

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

**1112308 ONTARIO INC. and 2394561 ONTARIO INC.
ANSWERS TO INTERROGATORIES OF OEB**

Question 1

Preamble:	Abell Properties raises the issue of “unique safety risks...associated with additional pipeline infrastructure...” on its property. Abell Properties indicates that specialized fire safety plans and emergency response plans need to be in place because of the storage, processing and chemical management activities on the properties by a tenant, Gardex Chemicals Ltd. Abell Properties’ evidence notes that the fire safety plans are to be completed in accordance with provincial and national requirements and standards.
Reference:	Evidence by 1112308 Ontario Inc. and 2394561 Ontario Inc. (Abell Properties), October 29, 2020, Overview of Evidence, pages 1- 2.
Question:	a) Please summarize the procedures and conditions that Abell Properties would like to see in place in relation to the unique safety risks associated with the addition of pipeline infrastructure on its property. Please indicate if any of these procedure/conditions are required by federal and/or provincial legal or regulatory requirements.
Answer:	In order to understand the risks associated with the pipeline infrastructure, the staff of Gardex Chemicals Ltd. have had regular discussions with the local area fire chief’s staff and commanders for their guidance and recommendations.

	<p>In a meeting of November 5, 2020, the following was recommended:</p> <p>In light of the uses of the subject properties, there should not be any valves on 7 Meridian Road and 151 Skyway Ave for the Imperial Oil infrastructure.</p> <p>In order minimize any run off water, in the event of a fire, that a retaining wall or containment unit be constructed on the south east corner of the 151 Skyway property. This is where Imperial Oil will be digging up the asphalt of the 151 Skyway driveway. The retaining wall would have drain holes in the bottom to let the rain water through and seals that we would have to place in the holes in the event of the fire. Any contaminated runoff would then have to be vacuumed out and disposed of as hazardous waste.</p> <p>The benefit to Imperial Oil installing the wall at their expense would be no disruption in their pipeline in the event of fire.</p> <p>Without a retaining wall the run off would contaminate the soil in that entire area requiring removal in order to mitigate potential contamination of Mimico Creek. How deep and extensive this would be depends on the amount of runoff, and extensive soil sampling. This would result in Imperial Oil having to cap off the pipe line.</p> <p>Pursuit to section 21 of the <i>Fire Protection and Prevention Act</i>, 1997, S.O. 1997, c. 4 there is a risk of an inspection resulting in an order for compliance. The potential for such an order may be elevated and it may be more difficult or cost prohibitive to comply as a result of Imperial Oil's infrastructure. Abell Properties has received no confirmation from local fire services that it would not receive such an Order arising from the installation, structure or use by Imperial Oil, including with respect to repairs.</p> <p>From the perspective of Abell Properties and Gardex Chemicals Ltd. the above noted measures, constructed and installed at Imperial's cost in advance of the line installation, and confirmation that no above ground valves are located are acceptable mitigation measures.</p> <p>In addition, Imperial Oil may have additional mitigation and safety measures and protocols to alleviate the risk based on the advice of independent third party experts.</p>

Question:	b) Please provide an overview of communication between Imperial Oil and Abell Properties on this matter, including the prospect of resolving the issue.
Answer:	<p>Imperial Oil in this matter has been represented by a land agent, CanAcre. There have been ongoing discussions on a without prejudice basis over the summer months and the discussions have been positive and ongoing.</p> <p>In our view, at least one element of concern may have been addressed and we are optimistic about the remainder issues related to safety.</p>
Question:	c) Please describe if Abell Properties' communication with Imperial Oil included discussions of procedures/conditions that Abell Properties would like Imperial Oil to implement. If negotiations on conditions and accommodations have taken place, what is the status of the negotiations? What are the prospects of the parties reaching an agreement?
Answer:	<p>There has been communication with Imperial Oil to seek confirmation that there would be no above ground infrastructure on the Abell Properties.</p> <p>From the perspective of Abell Properties, matters related to fire safety and routing have the potential to be resolved and from the position of Abell Properties there is a potential to resolve the safety issues.</p> <p>Compensation matters are outside of this process in route determination and would need to be resolved separately in the future. We understand that such issues are outside of the scope of the OEB's mandate on this matter.</p>