

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15 (Schedule B);

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

INTERROGATORIES TO IMPERIAL OIL FROM 1112308 ONTARIO INC. and 2394561 ONTARIO INC. (“Abell Properties”)

1. Reference: Imperial Oil, EB-2020-0219, Need and Alternatives

Preamble:

In the Notice of Hearing for EB-2020-2019, page 3 provides:

The proposed Route Realignment is a crossing realignment of the OEB-approved Route at Highway 401/Highway 27 in the City of Toronto. The need for the realignment is due to the Ministry of Transportation’s request to move Imperial Oil’s pipeline outside of the Ministry of Transportation’s right of way to allow for future expansions of Highway 401. The proposed crossing of Highway 27 is approximately 800 meters north of the OEB approved Route. The length of the proposed Route Realignment is approximately 1,850 metres.

The length of the OEB-approved Route alignment is approximately 1,370 metres. A map of the proposed Route Realignment is attached as Schedule “A” to this Notice of Hearing of a Motion and Procedural Order No. 1 (Notice and PO No. 1).

The Route Realignment directly affects 23 parcels of land owned by 14 landowners. These include six new properties, owned by five different landowners (Newly Affected Landowners), which were not directly impacted by the OEB-approved Route.

Questions:

a.) The route contained in Schedule “A” is non-direct, non-linear in nature and appears to be lengthier than required. What alternatives did Imperial Oil consider that would be shorter in length and would impact less property owners than the current proposed realignment as set out in Schedule “A”?

- b.) Having regard for the fire safety and related concerns of the Abell Properties, which alternative route(s) are possible that would not impact the existing use and existing tenants at the Abell Properties?
- c.) When establishing the alternative route, was Imperial Oil aware of the existing uses of the Abell Properties and in determining the proposed route, what consideration and accommodation was made for the existing uses at the Abell Properties?
- d.) To the extent that Imperial Oil has consulted with local government fire safety officials in determining its route, please provide the timing and nature of the correspondence and whether the Abell Properties were discussed.
- e.) Does Imperial Oil have experience with similar fire safety matters and if so, how has it dealt with such issues?

2. Confirmations re: Structure of Infrastructure on the Abell Properties

Preamble:

Imperial Oil and its retained land agents have engaged in discussions with the Abell Property Owners regarding the construction of the proposed route.

Questions:

- a.) Can Imperial Oil confirm on the OEB record that no valve station or other above ground infrastructure will be placed or located on the Abell Properties?
- b.) Can Imperial Oil confirm the location of valve stations and the proximity to the Abell Properties?

3. Specific Fire Safety and Risk Mitigation in Proximity to the Abell Properties

Preamble:

Abell Properties has filed the evidence in this matter with respect to specific fire safety risks due to the current existing uses by in place tenants at its properties.

Questions:

- a.) Has Imperial Oil received written confirmation from local municipal fire safety staff that a controlled burn in proximity to its proposed infrastructure will not increase or create an elevated fire safety risk?
- b.) Having regard to the evidence and documentation provided by the Abell Properties, what mitigation approaches are Imperial Oil intending to integrate in the construction and design of its works?

- c.) Has Imperial Oil conducted or commissioned any independent studies with respect to the risk of fire safety posed by the uses at the Abell Properties? Has a chemical fire event at the Abell Properties been modelled by a third-party consultant in relationship to the proposed pipeline location?
- d.) Has Imperial Oil considered or included a retaining wall or containment unit be constructed on the south east corner of the 151 Skyway Property as part of its project to mitigate the fire safety risks?

4. Access mitigation plans for impacts to tenants at the Abell Properties

Preamble: The Abell Properties have a number of in place tenants, including tenants that engage in shipping and receiving uses.

Questions:

- a.) Can Imperial Oil confirm that access will be maintained for all tenants at the Abell Properties during the course of its construction of the subject works?
- b.) Can Imperial Oil confirm that shipping and receiving at the Abell Properties will not be disrupted during the course of its construction and that the tenants at the Abell Properties may use the full width of the driveway entrance during the course of construction.

5. General – Ongoing Operating Impacts

- a.) Can Imperial Oil describe the frequency of its inspection and maintenance activities where access to the Abell Properties will be required? Can Imperial Oil confirm that continuous access will be maintained for all tenants at the Abell properties during such activities?
- b.) How does Imperial Oil ensure the integrity of the pipeline through inspection and preventative maintenance activities? Have these activities failed to detect a pipeline integrity issue that has catastrophically failed? If so, please describe.
- c.) How did Imperial Oil determine the extent of its land rights needed from Abell Properties?
- d.) What is the setback from the pipeline (edge of right-of-way or pipeline) required of any construction/development? Please provide the source of such setback.