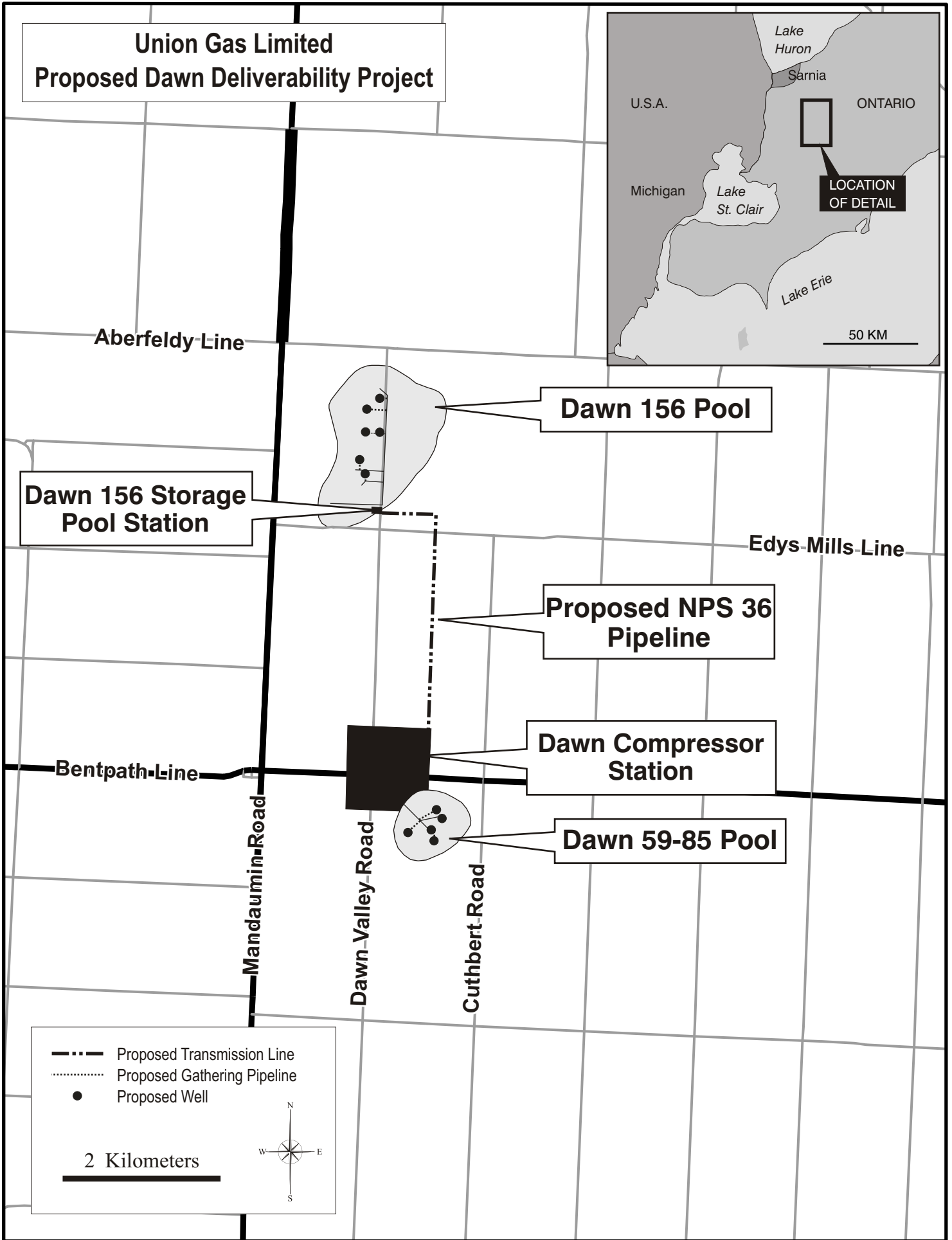
**DATED** at Toronto October 19, 2007

ONTARIO ENERGY BOARD

*Original signed by*

Kirsten Walli  
Board Secretary

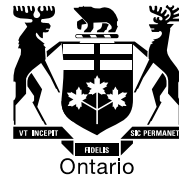
**APPENDIX A**  
**TO BOARD DECISION AND ORDER**  
**IN THE MATTER OF EB-2007-0633 / 0661**  
**MAP OF THE PIPELINE ROUTE 156 AND 59-85 POOL LOCATIONS**  
**DATED October 19, 2007**



**APPENDIX B**  
**TO BOARD DECISION AND ORDER**  
**IN THE MATTER OF EB-2007-0661**

**Report of the Board  
With Conditions  
Well Drilling Licence Application**

**DATED October 19, 2007**



**EB-2007-0661**

**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 to the Ministry of Natural Resources for licences to  
drill wells in the Township of Dawn-Euphemia, in the County  
of Lambton.

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**REPORT OF THE BOARD**

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October 19, 2007

## **Application**

By letter dated June 12, 2007 and pursuant to section 40 of the Act, the Ministry of Natural Resources, Petroleum Resources Centre, has referred to the Board, an application by Union for licences to drill 5 injection/withdrawal wells in the 156 Pool; to deepen the recently drilled stratigraphic test well in the 156 pool so that it can be used as an injection/withdrawal well; and to drill 5 new injection/withdrawal wells in the 59-85 Pool.

Union is seeking a licence to drill the following stratigraphic wells:

Five new wells in the 156 Pool (UD.280, UD.281, UD.283, UD.284, UD.285). Five new wells in the 59-85 Pool (UD.273, UD.274, UD.275, UD.276, UD.277). One existing well will be deepened in the 156 Pool (UD 282).

The Board has assigned this application Board File No. EB-2007-0661.

Dawn 156 Pool was designated in 1962 and currently has 18 Injection/withdrawal storage wells and 5 observation wells. The 59-85 Pool was designated in 1943 and currently has 7 injection/withdrawal storage wells and 2 observation wells.

## **The Proceeding**

The Board issued the Notice of Application on July 5, 2007, which was published and served by Union as directed. TransCanada Energy Ltd. was the only intervenor. Three requests for observer status were granted. Comments were received from area resident Mr. Larry Vansickle, which will be dealt with in a later section. Accordingly, the Board decided to proceed by way of written hearing.

On September 4, 2007, Union Gas filed interrogatory responses to Board staff questions. As part of the filing, Union notified the Board that they filed amended well drilling applications with the MNR. The MNR requested that Union change the purpose of proposed well (well type) from pool development to natural gas storage on the application for Well Licence (Form 1). Union made this administrative change and revised well drilling applications and surveys were filed. Union also notified the Board that after additional discussions, the location of the proposed facilities on a few landowner properties have been changed. Union stated that the effected landowners had no concern with the proposed changes and revised Letters of Acknowledgement were filed.

### **Board's Review**

The approval of an application for a licence to drill a gas well in a designated storage area in Ontario is considered pursuant to section 40 of the Act. The administration is such that an applicant files the drilling licence application with the MNR and the MNR refers the application to the Board for a review. Upon review of the referred application and related evidence, the Board prepares a report to the Minister of Natural Resources (the "Report"). The Report is binding on the Minister.

The Board's review is focused on the technical expertise and capability of the Applicant to safely drill the well, to maintain geological integrity of the designated storage pool, to ensure environmental protection of affected lands, and minimize adverse impacts on affected landowners.

### **The Need**

Union has stated that the 2008 Dawn Deliverability Project ("the Project") is required to meet the growing demand for storage services in Ontario.

The Board considered the need for the enhanced deliverability as part of the leave to construct application EB-2007-0633. The Board found that Union's proposal was appropriate as it represented the best alternative to meet the need.

### **Drilling Procedure**

Union plans to drill the wells by using a combination of rotary and cable tool methods. Union stated that it had planned to commence drilling in January 2008 and to complete in September 2008.

The Drilling Procedure, a Casing Program and wellhead design specifications are submitted in support of the drilling licence application. The well design and drilling for the proposed storage wells will comply with the requirements of *Occupational Health and Safety Act*, *Oil, Gas and Salt Resources Act* and all applicable requirements of CSA Z341 "Storage of Hydrocarbons in Underground Formations".

### **Environmental Impacts of Drilling and Construction**

As part of its pre-filed evidence, Union filed a report written by Stantec Consulting Ltd. Environmental Report, dated May 2007, (the "Environmental Report") which indicated that the environmental and socio-economic effects associated with construction of the project are generally short-term in nature and minimal. Union stated that they will follow the mitigation measures proposed in Environmental Report.

### **Landowner Matters**

Union's evidence was that the well drilling, constructing gathering lines and roadways will be done on four landowner's properties. Letters of Acknowledgement have been signed with these landowners.



Union has the Gas Storage Lease for the affected properties which gives Union the right to drill the wells and construct the access roads. The Letters of Acknowledgment and the Gas Storage Lease form part of Union's pre-filed evidence.

### **The Conditions of Approval**

The Board has attached a standard set of Conditions of Approval as Schedule 1 to this Report. The Conditions address general requirements such as term and transferability, compensation to landowners for damages, as well as construction, monitoring, reporting and communication requirements.

In Ontario the MNR is the agency overseeing the technical and safety aspects of gas storage pool development and operation including drilling and operation of wells in designated storage areas. CSA Z341 "Storage of Hydrocarbons in Underground Formations" ("CSA Z341") and Gas and Salt Resources of Ontario, Provincial Operating Standards, Version 2.0 provide a comprehensive framework for the MNR to undertake this role. Accordingly, the Conditions of Approval specifically state that the Applicant is expected to follow the requirements of the CSA Z341 to the satisfaction of the MNR.

### **Recommendation**

The Applicant is considered technically competent to undertake the planned drilling programs and the proposed well completion activities. It is expected that the Applicant is able to conduct these activities responsibly and safely at the level required by the relevant codes and standards. The Board recommends granting the Application for the drilling licences, subject to the Conditions of Approval attached as Schedule 1 to this Report.

**ISSUED** at Toronto, October 19, 2007

ONTARIO ENERGY BOARD

On Behalf of the Panel

*Original Signed By*

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Pamela Nowina,  
Vice Chair Presiding Member

**Schedule 1**

**To Report of the Board**

**EB-2007-0661**

**Well Drilling Licence Application**

**Conditions of Approval**

**EB-2007-0661**

**Union Gas Limited**

**Conditions of Approval  
Well Drilling Licence**

- 1 General Requirements
  - 1.1 Union Gas Limited ("Union") shall drill the wells in the manner outlined in the evidence filed in this proceeding and comply with applicable laws, regulations and codes pertaining to the construction of the proposed wells.
  - 1.2 Authorization for the issuance of the drilling licence is limited to twelve months from the date of the Board's report to the Ministry of Natural Resources.
  - 1.3 The authority granted under this order to Union is not transferable to another party without leave of the Board.
- 2 Just and Equitable Compensation
  - 2.1 Union shall offer to pay landowners and/or tenants just and equitable compensation for any damages, including present and future crop damage arising from: drilling of injection/withdrawal wells; installation of gathering pipelines; and access road construction.
- 3 Construction Requirements
  - 3.1 Union shall construct the facilities and restore the land in accordance with its Application and evidence filed in this proceeding and the undertakings given to the Board, except as modified by this Order and these Conditions of Approval.
  - 3.2 Union shall ensure that the movement of equipment is carried out in compliance with all procedures and plans filed with the Board, and as follows:
    - i) Union shall make reasonable efforts to keep any affected landowner, as well as adjacent landowners and their respective tenant farmers, or their

designated representatives, informed of its plans and construction activities; and

- ii) the installation of facilities and construction shall be coordinated so as to minimize disruption of agricultural land and agricultural activities.

3.3 Union shall, subject to the recommendation of an independent tile contractor and subject to the landowners' approval, construct upstream and downstream drainage headers adjacent to the drilling area and access roads that cross existing systematic drainage tiles, prior to the delivery of heavy equipment, so that continual drainage will be maintained.

3.4 Union shall implement all the recommendations identified in the Union Gas Limited 2008 Dawn Deliverability: Dawn 156/59-85 Project Environmental Report dated May 2007 and Schedule 1 that was provided in a response to Board staff interrogatory number 7.

#### 4 Monitoring and Reporting Requirements

4.1 Both during and after construction, Union shall monitor the impacts of construction, and shall file four copies of both an interim and a final monitoring report with the Board and the Ministry of Natural Resources. The interim monitoring report shall be filed within six months of the in-service date, and the final monitoring report shall be filed within fifteen months of the in-service date. Union shall attach a log of all comments and complaints to the interim and final monitoring reports. The log shall record the times of all comments and complaints received, the substance of each comment and complaint, the actions taken in response, and the reasons underlying such actions.

4.2 The interim monitoring report shall confirm Union's 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.

4.3 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.

5 Other Requirements

5.1 For the purposes of these conditions conformity of the Applicant with CSA 341.1-02 shall be to the satisfaction of the Ministry of Natural Resources.

5.2 Union shall designate one of its employees as project manager who will be responsible for the fulfilment of these conditions, and shall provide the employee's name to the Ministry of Natural Resources, the Board and to all appropriate landowners.

5.3 The Board's designated representative for the purpose of these Conditions of Approval shall be the Manager, Facilities.

**APPENDIX C**  
**TO BOARD DECISION AND ORDER**  
**IN THE MATTER OF EB-2007- 0661/ 0633**  
**CONDITIONS OF APPROVAL**  
**DATED October 19, 2007**

**EB-2007-0633**

**Union Gas Limited  
2008 Dawn Deliverability Project  
Leave to Construct Application**

**Conditions of Approval**

**Leave to Construct**

**1 General Requirements**

- 1.1 Union Gas Limited ("Union ") shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2007-0633, 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, 2008, unless construction has commenced prior to then.
- 1.3 Except as modified by this Order, Union shall implement all the recommendations of the Environmental Report filed in the pre-filed evidence, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee ("OPCC") review.
- 1.4 Union shall advise the Board's designated representative of any proposed material change in construction or restoration procedures and, except in an emergency, Union 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 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 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 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 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 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 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.

### **3 Monitoring and Reporting Requirements**

- 3.1 Both during and after construction, Union 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 fifteen months of the in-service date. Union 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's 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 any rehabilitated land and the effectiveness of any 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.

#### **4 Easement Agreements**

- 4.1 Union 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 and Agreements**

- 5.1 Union 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.
- 5.2 Union shall notify the Board of an executed the Gas Distribution Agreement no later than 10 days after executing the agreement.