

City Council**Notice of Motion**

MM5.15	ACTION			Ward:All
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Protecting Toronto Drinking Water - Requiring automatic shut off valves on potentially dangerous pipelines on either side of Toronto's major watercourses - by Councillor Mike Layton, seconded by Councillor Sarah Doucette

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Public Works and Infrastructure Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Mike Layton, seconded by Councillor Sarah Doucette, recommends that:

1. City Council request Enbridge to install automatic shut-off valves on either side of the City of Toronto's major watercourses.
2. City Council request that the National Energy Board not allow Enbridge the Leave to Open on the grounds that Condition 16 of the National Energy Board's decision has not been fully met and water crossings along Line 9B and therefore the Greater Toronto Area's drinking water have been left at risk.

Summary

Enbridge has applied to the National Energy Board (NEB) to reverse the flow of Line 9B, increase the overall flow of the pipeline from 240,000 to 300,000 barrels per day, and allow the pipeline to transport heavy crude oil, including bitumen.

Line 9B runs through the City of Toronto, crossing our major watercourses, which flow directly into Lake Ontario, our source for drinking water. The City of Toronto has a strong interest in protecting its assets and population, and therefore participated in the NEB hearing as an official intervenor, as did the Toronto and Region Conservation Authority (TRCA).

The NEB approved Enbridge's application, subject to 30 detailed conditions. These 30 conditions need to be met before Enbridge can apply for a Leave to Open (LTO), which would allow Enbridge to implement the changes to Line 9B.

The City of Toronto and other intervenors have no formal input into the LTO decision, but the NEB has directed Enbridge to consult us on request and the City has the option of lodging a complaint with the NEB if we believe Enbridge is non-compliant with the NEB's conditions.

Condition 16 by the NEB, was that Line 9B meet the Canadian Code and Standards Association (CSA) requirements that automatic shut off valves be placed on both sides of major water crossings, which include the Humber, Don, and Rouge as well as other watercourses within Toronto.

As late as October 2014, the NEB said that Enbridge had not met Condition 16 and did not have shut-off valves on both sides of major water crossings. At the time, the NEB argued "that only 6 of the 104 MWCs identified by Enbridge to date appear to have valves installed within 1 km on both sides of the water crossing, while the majority appear to have valves installed more than 10 km from the water crossing on at least one side".

Pipeline spills do happen, though infrequently. The City of Toronto submitted a list of recent spills as part of its evidence to the NEB, which is attached to this Motion. When spills do happen, the environmental impacts are significant, expensive and long lasting. We need to make sure that Enbridge is doing everything within their power to ensure that they can stop the flow from a spill from entering Toronto's drinking water. Currently, Enbridge does not have valves on both sides of any of our major water crossings and in almost all cases there is not a valve within 10 kilometres.

In its evidence to the NEB, the TRCA expressed serious concerns that there are not enough automatic shut-off valves in the GTA, given the significance of our watershed, urban population, and infrastructure, especially our drinking water intakes and source water protection areas.

The TRCA pointed out that it could take up to 2 hours before Enbridge even detects a leak or spill through their automated systems, and then for the automatic shut-off valves to be triggered. That means that for more than 2 hours oil could be spilling into our rivers and beginning to flow down to our drinking water.

The distance between a shut-off valve and the watercourse means that even when the valve is closed the oil remaining in the pipeline may continue to flow towards the watercourse. Depending on traffic conditions, it could take Enbridge's Emergency Response team hours to get to the leak site. It could be 4 to 6 hours before the leak is detected and Enbridge is onsite to stop the leak. According to the TRCA, within that time the spill would have reached Lake Ontario and our drinking water.

Toronto's four water treatment plants serve over 2.6 million people in Toronto, serving industrial, commercial, institutional and household water uses. We also serve 600,000 residents in Richmond Hill and Vaughan. The intakes for our water treatment plants (with the exception of the island water plant) are along the near shore zone of Lake Ontario. That means we pump in water from various pollution sources along the shoreline, including the watercourses that flow to Lake Ontario, which Line 9 crosses.

In its evidence to the NEB, the City of Toronto pointed out that in the event of an oil spill on Line 9 the contaminant of primary concern for drinking water treatment is benzene, a highly flammable volatile organic compound (cancer causing). Benzene is not currently removed at our water treatment plants and that means that in the event of a spill, we would have to shut off pumps at the intake to avoid bringing raw water containing benzene into our treatment plants - otherwise it will end up in our drinking water. However, the delays in detecting and containing the spill pose a very serious risk.

Despite the NEB's October 2014 letter expressing that it was unsatisfied with the number of shut-off valves Enbridge has and requiring that there be a shut-off valve on either side of major water-crossings, in February 2015 the NEB decided that Enbridge had satisfied Condition 16. Enbridge had made the case to the NEB that its valves were intelligently placed and that it did not need to meet the standard of automatic shut-off valves on either side of major water crossings.

Toronto's waterways and drinking water have been left vulnerable with this decision by the NEB. The TRCA's evidence of exposed Line 9B pipelines across Toronto (attached) make it clear that there can be many vulnerable parts of the pipe, that are difficult for Enbridge to detect and that we need to be better prepared in the event of a leak or spill into our waterways and drinking water.

Background Information (City Council)

(March 25, 2015) List of recent pipeline spills

<http://www.toronto.ca/legdocs/mmis/2015/mm/bgrd/backgroundfile-78483.pdf>