

THE CMM AND THE ENERGY EAST PIPELINE
PROJECT – STATUS REPORT

PROJET
OLÉODUC ENERGIE EST
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Communauté métropolitaine
de Montréal

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The Communauté métropolitaine de Montréal (CMM)

Created in 2001, the Communauté métropolitaine de Montréal (CMM) is a planning, co-ordinating and funding body serving 82 municipalities. It is home to over 3.9 million residents spread over an area of 4,360 square kilometres. The CMM has jurisdiction in the following fields : land planning, social housing, public transit, the environment and economic development.

1. Background

On January 21, the executive committee of the CMM came out in opposition to the project particularly in light of the report on the public consultation by the CMM's environment committee. The report brought to light major risks to the environment and public safety in the Greater Montreal area. However, the economic and fiscal benefits of the project are minimal. Moreover, the proposed route is at odds with the outlook, goals and criteria set out in the Plan métropolitain d'aménagement et de développement (PMAD), the land use and urban development urban plan, which came into effect in 2012.

The CMM intends to argue that position at the forthcoming hearings of Québec's Bureau d'audiences publiques sur l'environnement (BAPE) and the National Energy Board (NEB).

2. The project poses too many risks to the environment and public safety

For three years now, the pipeline project has been of great concern to elected representatives and citizens in the greater Montreal area. The Communauté métropolitaine de Montréal has taken a public stand of zero tolerance for environmental risks accompanying the transportation of petroleum products by pipeline.

Although it promises a few economic benefits, the TransCanada project carries too many environmental risks for Greater Montreal. There are too many unanswered questions, especially concerning public safety. Furthermore, TransCanada has still not submitted its emergency response plan.

Greater Montreal is a heavily urbanized archipelago with four million residents and, consequently, the environmental risks are greater here than elsewhere, especially with respect to the drinking water supply. The path of the Energy East Pipeline crosses a number of major waterways including the rivière des Outaouais, the rivière des Mille Îles, the rivière des Prairies and the rivière l'Assomption. An accident could compromise the drinking water intakes of several municipalities in Greater Montreal.

And the cost of a major spill in the Greater Montreal area could range anywhere from one billion to 10 billion dollars.

Main risks

- *The costs of a spill* : Between \$1B and \$10B
- *Contamination of natural environments and risks to the drinking water supply in case of accident* :
 - A spill would put 26 drinking water intakes in jeopardy in less than 12 hours, depriving tens of thousands of CMM citizens of drinking water.
 - The type of oil transported by the Energy East Pipeline is heavier than conventional oil, which could make it more difficult to clean up a spill in a waterway, especially during the winter months.
- *Destruction of woodlands and wetlands during the construction phase* : 130 hectares of forest cover would disappear (260 football fields).
- *Lack of an emergency response plan and unanswered questions concerning* :
 - water-crossing techniques;
 - shut-off valve locations;
 - worst case scenario;
 - response time in the event of a spill and capacity of leak detection systems to detect a spill;
 - equipment available in the Greater Montreal area to respond to a major accident.

Main economic and fiscal benefits

- *Once in operation*: 33 direct jobs for Québec and \$2M in property taxes for Greater Montreal.
- *During the construction phase*: \$3B in GDP and \$750M in tax revenues.

Questions concerning the transportation of petroleum products by train and by pipeline

- *Transportation of oil by rail increased by 650,000 per cent from 2006 to 2014.*
- *Albertan oil cannot be shipped by train because it does not offer sufficient capacity and so rail is not a substitute for the pipeline.*
- *Spills that occur during transportation of oil by pipeline are larger (although less frequent) than other methods of transportation.*
- *Even if it were to be implemented, the Energy East project would increase rail transportation by several thousand litres of solvents that make up 20-30 per cent of the oil transported and which would have to be shipped back to Alberta by train to be reused (source: J. Harvey Consultants and ECOgestion-solutions).*

Circumstances are highly unfavourable to the Energy East project. Most national and local governments are currently in the process of adopting action plans that set targets for reducing greenhouse gas emissions, reducing dependence on oil and making a transition to greener energy sources.

At a time when the countries of the world have just agreed on stricter measures to limit GHG emissions, it is very hard to justify building a pipeline that carries more risks than real benefits.

3. Public consultation on the Energy East Pipeline project

The CMM's environment committee held a public consultation on the Energy East Pipeline project on September 15-October 8, 2015. Further, using a questionnaire posted online from August 20 to September 3, 2015, the CMM was able to take the pulse of public opinion. In all, 3,846 people participated in a Web survey.

Nearly 150 briefs were tabled: 50 per cent by citizens, 37 per cent by organizations, groups and associations and 13 per cent by municipal actors.

92 per cent of the briefs submitted by citizens opposed the project.

It should be noted that TransCanada did not participate in the public consultation but submitted an amended application after the hearings ended.

Based on the briefs it received and the opinions expressed during the public hearings, the environment committee reported the following findings:

- Given the reality of climate change, a transition to renewable energy is necessary in order to reduce our dependence on oil.
- TransCanada's Energy East Pipeline project does not appear to be essential to meet Québec's petroleum needs.
- There is a high degree of concern and alarm regarding threats to water, wetlands, soil and woodlands and the general risks to public health and the environment.
- There are very serious concerns, both regarding the safety of routine pipeline operations and the possibility of disaster. They warrant substantial investment in the planning and implementation of emergency measures.
- Apart from the flurry of economic activity associated with the construction phase of the pipeline, the project has virtually no economic benefits for Québec and is therefore of little interest.
- The public has a low level of trust in the project's promoter.
- The project has no social acceptance.

The CMM environment committee's report on the public consultation on the Energy East Pipeline is available at:

http://cmm.qc.ca/fileadmin/user_upload/documents/20160121_transCanada_RapportConsultation.pdf

The committee noted a number of grounds for opposition which will be raised with the BAPE and the NEB during their forthcoming consultations.

1. The project does not take into consideration various urban planning and land use measures currently in effect (PMAD, urban development plans and regulations).
2. TransCanada has not shown that the final route chosen has the least impact on the environment and public safety and is consistent with the principles of sustainable development.
3. TransCanada has not shown that best practices in mitigation will be used in the construction and operation of the pipeline to minimize the impact on both the quality and quantity of surface and groundwater.

4. TransCanada has not shown how the plans for each water-crossing factor in the risk of landslide and dam failure and what tools would be used to detect geological movement and morphological changes in waterways in order to prevent any risk of accident.
5. TransCanada has failed to show that the pipeline will have no effect on agricultural activity.
6. TransCanada has not submitted a detailed study of each waterway and watershed analyzing the impact of an accident on local populations, as well as on flora and fauna, depending on seasonal conditions, spill volume and type of oil transported, and outlining mitigation measures to limit the impact of an accident.
7. TransCanada has not disclosed information about the contaminant plumes that could form in the various waterways and watersheds depending on the type of oil that is transported and seasonal climatic conditions.
8. TransCanada has not shown that it has factored in existing data about aquifers that are at moderate or high risk or produced missing data. Nor has it specified the measures to be taken to mitigate the consequences of an accident.
9. TransCanada has not submitted detailed studies of the risks to the drinking water supply for each waterway and watershed and of the measures planned to mitigate those risks and the consequences of an accident.
10. TransCanada has not produced a timetable for reimbursing costs incurred by municipalities and citizens in the event of an accident, including the costs of emergency response, and decontamination and restoration of affected areas.
11. TransCanada should revise its worst case scenario and its spill frequency estimates to reflect both the record of recent incidents and the pipeline's extremely high capacity in order to determine the appropriate emergency response methods.
12. TransCanada has not provided assurance that shut-off valves would be located on both sides of major waterways.
13. TransCanada has not established the maximum distance between two shut-off valves so as to limit spills in the event of a total pipeline failure and to ensure that the spill volume does not exceed that in the worst case scenario.
14. TransCanada has not shown that its spill detection system reflects industry best practices.
15. TransCanada did not adequately consult all the interested municipal parties, including first responders, in developing its emergency response plan and other documents essential to emergency management.
16. TransCanada has not submitted any information, documentation or necessary for municipalities to develop emergency response plans (route and location of shut-off valves, areas at risk, location of equipment, response time, nature and behaviour of the substance to be transported).
17. The project has not been subject to an independent environmental impact assessment.
18. The concerns of First Nations have not been taken into account.

Sidebar: The positions of municipalities and governments

The Communauté métropolitaine de Montréal is not alone in opposing a pipeline project. The governments of British Columbia and the United States have come out clearly in opposition to pipeline projects on the grounds of public safety, environmental protection and negligible economic benefits. The same is true for the great majority of First Nations including the chiefs of First Nations in Québec, Ontario and Manitoba.

Moreover, there are municipalities across the country which are against or harbour serious reservations about the Energy East project, for instance:

- The mayor of North Bay has always opposed the Energy East project. In his view, TransCanada should demonstrate that there is no risk to sources of drinking water. In fact, a request was made for a change of route but TransCanada rejected it, deeming the change unnecessary.
- In May, the mayors of Metro Vancouver came out against the project, based on an expert report which concluded that a spill could have a disastrous impact on air quality for millions of people who live in the area and on wildlife.
- In November 2014, the Common Council in Saint John, New Brunswick, passed a resolution conditionally supporting the Energy East project and resolved to work with TransCanada and the NEB to ensure that the pipeline is built in such a way as to protect the environment.

4. Interim measures for pipeline reviews

On January 27, 2016, the CMM welcomed the federal government's announcement of interim measures for assessing pipeline projects.

These interim measures are designed in particular to encourage public participation in the National Energy Board (NEB) hearings by adding three temporary members to the Board and to integrate greenhouse gas emissions, including those produced upstream of pipeline projects, in the environmental impact assessment. The government is also seeking a nine-month extension of the legislated time limit for review and decision on the Energy East project which would bring the timeframe of the process to 27 months.

There will be a more transparent and rigorous process resulting in a better environmental impact assessment. As the Canadian prime minister himself suggested, the government of Canada will henceforth play the role of responsible referee, seeking to balance the need for social acceptability, economic development and respect for the environment.

To learn more:

<http://cmm.qc.ca/evenements/consultation-transcanada-2015/>

