

**IMPERIAL OIL LIMITED  
WATERDOWN TO FINCH PROJECT  
LEAVE TO CONSTRUCT  
EB-2019-0007**

**OEB STAFF INTERROGATORIES**

- 1. Ref:** Application, Exhibit A, General; Exhibit B, Letters of Support and Application, Exhibit C: Purpose, Need and Project Timing.

**Preamble:**

The new 12 inch diameter proposed pipeline will replace the existing pipeline of the same diameter. Imperial Oil stated that the purpose of the new pipeline is to ensure "...continued safe and reliable pipeline operations..."

Imperial Oil filed in its evidence a number of letters in support of the need for the proposed pipeline project.

**Questions:**

- a) Please describe in more detail the need for the project and the rationale for the project timing.
- b) In addition to ensuring continued safe and reliable pipeline operations, please describe other project benefits such as additional capacity or quality of service in support of the need for the new pipeline at this time?
- c) What would be the risks and impacts on operational safety and security of supply of a significant delay of the planned 2020 in-service date for the proposed project?

- 2. Ref:** Application, Exhibit E: Project Tab 1, Schedule 3, page 1, Table 3-1 Design Specifications, and page 2, Table 3-2 Class Location.

**Preamble:**

Imperial Oil's evidence indicates that all required design specifications such as pipeline wall thickness and maximum operating pressure, and pipeline class location are in compliance with the Canadian Standards Association (CSA) CSA Z662-15 "Oil and Gas Pipeline Systems". The CSA released a 2019 edition of the CSA Z662.

**Question:**

Please confirm that the pipeline design specifications, including class location, adhere to the most recent, current CSA Z662-2019 requirements.

3. **Ref:** Application, Exhibit A, Tab 1, Schedule 3: Application and Approvals Requested, page 1, paragraph 3

**Preamble:**

Imperial Oil stated that once the new pipeline is installed, the existing pipeline will be decommissioned and abandoned in place.

**Questions:**

What are the regulatory requirements that Imperial Oil will have to follow for decommissioning and abandonment of the existing pipeline? Please confirm that the abandonment of the existing pipeline will be in accordance with the current regulatory requirements in terms of procedure and safety.

4. **Ref:** Application, Exhibit D: Routing and Environmental, Tab 1, Schedule 2: Environmental Report, pages 1-2

**Preamble:**

Copies of the Environmental Report were submitted to the Ontario Pipeline Coordination Committee (OPCC) for review and comment on February 1, 2019.

**Question:**

Please file all of the comments (in the tabular format used in Exhibit H) that Imperial Oil has received as part of the OPCC review. Include the dates of communication, the issues and concerns identified by the parties, as well as Imperial Oil's responses and actions to address these issues and concerns.

5. **Ref:** Application, Exhibit H: Record of Consultation, Tab 1, Schedule 1: Regulatory Consultation Log, pages 1-31; Tab 3, Schedule 1: Stakeholder and Other Consultation Log, pages 1-40.

**Preamble:** Imperial Oil filed a Regulatory Consultation Log Stakeholder and Other Consultation Log which provide records of consultation activities with government entities and other stakeholders.

**Questions:**

- a) Please update both consultation logs to reflect the most recent consultation activities.
- b) For each updated consultation log please summarize the concerns and issues that have been raised and that Imperial Oil has addressed, as well as any outstanding concerns that Imperial Oil will be addressing.

**6. Ref:** Application, Exhibit D: Routing and Environmental, Tab 1, Schedule 3: Environmental Protection Plan, page 1

**Preamble:** Imperial Oil submitted in the evidence that it would develop several Environmental Protection Plans (EPP) prior to construction as well as several management and contingency plans. The EPP will build on the key mitigation measures identified in the Environmental Report (ER) and guides environmental management during construction. The EPP would include a number of specific Environmental Management Plans (EMP) with project specific commitments to date, permit approval terms and conditions.

**Questions:**

- a) Please comment on the content of the EPP and EMP that will be produced to guide construction and how these will address and resolve issues and concerns raised by Ontario Pipeline Coordinating Committee (OPCC) as well as by other consulted stakeholders.
- b) What is the planned timeline in the project construction schedule for completing all of the EPPs and EMPs?

**7. Ref:** Letter by the OEB, dated January 11, 2019 to Mr. Detlor of Haudenosaunee Development Institute (HDI) in response to the letter by Mr. Detlor, to Imperial Oil, dated November 5, 2018 and copied to the OEB on November 25, 2018.

**Preamble:**

Imperial Oil filed its application for leave to construct the proposed pipeline on February 25, 2019. Prior to the application filing, in November 2018, the HDI representing Six Nations of the Grand River, wrote to Imperial Oil expressing concerns over the engagement and consultation and duty to consult as well as a concern about archeology and geological testing on their territory. The OEB received a copy of this correspondence. On January 11, 2019 the OEB sent a letter to HDI stating that the application for the subject pipeline has not yet been filed and stated that once the application is filed the OEB will assess the adequacy of Indigenous consultation as part of the leave to construct proceeding.

**Questions:**

- a) Please describe the progress of consultation with the HDI and how were any concerns and issues addressed and resolved and if there are any outstanding issues raised by the HDI in the process of Indigenous consultation.
- b) With regard to consultation with Six Nations of the Grand River, please discuss Imperial Oil's efforts to ensure a coordinated consultation with the Six Nations Elected Council, Haudenosaunee Confederacy Chiefs Council (HCCC) and HDI,

which are entities representing the interests of Six Nations in relation to the Imperial Oil's project

8. **Ref:** Application, Exhibit G, Indigenous Consultation, Tab 1, Schedule 1, Indigenous Consultation Report; Application, Exhibit H: Record of Consultation, Tab 2, Schedule 1: Indigenous Consultation Log, pages 1-24

**Preamble:**

Imperial Oil filed an Indigenous Consultation Log with records of consultation activities with Huron-Wendat Nation, Mississaugas of the Credit First Nation (MCFN), and Six Nations of the Grand River (Six Nations), including Six Nations Elected Council, Haudenosaunee Confederacy Chiefs Council (HCCC) and Haudenosaunee Development Institute (HDI). These Indigenous communities and communication entities were identified by the Ministry of Energy, Northern Development and Mines (MENDM) in its delegation letter to Imperial Oil dated September 25, 2018.

**Questions:**

- a) Please update the Indigenous consultation log with the record of communication after the application has been filed.
  - b) Please file any additional documentation received from the MENDM, specifically a Sufficiency Letter from the MENDM, if it has been received.
  - c) What are the outstanding issues and concerns identified by the Indigenous communities in the process of Indigenous consultation?
  - d) What is the planned approach that Imperial Oil will take to resolve and address any outstanding issues or concerns raised in the process of Indigenous consultation to date?
9. **Ref:** Huron-Wendat Nation request for Intervenor Status dated June 25, 2019 and the OEB Letter approving the Huron-Wendat Nation Intervenor Status dated June 27, 2019.

**Preamble:**

Huron-Wendat Nation (HWN) applied and was granted an intervenor status in this proceeding. The OEB stated that it recognized that HWN has a substantial interest in the proceeding. The letter by HWN requesting the intervenor status, among other things, stated that the pipeline will be located "...through the traditional territory of the Huron-Wendat Nation. This territory contains the richest recorded archeological history in Ontario One of the Huron-Wendat Nation's most important archeological sites in Ontario, the Parsons Site (AkGv-8) is located on the proposed path of the pipeline."

**Question:**

Please describe the actions and commitments by Imperial Oil to ensure that the Parsons Site archeology is fully protected during construction and operation of the pipeline and that no other HWN archeological and cultural heritage site within the HWN traditional territory is impacted by the proposed pipeline.

- 10. Ref:** Application, Exhibit F, Land Matters, Tab 1, Schedule 1: Summary of Land Matters and Schedule 2: Negotiations to Date

**Preamble:**

The project traverses 406 directly affected parcels representing 108 privately owned lands and 298 agency-owned lands. The existing pipeline is within an Imperial Oil easement for approximately one-third or 18.8 km on fee simple lands. Approximately two-thirds, or 43.3 km, will be within a corridor managed by Hydro One on non-fee simple lands that are owned by the Province and administered by the Infrastructure Ontario.

To accommodate the location of the new pipeline, Imperial Oil will have to acquire about 5 hectares of new permanent easements. New permanent easements affect land owned by: Hydro One/Infrastructure Ontario (70.32%), various municipal, provincial and utilities land owners (25.34%) and five private landowners (5.34%).

Construction of the pipeline will also require temporary work areas adjacent to the new or existing easement to store materials, machinery and conduct construction activities (temporary easements). Imperial Oil distinguished between temporary workspace (TWS), which is typically 10 metres wide, and extra temporary workspace (ETWS), which varies in size depending on the location and use. Imperial Oil anticipates acquiring temporary rights for approximately 64.46 hectares of TWS and approximately 106.70 hectares for ETWS.

**Question:**

What is the current status and prospect of negotiations with all the landowners of properties where permanent and temporary land rights are needed? Please present the summary of response using the format of Table 1.3-1 for permanent and Table 1.4-1 for temporary land agreements. Please add new columns for acquired permanent and temporary agreements by area and percentage to each table.

- 11. Ref:** Application, Exhibit F, Land Matters, Tab 1, Schedule 3: Land Related Permits and Agreements Required, pages 1-5 Table 3-1

**Preamble:**

Imperial Oil indicated that the project will cross linear features such as watercourses, roads, power lines, gas pipelines and other utilities and that these crossing will require permits and agreements. The evidence provides a summary of all permits and agreements.

**Question:**

For each permit or agreement required and listed in the evidence please provide a status update.

- 12. Ref:** Application, Exhibit F, Land Matters, Tab 1, Schedule 4, Attachment 1: Grant of Easement Pipeline (Ontario) Agreement and Attachment 2: Temporary Workspace Lease Agreement

**Preamble:**

According to section 97 of the *Ontario Energy Board Act, 1998* (OEB Act), "In an application under section 90, 91 or 92, leave to construct shall not be granted until the applicant satisfies 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." Imperial Oil has requested approval of the forms of permanent and temporary land use agreements it will offer or has offered to affected landowners as part of the application.

**Questions:**

- a) Please confirm that the same form of each permanent and temporary land use agreement, filed as part of the application for the OEB's approval, has been offered or will be offered to the landowners whose lands are affected.
- b) Have the forms of each permanent and temporary easement agreement been used and/or approved in Ontario or in other provinces where Imperial Oil needed land rights?

- 13. Ref:** Application, Exhibit A: General, Tab 3: Application and Approvals Requested

**Preamble:**

Imperial Oil applied for leave to construct facilities under section 90(1) and 97 of the OEB Act.

**Question:**

OEB staff has prepared the following draft Conditions of Approval. If Imperial Oil does not agree to any of the draft conditions of approval noted below, please identify the specific conditions that Imperial Oil disagrees with and explain why. For conditions in respect of which Imperial Oil would like to recommend changes, please provide the proposed changes.

**Draft  
Leave to Construct Conditions of Approval  
Application under Section 90 and 97 of the OEB Act  
Imperial Oil Limited  
EB-2019-0007**

1. Imperial Oil Inc. (Imperial Oil) shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2019-0007 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 18 months after the decision is issued, unless construction has commenced prior to that date.  
  
(b) Imperial Oil shall give the OEB notice in writing:
  - i. of the commencement of construction, at least ten days prior to the date construction commences
  - ii. of the planned in-service date, at least ten days prior to the date the facilities go into service
  - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
  - iv. of the in-service date, no later than 10 days after the facilities go into service

3. Imperial Oil shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
4. Imperial Oil shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Imperial Oil shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
5. Both during and after construction, Imperial Oil shall monitor the impacts of construction, and shall file with the OEB one paper copy and one electronic (searchable PDF) version of each of the following reports:
  - a) a post construction report, within three months of the in-service date, which shall:
    - i. Provide a certification, by a senior executive of the company, of Imperial Oil's adherence to Condition 1
    - ii. Describe any impacts and outstanding concerns identified during construction
    - iii. Describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
    - iv. Include a log of all complaints received by Imperial Oil, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
    - v. Provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project
  - b) a final monitoring report, no later than fifteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
    - i. Provide a certification, by a senior executive of the company, of Imperial Oil's adherence to Condition 3
    - ii. Describe the condition of any rehabilitated land
    - iii. Describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction
    - iv. Include the results of analyses and monitoring programs and



any recommendations arising therefrom

- v. Include a log of all complaints received by Imperial Oil, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
6. Imperial Oil shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to all the appropriate, and shall clearly post the project manager's contact information in a prominent place at the construction site.

The OEB's designated representative for the purpose of these Conditions of Approval shall be the OEB's Manager of Supply and Infrastructure (or the Manager of any OEB successor department that oversees leave to construct applications).