

BY E-MAIL

April 21, 2021

Christine E. Long
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
registrar@oeb.ca

Dear Ms. Long:

**Re: Imperial Oil Limited - Expropriation Application Waterdown to Finch
Project, OEB File No. EB-2021-0096
OEB Staff Interrogatories to Applicant**

In accordance with Procedural Order No. 1, please find attached the OEB staff interrogatories for the above proceeding. The attached document has been forwarded to the applicant and to all other registered parties to this proceeding.

Yours truly,

Zora Crnojacki
Project Advisor

**IMPERIAL OIL LIMITED
EXPROPRIATION APPLICATION, WATERDOWN TO FINCH
PROJECT
EB-2021-0096**

OEB STAFF INTERROGATORIES

Interrogatory 1

Ref.: Application for Expropriation, pages 3-4, paragraphs 13-18; Application for Expropriation, Appendices D-2, D-3

Preamble

As a reminder, issues around compensation do not fall within the scope of the OEB's section 99 proceeding, and the OEB does not need details related to specific compensation offers.

Imperial Oil stated that its "...preferred approach to acquiring land rights for the Project has been through negotiation of mutually acceptable agreements with landowners" and that it has been engaged in ongoing direct negotiations with the affected landowners along the Project route since February 2019.

Owners of the parcels of land subject to the Application are two corporations (D-2 and D-3). Imperial Oil stated that the affected landowners had been offered or would be offered forms of easements approved by the OEB.

Questions

Please provide an update on direct negotiations with the two impacted corporations owning the subject lands since the filing of the Application. For each of the affected properties and interests in land please include a complete description of communication and negotiations between Imperial Oil's land agents and the landowners, a brief description of the general nature and content of the information exchanges, issues and concerns raised by the landowners and planned follow ups by Imperial Oil. How is Imperial Oil planning to address these issues and if it is not planning to address these issues, why not?

Interrogatory 2

Ref: Application for Expropriation, Appendix A (map): Imperial Waterdown to Finch Project

Questions

- a) On the map of the Project route filed in Appendix A, please mark general locations of the properties that are subject of the Application.
- b) For each of the properties that are subject of the Application, provide a map using a photo (satellite) image as a base, at the scale 1:12,000, showing the existing pipeline, approved pipeline route, boundaries of the existing easement areas, boundaries of required easement areas, property boundaries, type of easement required (i.e. temporary or permanent), current land use and any other feature or information relevant for the location.

Interrogatory 3

Ref.: Application for Expropriation, paragraph 20, page 5 and 6; Application for Expropriation, Appendix B: Description of Rights Sought – New Permanent Easement; Appendix C: Description of Rights Sought – Temporary Workspaces; Appendices D-2, D-3

Preamble

Imperial Oil has stated that it has taken "...reasonable steps to minimize the impact of the proposed expropriation on the subject properties and it has taken appropriate steps to minimize the disruption to property owners and interest holders by requesting property interests that are no larger and no more extensive than necessary". Temporary Workspaces rights are sought for the term of 5 years.

Questions

- a) Please describe the impacts of the easements on the landowners and tenants of the subject lands.
- b) Please specify and describe the "reasonable steps" and "appropriate steps" that Imperial Oil has taken or will take to minimize the impact of the proposed expropriations on the subject properties and disruption to property owners and interest holders. Please describe separately the actions that Imperial Oil has taken or will take during:
 - i) construction

ii) operation and maintenance

- c) The requested Temporary Workspace Easement terms are for 5 years duration. What is the rationale for the longer term of this easement, that extend past the planned in-service date of the Project?
- d) Please explain the criteria and standards that Imperial Oil applied to determine the size of the required permanent and temporary easements.
- e) Under normal operational circumstances, how frequently and for what specific purposes does Imperial Oil foresee that it will access the permanent and temporary easements after the Project is constructed?

Interrogatory 4

Ref.: Application for Expropriation, page 2, paragraph 6

Preamble

Imperial Oil's Project is a "...proactive replacement of an important segment" of an existing pipeline. The new pipeline will be located along and in proximity of the existing pipeline that will be decommissioned and taken out of service.

Questions

Please describe the timing and the scope of the activities associated with the decommissioning and abandonment of the existing pipeline on the properties subject to this Application. How will Imperial Oil minimize and manage the potential impacts of these activities to reduce the disturbances to the landowners and the properties?

Interrogatory 5

Ref.: Imperial Oil Letter to the OEB, dated November 20, 2020; Application for Expropriation, page 7, paragraph 26

Preamble

Imperial Oil notified the OEB in a letter dated November 20, 2020 that it would start construction of the Project at KP 0 to KP 11 within the City of Hamilton and the City of Burlington "as early as December 1, 2020."

Imperial Oil requested the OEB's decision on the Application by June 1, 2021.

Questions

- a) What are the dates planned for construction start along the route segments where each property is located? How long is the anticipated construction along these properties?
- b) How will Imperial Oil manage the project activities and timelines in the event that a decision in the current proceeding is not issued by June 1, 2021?

Interrogatory 6

Preamble

Imperial Oil applied for an order granting it the authorization to expropriate certain rights for certain lands pursuant to section 99 of the OEB Act. The OEB Act permits the OEB, when making an order, to “impose such conditions as it considers proper.”⁴

Questions

OEB staff has prepared the following draft Conditions of Approval. If Imperial Oil does not agree to any of the draft conditions of approval noted below, please identify the specific conditions that Imperial Oil disagrees with and explain why. For conditions in respect of which Imperial Oil would like to recommend changes, please provide the proposed changes and an explanation of the changes.

⁴ OEB Act, s. 23

**Imperial Oil Limited, Expropriation Application
Waterdown to Finch Project
Section 99 Order Granting Authority to
Expropriate Interests in Certain Lands**

**DRAFT PROPOSED CONDITIONS OF
APPROVAL**

1. Imperial Oil shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the settlement.
2. Imperial Oil shall use all reasonable efforts to provide oral and written notice to the landowners a minimum of 48 hours prior to entry onto the land.
3. Reasonable accommodation shall be made in Imperial Oil's schedule for landowner requests/concerns to ensure that pipeline facilities' construction and associated activities do not interfere with landowner operations.
4. Imperial Oil or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, Imperial Oil shall ensure that gates / fences / entryways used by Imperial Oil personnel or its agents are left as found.
5. The landowners and tenants can be present to observe the pipeline facilities' construction and associated activities subject to Imperial Oil's safety policies and procedures and the Occupational Health and Safety Act.
6. Imperial Oil shall keep records of the personnel attending and entering on lands, the time in which entry occurred and the locations entered.
7. Imperial Oil shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to the landowners and tenants as well clearly posted on the construction site. The project manager will be responsible for the fulfilment of the conditions of approval on the site.