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

Sent via email to: boardsec@oeb.ca

Dear Ms. Walli:

**Re: Imperial Oil Limited Application Number EB-2019-007 for Leave to Construct –
Waterdown to Finch Project (the "Project")**

Please find below the supplementary submissions of the City of Toronto, pursuant to Procedural Order No. 5, and further to our Notice of Motion of October 10, 2019. As indicated therein, the City of Toronto ("Toronto") is seeking a Board order that Imperial disclose:

- 1) the complete results of all audits, whether internal or external, conducted of Imperial's Safety and Loss Management System program, including Imperial's response to these audits;
- 2) a copy of Imperial's Integrity Management Program as required by CSA Z662-15 Clause 3.1.2 (f and v) and Clause 3.2, and complete details of all audits, whether internal or external, conducted of this Program including Imperial's response, and;
- 3) the complete risk analysis performed on the existing line, and on the proposed replacement line indicating where consequence levels may have changed between the existing and proposed pipelines.

Summary

Toronto submits that the requested disclosure is needed to ensure that the proposed pipeline is built and operated safely. Toronto's motion is supported by the Regional Municipality of Halton, the City of Mississauga, the Regional Municipality of Peel. The municipal intervenors are all major stakeholders. As detailed in Toronto's October 10, 2019 Notice of Motion, the requested disclosure has in our view already been ordered in Procedural Order No. 4, but has not yet been provided by Imperial. Ordering its disclosure is consistent with Procedural Order No. 4, the public interest criterion in section 96(1) of the *Ontario Energy Board Act*, and the objective of effective and complete adjudication in the *Rules of Practice and Procedure*.

Need for Disclosure

Toronto seeks to ensure that the proposed pipeline is built and operated so as to:

- 1) protect the safety of residents, the environment and businesses, and;
- 2) manage the risk inherent to the proposed pipeline and the continued presence of the deactivated pipe.

In order to do so, it is critical that the Board, Toronto, the supporting municipal intervenors, and all parties have a complete picture of the risks posed by the pipeline and the current and future practices for managing those risks. The requested audits, Integrity Management Program, and risk analysis are squarely relevant to that end. Toronto respectfully submits that this disclosure will assist the Board in effectively and completely adjudicating this application. Similarly, it is needed to inform Toronto's submissions to the Board.

Toronto's motion is supported by the Regional Municipality of Halton, the City of Mississauga, and the Regional Municipality of Peel. Toronto, Halton, Mississauga, and Peel are major stakeholders in this matter. The proposed pipeline will travel through dense residential and commercial areas, cross 88 watercourses draining into Lake Ontario, and adjoin significant natural heritage features.¹

Imperial's Incomplete Response to Interrogatories

To promote efficiency, Toronto has limited its motion and request to specific disclosure that it views as essential. Toronto did so in consultation with Dr. Alan Murray, the past Chief Engineer and Chief Safety Officer of the National Energy Board and adjunct professor of mechanical and chemical engineering at the University of Calgary.

Toronto's interrogatories and Imperial's responses are provided below.

25.3 Information Request

...

- c) The results of all audits, whether internal or external, conducted of the SLMS program, including Imperial's response to these audits.
- d) A copy of the company's Integrity Management Program as required by CSA Z662-15 Clause 3.1.2 (f and v) and Clause 3.2, and details of all audits, whether internal or external, conducted of this Program including Imperial's response.
- e) The results obtained from a detailed risk analysis performed on the proposed replacement line indicating where consequence levels may have changed between the existing and proposed pipelines.

...

25.4 Imperial Response:

...

¹ See Imperial Waterdown to Finch Project Environmental Report, dated February 2019, s. 4.2.4, at pp 4-9

- c) OIMS assessments are conducted regularly at all Imperial sites by internal assessors who are independent from the operation being assessed. Assessment results are proprietary. They are reviewed with senior management, tracked and stewarded to closure as part of Imperial's stewardship process.
- d) Imperial's integrity management program is focused on regular monitoring and inspection of pipelines with an aim to understand and manage the risks associated with pipeline operations consistent with CSA Z662 expectations. This program is not available for external review. A TSSA audit of the SPPL system was conducted in 2018/2019. While the audit report is still in the process of being finalized, no non-conformance issues were communicated to Imperial by the TSSA.
- e) Risk analysis results are not shared publically; generally, the proposed pipeline will have a reduced probability and consequence levels as the pipeline will use advanced manufacturing and installation methods and will be installed deeper in sensitive areas. The proposed pipeline will be subject to continued execution of safe operations, robust monitoring and maintenance programs.

Relevant Statutory and Procedural Provisions

The *Ontario Energy Board Act* ("*OEBA*") and the *Rules of Practice and Procedure* set out an objective of effective and complete adjudication based on the public interest. Toronto submits that the requested order furthers this objective. Having a fulsome understanding of the risks posed by the pipeline is a matter of public interest. As provided in subsection 96(1) of the *OEBA*:

If, after considering an application under section 90, 91 or 92 the Board is of the opinion that the construction, expansion or reinforcement of the proposed work is in the public interest, it shall make an order granting leave to carry out the work.

This motion is further supported by Rule 2.02 of the *Rules of Practice and Procedure*. Rule 2.02 provides that:

Where procedures are not provided for in these Rules, the Board may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on the matter before it [emphasis added].

Toronto submits that the requested disclosure is necessary for the effective and complete adjudication of this matter.

Yours truly,



Nicholas Rolfe
City of Toronto, Legal Services