



PARTIAL DECISION

IN THE MATTER OF an application by Liberty Utilities (Gas New Brunswick), as represented by its general partner Liberty Utilities (Gas New Brunswick) Corp. for a permit to construct pipelines to provide natural gas distribution service to Havelock, New Brunswick, pursuant to sections 4, 5, and 8 of the *Pipeline Act, 2005*, S.N.B. 2005, c. P-8.5, and sections 3, 4, 5 and 8 of the *Pipeline Filing Regulation - Pipeline Act, 2005*, N.B. Regulation 2006-3.

(Matter No. 496)

July 2, 2021

PARTIAL DECISION

- [1] This partial decision is in relation to an application to the New Brunswick Energy and Utilities Board (Board) dated April 27, 2021, by Liberty Utilities (Gas New Brunswick), as represented by its general partner Liberty Utilities (Gas New Brunswick) Corp. (Liberty Utilities). The application was amended on May 5 (Application) and seeks approval for a permit to construct pipelines to provide natural gas distribution service to Havelock, New Brunswick. The Application is made pursuant to sections 4, 5, and 8 of the *Pipeline Act, 2005*, S.N.B. 2005, c. P-8.5 (Act) and sections 3, 4, 5 and 8 of the *Pipeline Filing Regulation - Pipeline Act, 2005*, N.B. Regulation 2006-3.
- [2] Liberty Utilities is also arranging for transportation service on the existing Headwater Exploration Inc. pipeline (Headwater Pipeline). This would be from the Headwater Pipeline interconnection with the Maritimes & Northeast transmission pipeline to the Headwater Pipeline gate station interconnection. This would serve customers in Havelock, including Graymont (NB) Inc. (Graymont). Liberty Utilities is seeking an order approving a customer service charge to customers in Havelock for the transportation service on the Headwater Pipeline.
- [3] The Pipeline Coordinating Committee (PCC), comprised of representatives of several governmental departments, agreed to the issuance of a construction permit based on the technical information, written commitments and clarifications made by Liberty Utilities during its review.
- [4] The Board is satisfied that the requirements set out in section 7 of the Act have been met. The Board grants a permit to construct the following pipelines and related facilities, including a gate station:
- (1) Approximately 7.8 kilometres of nominal pipe size 4 extra-high pressure steel pipeline extending for 7,760 meters along Highway 880, starting at the corner of Samp Hill Road and Highway 880 in Lower Ridge and then proceeding easterly along Highway 880 into Havelock, ending at the corner of Back Street and Highway 880;
 - (2) A 300-meter service line from the pipeline described above to the Graymont facilities; and

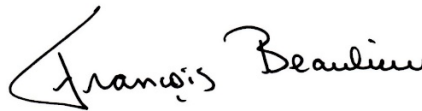
(3) Infill low pressure, intermediate pressure, high-pressure steel and polyethylene pipelines and extra-high pressure steel pipelines, including mains and services, within Havelock and off the pipeline described above.

[5] The attached terms and conditions, as recommended by the PCC, and as set out in Schedule A of this partial decision, form part of the permit to construct.

[6] The Board also approves a customer service charge to be levied on customers in Havelock.

[7] The Board will issue its full decision with reasons at a later date. If there is any difference between the decision and this partial decision, the decision with reasons shall govern.

Dated in Saint John, New Brunswick, this 2nd day of July, 2021.



François Beaulieu
Acting Chairperson



Michael Costello
Member



John Patrick Herron
Member

SCHEDULE A

CONDITIONS

- 1) Subject to condition (3), set out below, Liberty Utilities shall comply with all undertakings made by its counsel and witnesses, and shall construct the facilities and shall restore the land according to the evidence of its witnesses at the hearing of this matter and in accordance with the *Gas Distribution Act, 1999*, S.N.B. 1999, c. G-2.11, the *Pipeline Act, 2005*, S.N.B. 2005, c. P-8.5, or any other applicable legislation.
- 2) Liberty Utilities shall comply with all written commitments and clarifications made during review by the Pipeline Coordinating Committee.
- 3) The New Brunswick Energy and Utilities Board's (Board) designated representative for the purpose of these conditions shall be the Director of Pipeline Safety, or in his/her absence, the Chief Clerk of the Board. Liberty Utilities shall advise the Board's designated representative of any proposed significant change in construction or restoration procedures, and except in an emergency, Liberty Utilities 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 forthwith.
- 4) Liberty Utilities shall furnish the Board's designated representative with every reasonable facility for ascertaining whether the work has been, and is being, performed in accordance with the Board's Decision.
- 5) Liberty Utilities shall notify the Board's designated representative of the date on which any installed extra high- or high-pressure pipeline is proposed to be pressure tested at least 72 hours prior to the start of the test.
- 6) Both during and after construction, Liberty Utilities shall monitor the effects upon the land and the environment.
- 7) Liberty Utilities shall give the Board's designated representative 10 days' written notice, in advance of the commencement of construction, unless said construction is to commence within 10 days of receipt of the Board's decision and in such an event shall be as soon as possible.
- 8) In the case of infill, Liberty Utilities shall file written notification in the approved format to the Board's designated representative of the pending construction of any gas mains or services.

- 9) Liberty Utilities shall designate a project manager who will be responsible for the fulfillment of undertakings on the construction site and shall provide the name of the project manager to the Board's designated representative.
- 10) Where properties or structures exist within 200 metres of the pipeline and blasting is necessary, Liberty Utilities shall:
 - (a) Use restricted blasting techniques by ensuring that all charged areas are covered with blasting mats to eliminate flying rocks;
 - (b) Have the vibrations from blasting operations monitored and measured by a vibration measurement specialist;
 - (c) Notify all property owners within 200 metres of the proposed blasting in writing at least 24 hours prior to the blasting and confirmation (if necessary) of the actual day or days on which blasting will occur; and
 - (d) Have buildings within 200 metres of the blasting checked by an independent examiner before and after operations to check for problem areas.
- 11) Where blasting is required, the well location and water quality of all wells within 500 metres of the pipeline shall be tested before and after blasting operations. Well water will be sampled for general chemistry, trace metals, and microbiology (total coliforms and *E. coli*) or an equivalent potable water lab package.
- 12) Liberty Utilities must immediately notify the Department of Environment and Local Government, Moncton Regional Office (506-856-2374) of any complaints received regarding water quantity or quality problems, as well as air quality (including noise) problems.
- 13) In the event that domestic wells are impacted, Liberty Utilities shall provide a water supply to the homeowners until the problem is resolved. This includes, but is not limited to, the provision of potable water and the remediation or replacement of any impacted domestic wells. If an agreement as to the cause of the water problems cannot be reached between Liberty Utilities and the resident(s), Liberty Utilities will arrange third party arbitration.
- 14) No fueling of vehicles or storage of petroleum products shall occur within 30 metres of any domestic wells.

- 15) Any abandoned wells found during this project will be reported to the Regional Water Planning Officer.
- 16) Liberty Utilities shall assess all pipeline construction routes with respect to environmental requirements and develop Site Specific Environmental Protection Plans as required, including for wetlands. Liberty Utilities shall obtain all required environmental permits.
- 17) Liberty Utilities shall monitor Total Suspended Solids (TSS) and take appropriate corrective action where appropriate.
- 18) Liberty Utilities shall take *immediate* corrective action upon being notified of deficiencies in environmental protection measures by an environmental inspector (from any agency).
- 19) Liberty Utilities shall conduct appropriate surveys for species of special status unless it is clear that the method of construction will have no potential impact on the critical habitat for these species.
- 20) In the event of construction through identified wetlands, Liberty Utilities shall ensure monitoring of wetland mitigation is conducted as part of the Environmental Effects Monitoring (EEM) program that includes at least one year of monitoring post-construction unless additional follow-up monitoring is required. The EEM program for wetlands shall not be limited to TSS monitoring.
- 21) Unless the Board otherwise directs, Liberty Utilities shall maintain at its Fredericton office, copies of any permits, approvals or authorizations for the applied-for facilities issued by federal, provincial and other permitting agencies, which include environmental conditions or site-specific mitigative, monitoring and restorative measures. In addition, Liberty Utilities shall maintain at its Fredericton office, an information file(s) that would include any subsequent variations to any permits, approvals or authorizations obtained prior to, or following, the commencement of construction.
- 22) Unless the Board otherwise directs, Liberty Utilities shall maintain for audit purposes, at its Fredericton office, a copy of the joining procedures and non-destructive testing procedures used on the project, together with all supporting documentation.
- 23) In areas of acid rock, Liberty Utilities shall comply with the Acid Rock Drainage Mitigation Program developed by Liberty Utilities.
- 24) As the preferred crossing option at all crossings, Liberty Utilities shall avoid in-stream work. Any departure from this approach will require the provision of an adequate rationale to the Department of Environment and Local Government.

- 25) Unless the Board otherwise directs, Liberty Utilities shall submit monthly construction reports during the construction season for systems to be constructed under this permit and such other reports as requested by the Department of Natural Resources and Energy Development from time to time.
- 26) Upon request, Liberty Utilities shall submit its Emergency Procedures Manual to the Emergency Measures Organization for review prior to filing an application for a License to Operate the proposed facilities.
- 27) Liberty Utilities shall submit the construction details of the custody transfer station to the Board prior to the start of construction.
- 28) Liberty Utilities shall submit design details and specifications for any boiler and pressure vessels to the Manager, Gas Inspections of the Technical Inspection Services branch Public Safety for review prior to construction.
- 29) Within six months of the in-service date, Liberty Utilities shall file with the Board a written Post Construction Financial Report. The report shall indicate actual capital costs of the project and shall explain all significant variances from the estimates adduced in the hearing.
- 30) The permit to construct shall terminate December 31, 2022, unless otherwise ordered by the Board.