



Canada Energy
Regulator

Régie de l'énergie
du Canada

Waste Management Facility Commission Hearing Public Information Session

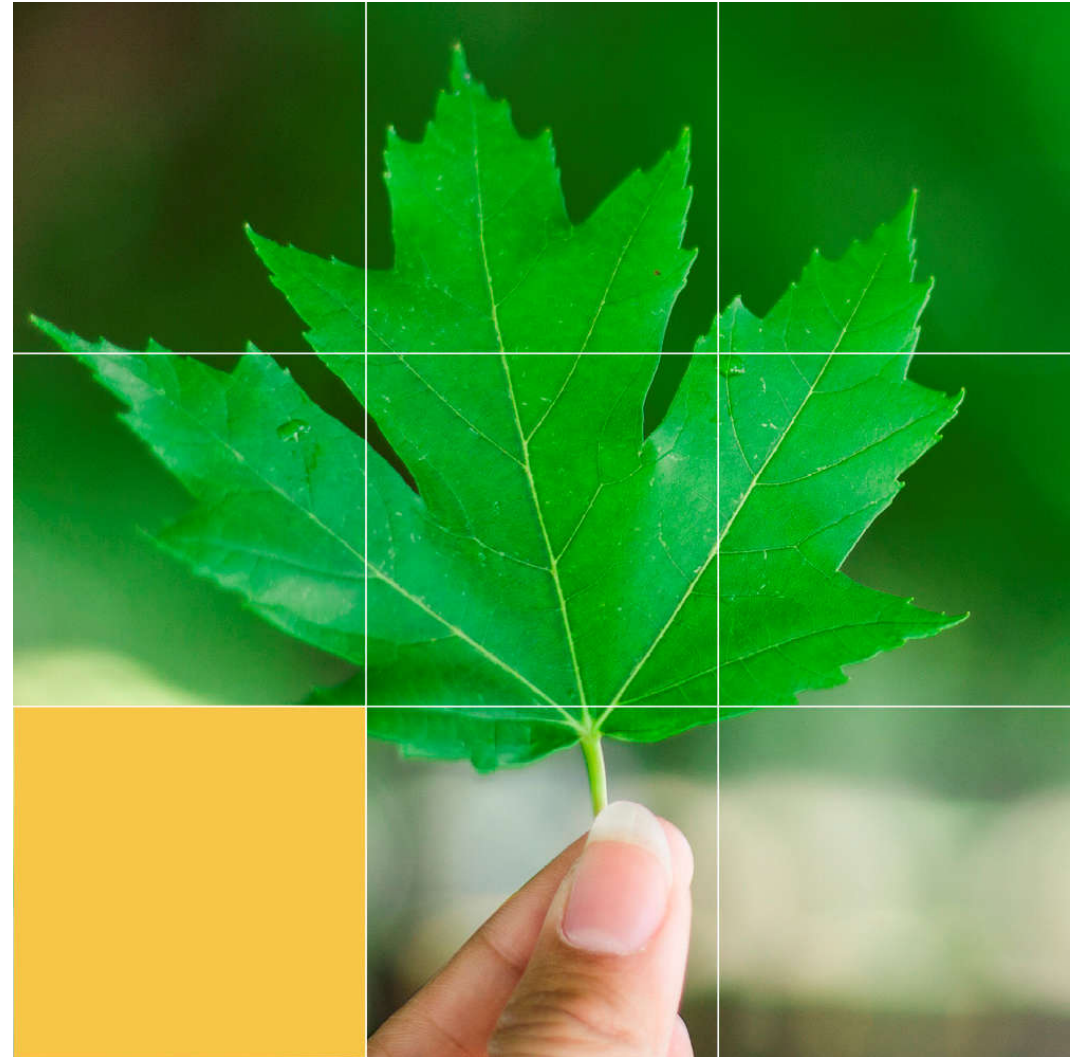
September 13, 2022

Canada Energy Regulator:

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Assistant Hearing Manager

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Hearing Manager

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Presentation Overview

- Regulatory context for the Canada Energy Regulator (CER)
- CER's Responsibilities in Relation to the Proposed WMF
- CER's responsibilities for Crown Consultation
- CER's hearing process
- Where we are in the hearing process?
- Topics of particular interest to the Commission
- RegDocs run through





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Canada Energy Regulator

**We regulate pipelines,
energy development,
facilities, and trade on behalf
of Canadians in a way that
protects the public and the
environment while
supporting efficient markets.**

Pipelines



Energy
Development
& Trade



Powerlines



Frontier and
Offshore





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CER Jurisdiction

- CER (Formerly the National Energy Board (NEB)) created in 1959 to regulate construction of cross-Canada oil and gas pipelines.
- Mandate derived from *Canadian Energy Regulator Act*, and the *Canada Oil and Gas Operations Act*



Oil & Gas Pipelines

Construction, operation, and abandonment of interprovincial and international pipelines and related tolls and tariffs.



Electricity Transmission

Construction and operation of international power lines and designated interprovincial power lines.



Imports, Exports & Energy Markets

Imports and exports of certain energy products; monitoring aspects of energy supply, demand, production, development and trade.



Exploration and Production

Oil and gas exploration and production activities in the offshore and on frontier lands not covered by an Accord.



Offshore renewables

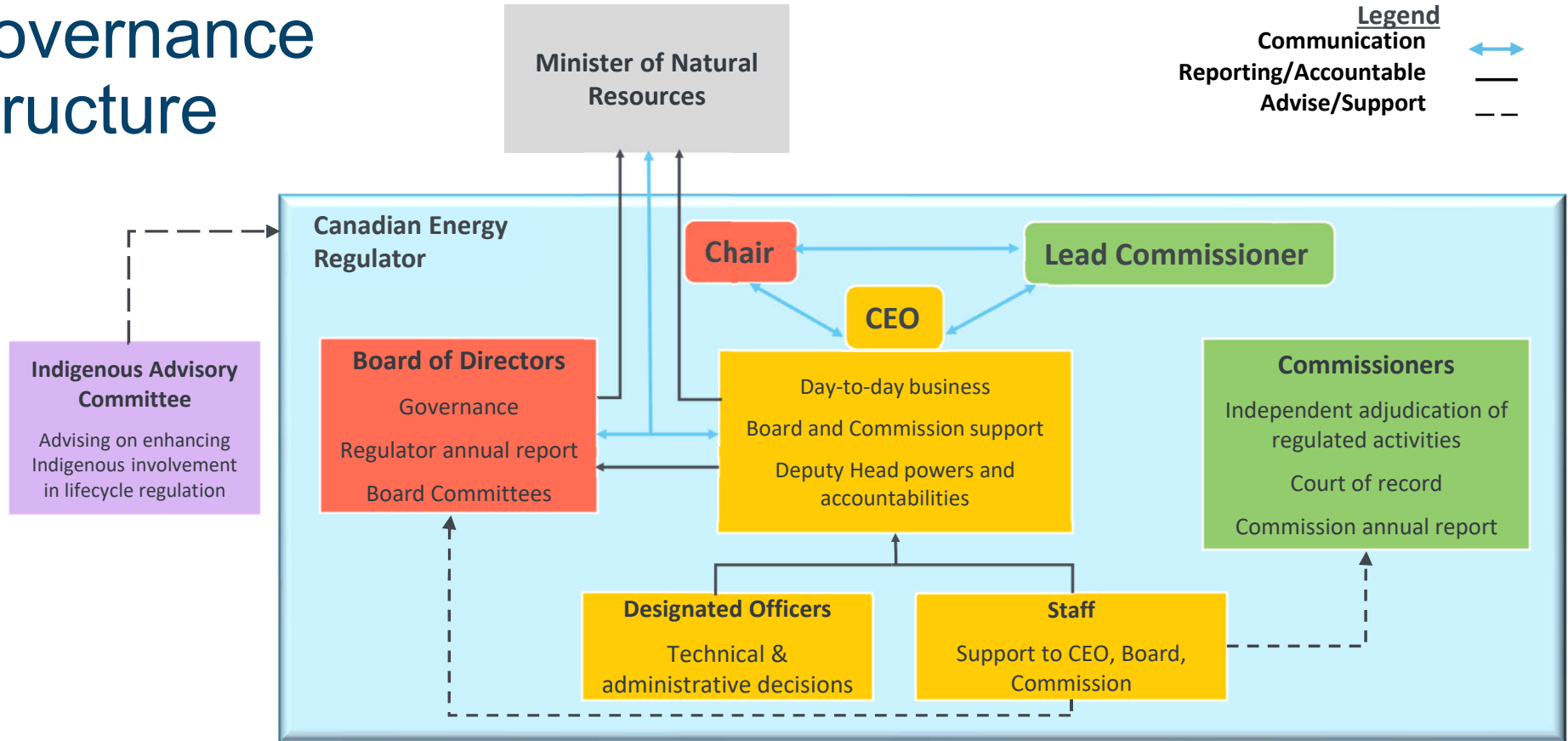
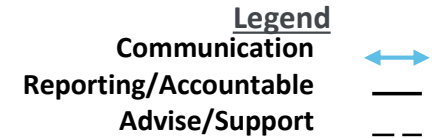
Offshore renewable projects and offshore power lines



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Governance Structure



Note: The Board of Directors, CEO, and Commissioners are all Governor in Council appointees



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CER Oversight

- **The CER regulates:**

- approximately 73,000 kilometres of pipelines and 1,400 kilometres of electrical powerlines
- Norman Wells Operations in the Northwest Territories – Mackenzie Valley (Sahtu Region)
- Ikhil Operations – in the Inuvialuit Settlement Region
- The proposed Inuvialuit Energy Security Project





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CER's Responsibilities in Relation to the Proposed WMF

- The Commission is responsible for deciding whether to issue an authorization for the WMF under the COGOA, and has 18 months for the date the application is complete, which can be extended.
- The Commission cannot issue an authorization until the environmental assessment requirements of the MVRMA are met.
- Under the MVRMA, the Commission was previously conducting a preliminary screening, but ended this process when the SSI referred the project to Environmental Assessment.



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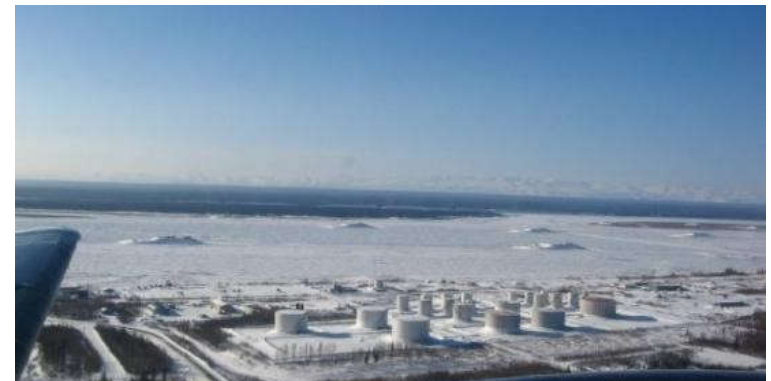
MVRMA – Cooperation

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The Review Board and the CER have an active Memorandum of Understanding and are currently working on an update.

- Exploring opportunities for cooperation, public awareness, timely and effective environmental impact assessment.

In keeping with the MOU and the spirit of the MVRMA, MVEIRB and CER staff have been in regular communication to explore ways to coordinate each others process steps.



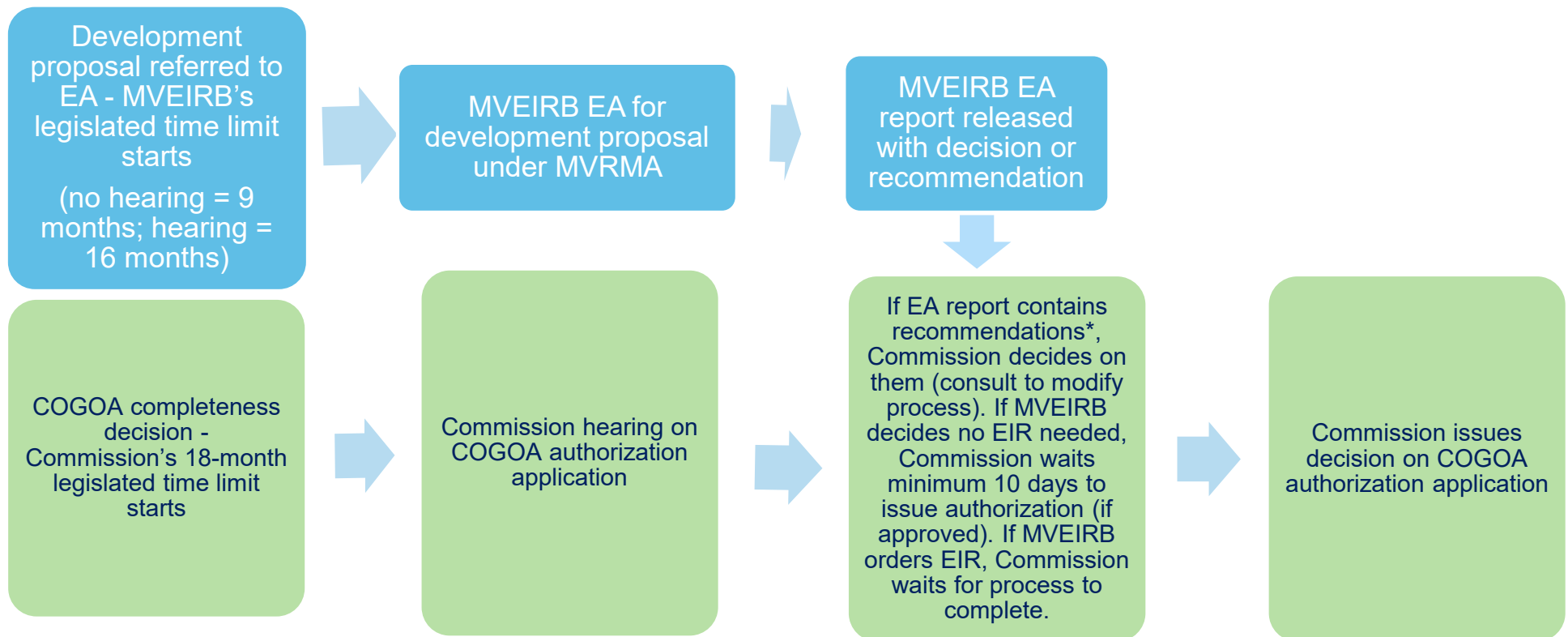


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General Overview of the MVEIRB EA process and Commission hearing process





The EA outcome directs how the Commission can proceed:

- If no EIR is needed → Commission waits at least 10 days before it can issue authorization; ministers can order an EIR or refer proposal to joint review under IAA (in either case, Commission would wait for process to complete)
- If an EIR is ordered → Commission waits for process to complete, or ministers can refer proposal to joint review under IAA (in which case, no EIR would take place and Commission would wait for IAA process to complete)
- If the project is recommended for approval subject to certain measures → Commission and ministers each have three (or five) months to (1) adopt the recommendation with or without modifications, (2) refer it back to the MVEIRB for further consideration, or (3) reject it and order an EIR
- If the project is recommended for rejection without an EIR → Same as previous bullet



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Crown Consultation

With the coming into force of the *Canadian Energy Regulator Act* in 2019, the CER became an agent of the Crown and has taken a Crown consultation coordinator role.

Your CER Crown consultation contact is Brett Maracle,

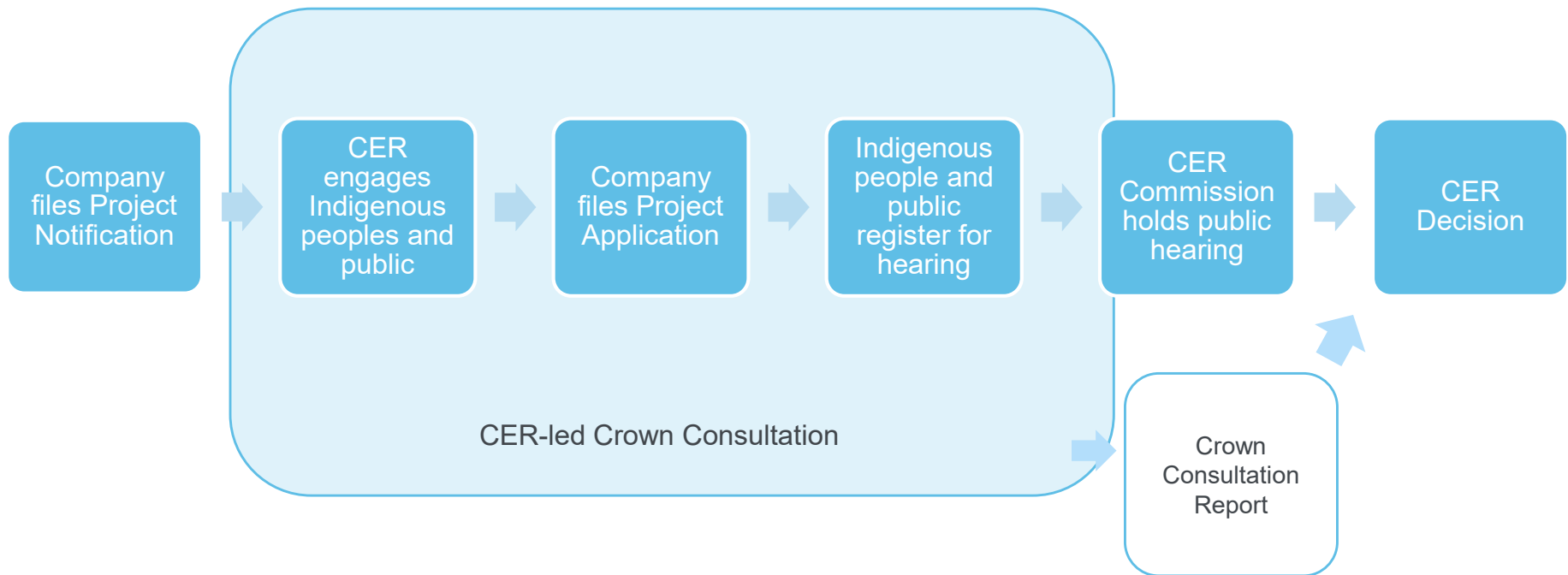
Email: brett.maracle@cer-rec.gc.ca

Phone: 1-800-899-1265

See the CER website on how the CER conducts Crown Consultation:
[CER – Crown Consultation \(cer-rec.gc.ca\)](http://cer-rec.gc.ca)



Overview of the Hearing process





What has happened so far?

30 September 2021:	Imperial filed its authorization application.
1 March 2022:	Commission issued a Notice of Hearing.
12 April 2022:	Commission issued a List of Participants and a Hearing Order and preliminary screening steps.
12 August 2022:	Commission issued the authorization application completeness decision and Procedural Direction No.1 including a request for comments on the updated Timetable of Events.
13 September 2022:	Virtual Information session on the CER process and updated Timetable of Events.



Next Steps in the Commission's Hearing

14 October 2022:	Commentors, Intervenors, the Crown Consultation Coordinator and Imperial can submit written comments on any proposed changes or additions to the Updated Timetable of Events.
31 October 2022:	Commission will consider comments filed and then issue any changes to the Timetable of Events.
14 November 2022:	Imperial to file response to Commission Information Request (IR) No. 6 and any additional filings in support of its application.
28 November 2022	Intervenors file IRs to Imperial - IRs are written questions that may be asked about the proposed WMF and the evidence filed.



Next Steps in the Commission's Hearing con't

14 December 2022	Imperial file responses to Intervenors' IRs - Imperial will respond to the questions asked by Intervenors.
13 January 2023	Commenters file letters of Comment.
13 January 2023	Intervenors file written submissions - Intervenors may file any evidence to support their position about the proposed WMF.
Week of 16-20 January 2023	Oral Indigenous knowledge session(s) - Indigenous Intervenors may share oral Indigenous knowledge as part of their evidence.



Next Steps in the Commission's Hearing con't

To be determined (TBD) 2023	Imperial and Intervenors file IRs to intervenors - IRs are written questions that may be asked about the proposed WMF and the evidence filed.
TBD	Intervenors file responses to IRs from Imperial and other intervenors.
TBD	CCC file final CCC submission.
TBD	Indigenous Intervenors file written reply submissions to the CCC submissions - Indigenous intervenors may provide a written response to the CCC submission.



Next Steps in the Commission's Hearing con't

TBD	Imperial file written reply submissions - Imperial may provide a written reply to the submissions of intervenors and the CCC, as well as to letters of comment.
TBD	Intervenors file comments and/or attend a workshop (virtual or in-person) on draft conditions for the authorization -Intervenors will have the opportunity to provide written comments on a series of draft conditions that will be floated by the Commission.
TBD	Imperial file reply to comments on draft conditions for the authorization.
TBD	Imperial and Intervenors provide Argument - Parties to the hearing may provide written and oral argument.
TBD	<i>Commission reviews Mackenzie Valley Environmental Impact Review Board's environmental assessment report.</i>



The Commission is particularly interested in any comments on the following topics:

1. The timing and potential interaction between steps in the Commission's hearing process under the COGOA and the Review Board's environmental assessment process under the MVRMA.
2. Whether participants would be interested in workshops or additional information sessions to discuss or better understand particular topics, (e.g., a workshop on draft conditions for the authorization or information sessions on specific hearing steps).



Topics con't

3. Whether participants would prefer to make written or oral submissions for any of the specific hearing steps (e.g., questioning, final argument).
4. Whether participants would prefer any oral hearing steps to take place virtually or in-person.
5. Whether to add any more process steps related to the Crown Consultation Coordinator's submission(s) and, if so, what steps to add.



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Hearing Support

- Process Advisor is here to help participants understand the hearing process.
 - Telephone
 - Email
 - Online Workshops
- Can only discuss process-related matters.





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CER Process Advisor for the WMF

Tony Epp

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1-800-899-1265

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Questions?

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