

City of Mississauga  
Legal Services  
300 City Centre Drive  
MISSISSAUGA, ON L5B 3C1

Patrick M. Murphy MBA LL.B  
Tel. 905.615.3200 ext. 8710  
Fax: 905.615-3252  
patrick.murphy@mississauga.ca

July 12, 2019

Delivered by Hand (electronic copy sent via Web Portal)

Ms. Christine E. Long,  
Registrar, Office of the Registrar  
Ontario Energy Board  
P.O. Box 2319, 2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4

RECEIVED  
JUL 12 2019  
ONTARIO ENERGY BOARD

Dear Ms. Long:

Re: Ontario Energy Board File No. EB-2019-0007  
Imperial Oil Limited - Application for leave to construct the Waterdown to  
Finch Project in the City of Hamilton, the City of Burlington, the Town of  
Milton, the Town of Oakville, the City of Mississauga, and the City of Toronto

Pursuant to the Procedural Order No. 1 of the Ontario Energy Board, please find enclosed two copies of the Interrogatories from the City of Mississauga dated July 12, 2019 with respect to the above-noted proceeding.

Yours truly,



Patrick M. Murphy  
Legal Counsel, Environmental

cc: Jessie Malone - Environmental and Regulatory Advisor, Imperial Oil Limited (jessie.m.malone@esso.ca)  
Ian Laing - Counsel for Imperial Oil Limited (ian.r.laing@esso.ca)  
Andra Maxwell - City Solicitor, City of Mississauga (andra.maxwell@mississauga.ca)  
Auryn Soares - Storm Drainage Coordinator, City of Mississauga (auryn.soares@mississauga.ca)  
Annie Thuan - Acting Deputy City Solicitor, City of Mississauga (annie.thuan@mississauga.ca)  
Graham Walsh - Deputy City Solicitor, City of Mississauga (graham.walsh@mississauga.ca)  
Nicholas Rolfe - City of Toronto (nicholas.rolfe@toronto.ca)  
Katherine Frankl - City of Toronto (kfrankl@toronto.ca)  
Rachel Godley - Regional Municipality of Peel (rachel.godley@peelregion.ca)  
Meredith Baker - Regional Municipality of Halton (meredith.baker@halton.ca)

**Imperial Oil Limited (“Imperial”)  
Construction of the Waterdown to Finch Project (the “Project”)  
Application under section 90(1) (Application) of the *Ontario Energy Board Act, 1998*  
OEB File Number: EB-2019-0007**

**City of Mississauga  
Information Request to Imperial**

**Table of Contents**

**1. Financial Assurance**

*1.1. Corporate Structure of the Applicant, Imperial Oil Limited*

*1.2. Risk Management Program*

**2. Engineering and Construction**

*2.1. Pipeline Integrity*

*2.2. Construction Activities*

**3. Emergency Response and Fire Safety**

*3.1. Spill Prevention and Response Plan*

*3.2. Emergency Response Plans for Potential Fire Incidents*

*3.3. Training*

**4. Source Water Protection Measures**

**5. Real Estate and Land Matters**

*5.1. Easements and Crossing Agreements*

*5.2. Heritage Assessments*

**Imperial Oil Limited (“Imperial”)  
Construction of the Waterdown to Finch Project (the “Project”)  
Application under section 90(1) (Application) of the *Ontario Energy Board Act, 1998*  
OEB File Number: EB-2019-0007**

**City of Mississauga  
Information Request to Imperial**

This Information Request incorporates and adopts the input from other municipalities including the City of Toronto, the Regional Municipality of Peel, and the Regional Municipality of Halton, as outlined in the City of Toronto’s Information Request to Imperial with the exception of the Information Request specific to the City of Toronto.

**1. Financial Assurance**

*1.1. Corporate Structure of the Applicant, Imperial Oil Limited*

**Reference:** EB-2019-0007 – Imperial Oil Limited’s Leave to Construct Application filed 2019-02-22, Tab 1, Schedule 3, Paragraph 1.

**Reference:** The Applicant, Imperial Oil Limited, states that it is a body corporate duly formed pursuant to the laws of Canada.

- Request:**
- (a) Is Imperial Oil Limited the general partner in the Imperial Oil partnership?
  - (b) If yes, what is Imperial Oil Limited’s percentage interest in the Imperial Oil partnership?
  - (c) Identify the other partner or partners in the Imperial Oil partnership.
  - (d) Please clarify if it is the Imperial Oil partnership that operates the downstream business or is it the general partner, Imperial Oil Limited?
- Paragraph 2 refers to “Imperial’s Sarnia Products Pipeline (SPPL)”.**
- (e) What is SPPL’s corporate relationship to Imperial Oil Limited?
  - (f) Please confirm that SPPL is either a division of Imperial Oil Limited or a wholly-owned subsidiary?

*1.2: Risk Management Program*

**Reference:** Application, Exhibit F (Land Matters), Tab 1, Schedule 1, Page 1 of 6, Summary of Land Matters, Paragraph 4.

**“The project corridor crosses six municipalities with 16.52 km crossing through the Municipality of Mississauga.”**

- Request:**
- (a) Please outline what insurance coverage Imperial Oil Limited has in place for (i) operational risk and for (ii) construction risk associated with the pipeline? What is covered?
  - (b) What are the corporate deductibles or financial levels of risk retention Imperial Oil retains for each type of insurance? Does Imperial Oil have any fronting arrangements with a particular insurance company? If so, please identify the insurance company? Will Imperial Oil add the City of Mississauga as an additional insured under the insurance program?
  - (c) Does Imperial Oil have specific coverage for environmental impairment or EIL insurance covering spills and/or damage to the environment? If not, is Imperial Oil prepared to indemnify the City of Mississauga for any damage caused by a spill?
  - (d) Describe the insurance arrangements (types of insurance, limits and deductibles) for Imperial Oil’s contractors, subcontractors and suppliers?
  - (e) Does Imperial Oil contractually limit the contractors’, subcontractors’ and suppliers’ liability for loss or damage to a financial amount during the construction of the Project?
  - (f) Please confirm that Imperial Oil’s insurance program also covers the de-activation of the existing pipeline?
  - (g) Please outline if Imperial Oil has in place an adjusting firm to handle claims? Please forward a copy of these arrangements.

## 2. Engineering and Construction

### 2.1. Pipeline Integrity

**Reference:** Application, Exhibit A (General), Tab 1, Schedule 3, Page 1 of 3.

**Paragraph 2 states:** "Operating safely for many decades, Imperial's Sarnia Products Pipeline ("SPPL") is important infrastructure that provides refined products used by households and businesses across the Greater Toronto and Hamilton."

- Request:**
- (a) What has been the loss experience since the beginning of SPPL's operations? Please provide details (place, date, volume of spill) along with the root cause of pipeline losses.
  - (b) What was the cause of these losses and where did these losses occur? What were some of the root causes for the losses?
  - (c) Did any of the losses damage third party property or impact a watercourse?
  - (d) Does Imperial Oil plan to implement any new risk management measures for the replacement pipeline which differ from the measures from the existing to be de-activated pipeline? If so, please describe.
  - (e) Outline the details of Imperial Oil's plans to prevent pipeline leak detection.
  - (f) Provide details of the location of isolation valves near the Credit River and Etobicoke Creek and any other major water crossings.

### 2.2. Construction Activities

**Reference:** Application, Exhibit E (Project), Table 1, Schedule 2.

**The existing Imperial Oil easement will be followed as closely as possible to minimize current land uses (Application, Exhibit D (Routing and Environmental), Tab 1, Schedule 1, Page 1 of 2).**

**"Since the SPPL pipeline is substantially occupied by other pipelines and traverses through the City of Mississauga to the other pipelines and environmentally sensitive areas, watercourses and major municipal roadways, construction activities may impact the cities."**

**Request:** (a) Will Imperial Oil need to restrict the flow of water during the winter months when those water dams could exacerbate possible ice damage?

(b) For the de-activated pipeline, what processes are in place to ensure maintenance and monitoring occurs to ensure soil stability, slope stabilization, settlement along with the evaluation of any potential impacts to the community?

**Reference:** Application, Environment Report (Waterdown to Finch Project), Section 7 (Environmental Protection, Management and Contingency Plans), Page 7-3, Erosion and Sediment Control Plan and Contaminated Material Management and Handling Plan.

**Request:** (c) Will a Contaminated Material Management and Handling Plan and Erosion and Sediment Control Plan be submitted to the City of Mississauga prior to construction?

**Reference:** Application, Environment Report (Waterdown to Finch Project), Section 6 (Cumulative Effects Assessment), Paragraph 6.3, Project Interactions, Pages 6-3 and 6-4.

**Request:** (d) For construction activities near roadways (including Mississauga's Transitway) and construction activities near the Hurontario LRT, will additional details of the work area be provided to the City of Mississauga for review to ensure there are no adverse impacts to municipal operations?

### 3. Emergency Response and Fire Safety

#### 3.1. Spill Prevention and Response Plan

**Reference:** Environment Report (Waterdown to Finch Project), Appendix B (Consultation Key Comment and Response Table), Page 11 of 16. Imperial Oil makes reference to “A Spill Prevention and Response Plan” will be developed and implemented for the Project to guide the prevention of spills and response to spills during construction.”

**Request:** (a) Will a copy of the updated Spill Prevention and Response Plan be forwarded to the City of Mississauga once completed? Please advise as to the timing and completion of the aforementioned plan.

**Reference:** Imperial Facility – Emergency Response Plan Appendices, High Water Action Plan & Pipeline Spill Response Tactics.

**Request:** (b) From a risk management perspective, did Imperial Oil consider re-routing the new section of the pipeline outside of the existing pipeline corridor where there is lower density?

(c) Explain if Imperial Oil coordinates its emergency response plans with the owners/operators of the other pipelines within the corridor?

(d) Will Imperial Oil provide to the City of Mississauga, a Hazard Identification and Risk Assessment for the Project together with proposed mitigation activities for each identified hazard?

(e) Has Imperial Oil considered in its Spill Prevention and Response Plan, the potential impact of recent high water events and flooding?

#### 3.2. Emergency Response Plans for Potential Fire Incidents

**Request:** (f) Are there emergency response plans for potential fire incidents? Please provide to the City of Mississauga a copy of these plans.

(g) Please advise if fire access routes or roadways will be obstructed for any period of time during construction which may affect emergency response.

### 3.3. Training

**Reference:** Application, Exhibit H (Record of Consultation – Supporting Documents), Tab 3, Schedule 1, Page 30 of 40.

**“In October 2018, Imperial Oil held a three day large scale emergency response exercise that included internal and external participants. The first day of the event comprised of training rotations for participants, which included demonstrations on decontamination, wildlife response, air monitoring systems, resource management technology, field response simulation and a G15 virtual tour of the Humber River.”**

- Request:**
- (a) Please provide details of Imperial Oil’s emergency/crisis management plan, the list of participants integral to the plan (both within the company and outside consultants), and details of training.
  - (b) Outline Imperial Oil’s communication plan, in particular, provide information for plans to coordinate and interface with the City of Mississauga’s Emergency Management and Fire Department.
  - (c) Please identify if Imperial Oil will have a local response team available in the event of an emergency and whether the local team has received training.



#### 4. Source Water Protection Measures

**Reference:** Environmental Report (Waterdown to Finch Project), Section 4.2.3  
Groundwater, Pages 4-8.

**“In the RSA, groundwater levels within the bedrock are a subdued reflection of the surface topography with regional groundwater flow toward Lake Ontario.”**

**The SPPL intersects with multiple watercourses within the City of Mississauga that all drain into Lake Ontario; the source of the City’s drinking water. A release of product from the pipeline poses a serious environmental risk.**

**Request:** (a) Since all of the Region of Peel’s storm sewers eventually discharge into the City of Mississauga’s storm sewers, will Imperial Oil contact both the City of Mississauga and the Region of Peel at the same time in regard to any potential discharge into any municipal storm sewer system resulting from construction and operational activities?

## 5. Real Estate and Land Matters

### 5.1. Easements and Crossing Agreements

**Reference:** Application, Exhibit A (General), Tab 1, Schedule 3, Page 3 of 3, paragraph 12:

Exhibit F includes a summary of land matters, negotiations to-date and a description of lands related permits and agreements required and copies of draft agreements to be offered.

Application, Exhibit A (General), Tab 1, Schedule 3, Page 3 of 3, paragraph 15(2):

“Imperial requests that the OEB make the following orders:

(2) an order pursuant to section 97 of the *Ontario Energy Board Act* approving the proposed form of easement agreements found in Exhibit F, Tab 1, Schedules 4 and 5.”

**Request:** (a ) Please advise if Imperial Oil is prepared to establish a “realty protocol” such that City staff are allowed sufficient time to review and respond to Imperial Oil’s requests including agreements within an agreed upon timeframe?

(b) Please provide a map showing the exact parcels of land owned by the City of Mississauga on which Imperial Oil intends to install the pipeline.

(c) Please provide a map showing the exact parcels of land on which Imperial Oil requires temporary access or for temporary use for constructing the pipeline.

**Reference:** Application, Exhibit F (General), Tab 1, Schedule 3, (Land-Related Permits and Agreements Required) Page 3 of 5:

Authority	Purpose
City Mississauga	Public Utilities Coordination Committee (PUCC) Approval Road Crossing/ Encroachment Agreement Permanent Easement Access and Remediation Agreement Consent to Enter Agreement Park Access Permit Entrance Permit City-owned Storm Sewage Discharge Permit Utility Crossing Approval

- Request:** (d) Please indicate if Imperial Oil is willing to use the City of Mississauga's standard form of agreement for the agreements listed above.
- (e) Please confirm whether Imperial Oil is accepting of paying fair market value for access and use of any City of Mississauga's lands and for City staff to prepare the required agreements.

### *5.2. Heritage Assessments*

**Reference:** Environment Report (Waterdown to Finch Project), Section 5.4.7 (Archaeological Resources) makes reference to "Currently known archaeological sites in the LSA were identified during the Stage 1 Archaeological Assessment".

**Request:** (a) As required pursuant to the City of Mississauga's Official Plan for any development impacting a heritage resource, will Imperial Oil submit to City a Heritage Impact Assessment (HIA) prior to construction?

**Reference:** Environment Report (Waterdown to Finch Project) Section 5.4.8 (Cultural Heritage Resources and Landscapes) and Table 5.4-7

**Request:** What is Imperial Oil's timing for the submission of the HIA for the City of Mississauga's approval?