

October 15, 2019.

Delivered by email

Ontario Energy Board
2300 Yonge Street, 27th floor
P.O. Box 2319
Toronto, ON M4P 1E4
Attn: Kirsten Walli
Board Secretary
boardsec@oeb.ca

Dear Ms. Walli:

**Re: Regional Municipality of Peel Submission
Leave to Construct - Waterdown to Finch Project ("Project")
Application under section 90(1) of the *Ontario Energy Board Act, 1998*
OEB File Number EB-2019-0007**

This letter serves as the Regional Municipality of Peel's (the "Region") submission in regard to Imperial Oil's ("Imperial") above-noted application for leave to construct (the "Application").

The Region is generally supportive of the Project, and has worked closely with the City of Toronto, City of Mississauga and the Regional Municipality of Halton in order to respond to the Application. **By this letter, the Region formally adopts the position and viewpoints outlined in the submissions of Toronto, Mississauga and Halton as its own**, except where they do not apply to the Region (for example regarding Toronto allotment gardens, Toronto Transit Commission etc.). In accordance, the **Region respectfully requests that the Ontario Energy Board's (OEB) impose the requested conditions of the foregoing as applicable to the Region.**

In addition, the Region respectfully requests that a Master Crossing Agreement between Imperial and the Region be included as a condition of approval for the Region. Requests for permanent easements will need to be considered in accordance with the Region's By-Law 23-95, which governs the sale and disposition of real property. The content of the Master Crossing Agreement will be determined by the Region and Imperial and will include terms including but not limited to:

- a. Imperial's commitment to protect the Region's water and wastewater infrastructure and roadways on Regional lands, which are near to the surface and could easily be damaged by work-related digging, stockpiling or the weight of vehicles over land containing infrastructure. This infrastructure is also susceptible to damage from any spills by Imperial during the Project;
- b. filing detailed design and construction information with the Region in advance of construction, to be reviewed and approved by the Region;

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- c. avoiding interfering with or damaging municipal infrastructure and operations;
- d. establishing fair compensation for access to the Region's property;
- e. Indemnity and liability conditions; and
- f. Delivering drawings of the as-built infrastructure to the Region

While covered in the adopted submissions of other municipalities, the Region wishes to highlight to the OEB the following significant concerns:

Fire Safety and Emergency

In order to prevent spills and respond to spills during construction, operation and deactivation activities, the Region requires a satisfactory:

- Emergency Response Plan;
- Spill Prevention and Response Plan created in consultation with conservation authorities including spill mapping and considering applicable legislation;
- Communication plans and updated contact lists for emergencies; and
- Training for Regional staff and agents including pre-construction meetings, training of local first responders, a worker safety plan, and site security, health and safety training.

Indemnity and Liability Agreements

The Region is concerned about damage to its property caused by the Project. In addition to clauses in the Master Crossing Agreement, the Region requires a separate indemnity agreement between Imperial and the Region covering Imperial's obligations to indemnify the Region for any, costs, claims, expenses, losses and lawsuits arising from the construction and operation of the replacement pipeline including all activities to deactivate the existing section of the pipeline. The indemnity agreement is to also include Imperial's obligations and conditions for the approval of the Application including any breach by Imperial of the Order or Decision of the OEB.

The Region also requires Imperial to maintain, at its sole expense, property insurance and general and environmental impairment liability insurance (including coverage for bodily injury, including death, and property damage including loss of use thereof, contractual liability, owners' and contractors' protective and products and completed operations) covering loss and damage from pipeline spills for the duration of Imperial's construction, operation, and decommissioning of the Project. The Region is to be named as an additional insured under Imperial's Comprehensive General Liability Insurance policy and provide the Region with a Certificate of Insurance as evidence of coverage.

Thank you for taking into consideration the Region's submissions on Imperial's Application. Imperial has done a good job engaging with the Region to date, and we are hopeful that this positive collaboration will continue.

Yours truly,



Rachel Godley J.D. LL.M.

Legal Counsel, Municipal Law Group
The Regional Municipality of Peel

CC
Nicholas Rolfe, City of Toronto
Patrick Murphy, City of Mississauga
Meredith Baker, Regional Municipality of Halton

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