



February 17, 2022

Ms. Jessie Malone
Environmental and Regulatory Advisor
Imperial Oil Limited
100 5th Concession East
Waterdown, ON L0R 2H1
Jessie.m.malone@esso.ca

Dear Ms. Malone:

**Re: Imperial Oil Limited
Waterdown to Finch Project Application
Ontario Energy Board File Number: EB-2019-0007
Change Request**

On February 8, 2022, Imperial Oil Limited (Imperial Oil) submitted a letter to the Ontario Energy Board (OEB) requesting approval of a three-month extension for filing post-construction monitoring reports for Waterdown to Finch Project (Change Request).

The Waterdown to Finch Project consists of approximately 63 kms of 12-inch diameter pipeline for transportation of refined petroleum products from Imperial Oil's facility in the City of Hamilton to Imperial Oil's facility in the City of Toronto.

The Change Request was made pursuant to Condition of Approval No. 6 of the OEB's [Leave to Construct Decision and Order](#) granted for the Waterdown to Finch Project on March 12, 2020¹. Condition of Approval No. 6 refers to any proposed-change to the approved construction and restoration procedures:

6. *Imperial Oil shall advise the OEB of any proposed-change to the OEB approved construction or restoration procedures. Except in an emergency, Imperial shall not make any such change without prior notice to, and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.*

¹ EB-2019-0007

In accordance with the requirement in the Condition of Approval No. 6 Imperial Oil requested that the OEB approve the following changes to Conditions 7. a) and 7. b) of the [Leave to Construct Decision and Order](#):

7. *Both during and after construction, Imperial Oil shall monitor the impacts of construction, and shall file with the OEB one paper copy and one electronic (searchable PDF) version of each of the following reports:*
 - a) *a post construction report, within ~~three~~ six months of the in-service date, which shall:*
 - i. *Provide a certification, by a senior executive of the company, of Imperial Oil's adherence to Condition 1*
 - ii. *Describe any impacts and outstanding concerns identified during construction*
 - iii. *Describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction*
 - iv. *Include a log of all complaints received by Imperial Oil, including the date/time a complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions*
 - v. *Provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licences, and certificates required to construct, operate and maintain the proposed project*
 - b) *a final monitoring report, no later than ~~fifteen~~ eighteen months after the in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:*
 - i. *Provide a certification, by a senior executive of the company, of Imperial Oil's adherence to Condition 3*
 - ii. *Describe the condition of any rehabilitated land*
 - iii. *Describe the effectiveness of any actions taken to prevent or mitigate any identified impacts of construction*

- iv. *Include the results of analyses and monitoring programs and any recommendations arising therefrom*
- v. *Include a log of all complaints received by Imperial Oil, including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions*

Imperial Oil stated that the Waterdown to Finch Project's new pipeline installation would be completed in winter 2022 and that the commissioning of the pipeline was planned for spring 2022. Imperial Oil explained that due to seasonal and environmental constraints post-construction reclamation activities would not be completed until summer 2022.

Imperial Oil submitted that, if the time for filing the first post construction report² was not extended, the report would not include details of reclamation for segments of right-of-way, because these activities would not be completed within that timeframe.

Regarding the timing of filing the final monitoring report³, Imperial Oil submitted that, with the 3-month extension, a 12-month period between the first post construction report and the final monitoring report would allow for a full growing season between filing the two reports. Imperial Oil explained that the 3-month extension to file each of the reports, the restoration results would be monitored during the leaf-on vegetation season "...which will allow for a complete and representative final monitoring report."

Imperial Oil added that the approval of the Change Request would also "...allow time for identification of any reclamation deficiencies and resolution of these deficiencies prior to submission of the final monitoring report...". Imperial Oil stated that the requested timing to file the reports would not materially change the impacts of the Waterdown to Finch Project and that the additional time would that "...the post-construction report and final monitoring report are fulsome and useful as possible...".

As the Manager, Natural Gas Applications, I have been delegated, under section 6 of the *Ontario Energy Board Act, 1998*, the authority of the OEB to determine whether Imperial Oil's proposal will result in material changes to the Waterdown to Finch Project in respect of which leave to construct was granted by the OEB in the EB-2019-0007 proceeding. I have been further granted the authority to approve any changes that I have concluded are not material.

² Per Condition of Approval No. 7 a)

³ Per Condition of Approval No. 7 b)

Based on my review of the information provided in Change Request, I find that the changes proposed by Imperial Oil are not material. I also find that Imperial Oil provided sufficient reasons to support its request to extend the timelines for filing of the post construction report and final monitoring report under Conditions 7. a) and 7. b) respectively of the Leave to Construct Decision and Order. I hereby approve the proposed changes.

Yours truly,

Pascale Duguay
Manager, Natural Gas Applications

c: All the parties in the EB-2019-0007 proceeding.