



Hamilton

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VIA EMAIL Registrar@oeb.ca and **COURIER**

August 12, 2019

Ontario Energy Board
P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, Ontario
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Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli:

**Re: City of Hamilton (“Hamilton”) Letter of Comment
EB-2019-0007 – Imperial Oil Limited (“Imperial Oil”) Leave to Construct
Pipeline and Associated Infrastructure (the “Application”)**

Hamilton appreciates the opportunity to provide its comments with respect to the above-noted Application. Hamilton’s interest in the Application relates to how the proposed project may impact the environmental and financial well-being of the municipality, as well as the health, safety and well-being of its inhabitants.

Hamilton Staff from Healthy and Safe Communities (the Hamilton Fire Department), Planning and Economic Development (Planning – Community Planning and Design), and Public Works (Hamilton Water – Sustainable Initiatives and Engineering Services – Geomatics and Corridor Management) have identified potential municipal issues regarding the Project proposed in the Application.

PIPELINE INTEGRITY AND FINANCIAL ASSURANCE CONCERNS

Hamilton shares the concerns raised by municipal Intervenors relating to pipeline integrity and financial assurance. It is Hamilton’s view that there are legitimate concerns related to pipeline integrity that Imperial Oil must address if the Board approves the Application, including but not limited to issues relating to system operations, pipeline construction, integrity management and integration of threats. Hamilton also has

concerns relating to allocation of financial responsibility for costs that may be incurred for emergency response, clean-ups and other required action, such as evacuation in the event of a spill, particularly costs which may be in excess of Imperial Oil's commercial liability insurance coverage limits.

EMERGENCY RESPONSE CONCERNS:

The Hamilton Fire Department ("Hamilton Fire") has raised the following emergency response issues, which must be addressed so to enable first responders to properly plan and prepare for the most effective coordinated response in the event of a pipeline related emergency:

- That Imperial Oil provide a copy of the emergency response plan specific to the construction and cutover activities;
- That Imperial Oil provide contact information for their site commander relative to the cutover of the replacement line so that consultation and co-ordinated planning can take place;
- Given that the diameter of the pipe is being increased for this project, that Imperial Oil to provide information relative to the installation of control valves on the pipeline and to confirm the quantity of product that will be transported through the pipeline;
- That Imperial Oil provide adequate access points / routes to any new or replacement sections of the pipeline;
- Development of a Traffic plan – there are some critical intersections from an emergency response perspective that could be affected as part of the project. Hamilton Fire Department should be consulted on developing traffic plans given these concerns; and,
- Emergency Response Equipment – given the potential for increase in levels of product being transported, Imperial Oil must ensure that the levels of emergency response equipment that they would be providing in the event of an emergency are maintained and or increased at adequate levels.

NATURAL HERITAGE CONCERNS:

The proposed pipeline replacement may impact natural heritage features within the Greenbelt Plan Protected Countryside and Natural Heritage System.

The proposed pipeline crosses significant natural heritage features, including:

- Grindstone Creek;

- Provincially Significant Wetlands – (Logies Creek-Parkside Drive Wetland Complex and Lake Medad Valley Swamp);
- Provincial Life Science Area of Natural and Scientific Interest (ANSI) – (Medad Valley);
- Regional Earth Science ANSI – (Medad Valley); and,
- Environmentally Significant Areas (Waterdown North Wetlands and Medad Valley).

Mapping and species occurrence data for these areas which can be used to assess and mitigate impacts is available from the City and Hamilton Conservation Authority on request.

A detailed project plan will be required to determine the potential impacts on natural heritage.

SOURCEWATER PROTECTION CONCERNS:

Hamilton emphasizes that activities related to commissioning or decommissioning of a pipeline should always consider possible impacts to surface and groundwater resources, and that the establishment of a monitoring and water quality testing program by Imperial Oil is essential to assess any changes to local conditions.

The definition of “decommissioning” by Imperial Oil does not include the removal of the pipeline that is programmed to be decommissioned. Considering that there may be residue left in the decommissioned pipeline, Hamilton supports the position that Imperial Oil should remove the decommissioned pipeline assuring that site remediation is performed as required.

Where the pipeline crosses a vulnerable area such as open water bodies, Hamilton requests that Imperial Oil:

- Consider drinking water source protection and therefore includes appropriate design standards, monitoring and maintenance practices that when implemented will prevent a pipeline from becoming a drinking water threat;
- Conduct inline pipeline integrity testing and visual inspections every three years;
- Provide the Source Protection Department of the Conservation Authorities with the report on the findings of the integrity testing and visual inspections, and actions taken; and,
- Include the mapping of the vulnerable area in the spill prevention plans and spill contingency plans.

CORRIDOR MANAGEMENT CONCERNS:

The following comments relate to the road crossing portions of the proposed project. Hamilton's Engineering Services has been involved in some preliminary meetings with Imperial Oil and its consultants. To date, Engineering Services considers this project to be at a high level study phase as Imperial Oil has not yet fully defined the alignment of the project. Engineering Services has supplied Imperial Oil and their consultant group access to the on-line drawing archive tool, SPIDER, and supplied access to any other data to support the optimal location of the pipeline.

It is requested that the Board require that Imperial Oil enter into a Crossing Agreement with Hamilton, which sets out the responsibilities of the parties as they relate to the crossing of the proposed Project with City-owned right-of-ways. The Crossing Agreement would address issues such as liability, insurance, work-around costs, and notice.

Hamilton's Engineering Services remains concerned about decommissioning pipelines, and is of the view that more consideration needs to be given to the impacts both in the short-term and long-term. It should be noted that leaving a decommissioned pipeline installed in place could have significant implications such as increased costs for future Hamilton capital works projects (work-around costs).

Hamilton will be seeking a detailed project plan that satisfactorily identifies material storage, haul routes, coordination with Hamilton projects, coordination with Forestry, Operations, and Traffic programs, and any other project-specific details that may arise. These details will arise once the final project plan is formalized and understood beyond the current high level study phase.

ENHANCEMENTS TO ADDRESS SAFETY CONCERNS

Based on the foregoing, and in addition to the above, Hamilton requests that the Board impose conditions upon Imperial Oil if the Application is approved, which address the following:

- Adequate emergency response measures, including but not limited, to training of local first responders;
- Coordinating and sharing of all relevant and up-to-date emergency response and maintenance and repair information with local first responders on a regular basis, as part of Imperial Oil's Public Awareness Program or otherwise, to ensure the most effective response to an incident or leak;
- Adequate assurance from Imperial Oil regarding financial responsibility for costs related to emergency response, clean-ups and any other required action in the event of a spill;

- Regular consultation with local Source Water Protection staff, including the HCA, Conservation Halton, and City of Hamilton staff to identify potential threats to drinking water quality, and sharing of Imperial Oil's plans or opportunity to participate in the development of plans which address any malfunctions of the pipeline or spills that may threaten drinking water safety;
- Adequacy of current pipeline isolation valves in Hamilton and sharing of relevant information respecting valve operation with local first responders;
- Installation of pipeline isolation valves, if not already installed, where the pipeline crosses watersheds in Hamilton, including the Medad Valley and other provincially-significant wetlands and environmentally-sensitive areas;
- Removal of any portion of the pipeline in Hamilton programmed to be decommissioned in consultation with Hamilton.

In addition to the above, if the Application is approved, Hamilton requests that the Board require Imperial Oil to obtain any applicable municipal or conservation authority approvals, including building permits and site plans, and also require Imperial Oil to pay applicable fees, including development charge payments in undertaking any work with respect to the Project in the City of Hamilton.

Should you have any questions, please do not hesitate to contact the undersigned.

Yours truly,



Guy Paparella
Special Projects Manager

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