

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c. 15 (Sch. B), as amended (the “OEB Act”);

AND IN THE MATTER OF an application by Imperial Oil for
an Order or Orders pursuant to section 90(1) of the Ontario
Energy Board Act, 1998 for leave to construct 63 kilometers
of 12-inch diameter pipeline for transportation of refined
petroleum products and from its facility in the City of Hamilton
to its facility in the City of Toronto and permission for an
adjustment of the route of the pipeline

CITY OF TORONTO INTERROGATORIES FOR IMPERIAL

The need for the Route Realignment and alternatives to the proposal

1. Reference: Imperial Oil Limited ("Imperial") Evidence, Motion to Review and Vary, 2020-09-18 ("Imperial Evidence"), pages 2-3 of PDF

Preamble: Imperial indicates the following:

The Realignment has been designed to comply with the MTO request, as well as the requirement of Hydro One Networks Ince (“HONI”) that any proposed rerouting not impact an existing substation, as such lands need to remain unencumbered for future expansion. As a result of the HONI and MTO constraints, there are three routing options in the affected area:

1. The original proposed routing within the MTO lands. This route has been rejected by MTO because it would not allow for future expansions of Highway 401. Imperial has determined that this route is therefore not feasible.
2. A revised route located on the east side of highway 401. This route would result in increased impacts to residential neighborhoods. Imperial has determined that this route is therefore not feasible.
3. The Realignment route sought in this motion, located on the west side of the HONI substation. Imperial has determined that this route minimizes impacts to residential landowners, while being compliant with the requirements of HONI and MTO.

Question: Please:

- a. provide any reports, studies, or other documents considering these or other route options for the Realignment;
- b. provide a high-resolution map of the "revised route located on the east side of highway 401";

- c. provide complete correspondence, meeting minutes, and other records regarding routing discussions with MTO and HONI, and;
- d. advise if there is other existing or planned buried infrastructure within the original proposed routing within the MTO lands. If so, please describe this infrastructure, and advise if it is Imperial's view that existing infrastructure already constrains future expansions of Highway 401.

Environmental matters related to the Route Realignment

2. Reference: Imperial Evidence, page 2 of PDF

Preamble: Imperial indicates that its Realignment will require a revised watercourse crossing location at Mimico Creek.

Question: Please provide Imperial's watercourse crossing plans, procedures, and specifications for the revised Mimico Creek Crossing. If they have not yet been prepared, please indicate this, advise when they will be prepared, and confirm that Imperial will provide them to the City of Toronto ("Toronto") on that date.

3. Question: Will the Realignment require any additional watercourse or wetland crossings?
4. Reference: Imperial Evidence, page 2 of PDF

Preamble: Imperial references "supplemental field studies...completed specific to the revised proposed disturbance footprint", as well as "[a]dditional surveys", including "tree inventory, wildlife habitat, vegetation, aquatic features and ecological land classification".

Question: Please provide these studies, as well as all environmental surveys and reports completed for the realignment.

Land related matters related to the Route Realignment

5. Reference: Imperial Evidence, page 4-5 of PDF

Preamble: Imperial describes a series of sketches it has prepared of portions of the Realignment.

Question: Please provide complete alignment drawings for the Realignment. If these are not available, please provide the most detailed available drawings, plans, and/or sketches, and confirm that Imperial will provide the complete alignment drawings to Toronto as soon as they are available.

6. Reference: Imperial Evidence, Motion to Review and Vary, pages 4-5 of PDF

Preamble: Imperial identifies "concerns regarding sight lines and the weight of equipment that may be used to cross roads". Imperial advises that it will address these concerns in its "Traffic Accommodation Strategy/Plans".

Question: Please:

- a. itemize the equipment that will be used to construct the Realignment, and its weight;
- b. explain how Imperial will resolve sight line and equipment weight concerns, and;
- c. provide Imperial's Traffic Accommodation Strategy/Plans. If they have not yet been prepared, please indicate this, advise when they will be prepared, and confirm that Imperial will provide them to the City on that date.

7. Question: please describe:

- a. the work Imperial has done to determine if its Realignment will conflict with any existing underground infrastructure and/or future infrastructure projects;
- b. whether there are any such conflicts;
- c. if so, the nature of the conflicts, and;
- d. if so, how Imperial plans to mitigate the conflicts.

8. Reference: Imperial Evidence, page 10 of PDF

Preamble: Imperial provides a map identifying "additional TWS", including or in the vicinity of Toronto's Stouffel Allotment Garden.

Question: Please:

- a. confirm that "additional TWS" means additional temporary workspace Imperial now wishes to use for its Project;
- b. provide a high-resolution map identifying the location of Toronto's Stouffel Allotment Garden and its parking area ("Stouffel"), relative to the temporary workspace Imperial is seeking, including any access routes to the workspace;
- c. confirm whether the pipeline route at or adjacent to the Stouffel is the same route as approved in Imperial's Leave to Construct Application;
- d. if so, confirm why Imperial needs additional temporary workspace adjacent to a portion of the already-approved pipeline route;
- e. confirm which portions of the July 2019 temporary workspace indicated on the map Imperial has acquired or obtained rights for;
- f. advise if Imperial still requires the July 2019 temporary workspace indicated on the map;
- g. provide Imperial's proposed construction schedule for the Realignment and/or additional temporary workspace at and adjacent to Stouffel, and;
- h. advise how Imperial will mitigate impacts from the additional temporary workspace on Stouffel, including how it will coordinate construction activities with the growing season and maintain parking access for the public to Stouffel.

9. Reference: 1112308 Ontario Inc. and 2394561 Ontario Inc., Overview of Evidence

Preamble: 1112308 Ontario Inc. and 2394561 Ontario Inc. (collectively, "Abell")'s evidence is that its premises adjacent to the Realignment store various toxic pesticides.¹ It relies on Toronto's fire department as the "normal first line of response to all emergencies".² Firefighting water contaminated with pesticide residue may escape the property in an emergency.³ At full release of water and chemicals, the sprinkler system can only be operated for 14 minutes before Abell's containment system is breached.⁴

Question: Please:

- a. confirm whether Imperial was aware of the these fire safety and environmental risks when it selected the Realignment route;
- b. provide Imperial's assessment of the effect of its Realignment on these fire safety and environmental risks, including the extent to which it will aggravate them, whether and how they can be mitigated, any steps Imperial will take to mitigate them, and whether a further realignment is necessary or prudent given the concerns Abell has raised;
- c. confirm how Imperial's spill and emergency plans will specifically (rather than generically) account for these fire safety and environmental risks, and;
- d. provide those spill and emergency plans as they pertain to the Realignment. If they have not yet been prepared, please indicate this, advise when they will be prepared, and confirm that Imperial will provide them to Toronto on that date.

10. Preamble: Google Satellite indicates two industrial facilities next to the Realignment route. The first facility is visible as two white tanks at the bottom left of **Figure 1**. The second facility is at the centre of **Figure 1**, and is approximately halfway between Galaxy Boulevard and Highway 27.

Question: Please:

- e. confirm the nature of these two facilities;
- f. advise if their proximity to the Realignment Route creates any risks;
- g. if so, itemize these risks and describe how imperial will manage them, and;
- h. advise whether the Realignment is an appropriate route in light of these risks.

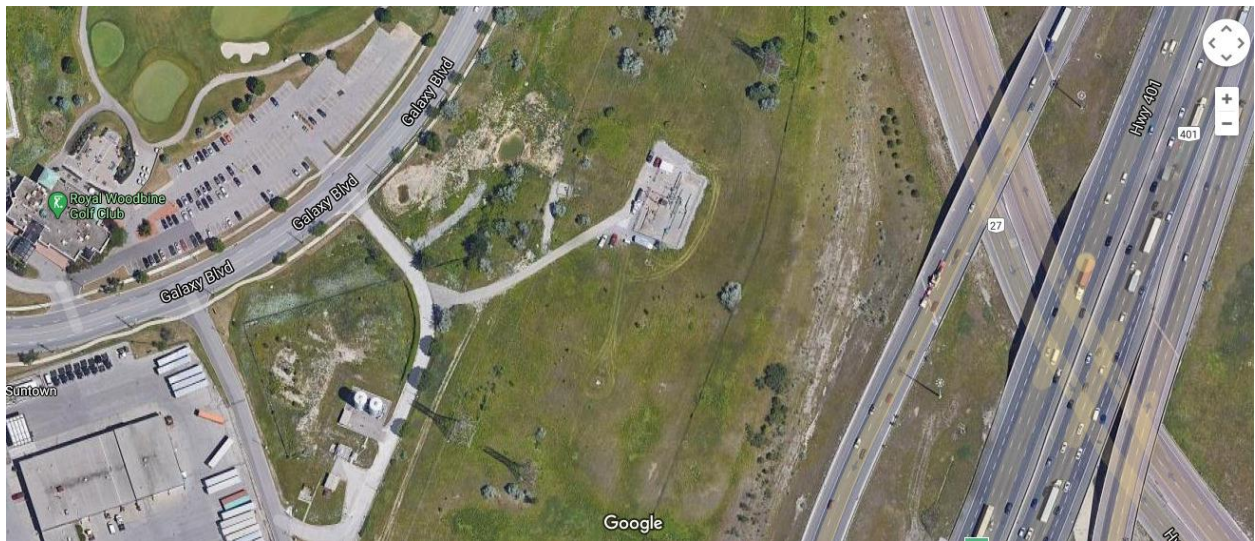
¹ Overview of Evidence, 1112308 Ontario Inc. and 2394561 Ontario Inc., Tab 12, p 1-12 of 13

² *Ibid*, Tab 6, p 6 of 42

³ *Ibid*, Tab 6, p 35 of 42

⁴ *Ibid*

Figure 1: Google Satellite View



11. Reference: Imperial Evidence, page 6 of PDF

Preamble: Imperial advises of "concerns about valve location for aesthetics, safety and liability". It states that it "has committed to working with landowners to ensure the valve is designed in a manner to be acceptable to address aesthetic and safety concerns".

Question: Please:

- i. confirm the location of this valve;
- j. describe the safety and liability concerns that have been raised with regard to the valve, and;
- k. advise how Imperial will address these safety and liability concerns.

General

12. Question: Please provide complete consultation logs for the Realignment.

13. Reference: Imperial Evidence, Motion to Review and Vary, page 10 of PDF

Preamble: Imperial provides a map with yellow crosshatching at the bottom left.

Question: Please confirm what the yellow crosshatching indicates, e.g. TRCA-regulated land.