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BY E-MAIL

August 4, 2022

Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Imperial Oil Limited (Imperial Oil)
Application for Hamilton Relocation Project Approval
OEB File Number: EB-2022-0171**

In accordance with Procedural Order No. 1, please find attached OEB staff interrogatories in the above proceeding. The attached document has been forwarded to the applicant.

Yours truly,

Original Signed By

Zora Crnojacki
Senior Advisor, Natural Gas Applications

Encl.



OEB Staff Interrogatories

Application for Hamilton Relocation Project Approval

EB-2022-0171

August 4, 2022

ISSUE 4.0: ENVIRONMENTAL IMPACTS

4.1 Staff.1 Ref: Application: Appendix 1:Environmental Report; Evidence: Exhibit G:
Record of Consultation, Tab 1, Schedules 1,2,3

On behalf of Imperial Oil, Stantec Consulting Ltd. (Stantec) completed an *Environmental Report: Pipeline Relocation Project* (ER) dated January 6, 2022. Imperial Oil stated that the ER studies and the consultation were conducted in accordance with the *OEB's Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines in Ontario [7th Edition, 2016]* (OEB Environmental Guidelines). The ER assessed the existing bio-physical and socio-economic environment in the study area, the alternative routes, proposed the preferred route, conducted public consultation, conducted impacts assessment, and proposed mitigation measures to minimize the impacts.

On January 12, 2022, the ER was made available to the Ontario Pipeline Coordinating Committee (OPCC) for review and comments. On February 23, 2022 the OPCC 42-day review timeline ended. The Consultation Record indicates that Imperial Oil, prior to application to the OEB, notified the OPCC and other stakeholders, including the City of Hamilton and Hamilton Conservation Authority, about the Project and the ER. According to the Consultation Record and supporting documentation the only comment received was from the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI).

- a) Please provide updated information on any other comments received from i) the OPCC members and ii) other notified and consulted entities. Please include copies of any additional communication and comments received to date.

4.1 Staff.2 Ref: Application: Exhibit G: Record of Consultation, Tab 1, Sch 2, pages 2-3;
Application: Appendix 1:Environmental Report, Appendix F: Cultural Heritage Checklist; Application: Appendix 3: Record of Consultation-Supporting Documents, Email from Laura Hatcher, dated April 6, 2022

As part of the environmental assessment process for the Project, and in accordance with the *Ontario Heritage Act*, Imperial Oil is required to complete a *Cultural Heritage Assessment Report* (CHAR) and submit it to the MHSTCI for review and comment.

The Record of Consultation indicates that MHSTCI recommended that the Cultural Heritage

Report: Existing Conditions and Preliminary Impact Assessment (CHECPIA) be prepared to inform the Environmental Report and "...make preliminary recommendations for the conservation of known and potential cultural heritage resources".

In response to this recommendation, Stantec stated that the "...CHECPIA will be complete prior to construction, and that all reports and findings would be submitted to MHSTCI for review." In a subsequent comment MHSTCI advised Stantec that the CHECPIA be completed during the environmental reporting "...so that it can inform the report". The ER includes (as Appendix F) a Cultural Heritage Checklist. In an email on April 6, 2022 the MHSTCI continued to advise Stantec that the Cultural Heritage Report should be prepared during the environmental reporting and submitted to the MSHTCI for review.

According to the record no reports have been included in the ER or filed with the MHSTCI.

- a) Please describe the status of studies required to complete the Cultural Heritage Report and expected timing of providing this report to the MHSTCI for review and approval.
- b) Please file copies of any correspondence with the MHSTCI after April 6, 2022.

4.1 Staff.3 Ref: Application: Exhibit C: Tab 1, Schedule 4, Archaeology Assessment; Application: Exhibit G: Record of Consultation, Tab 1, Schedule 2, page 2: Application: Appendix 1: Environmental Report, Appendix 3: Record of Consultation-Supporting Documents, Email from Laura Hatcher, dated April 6, 2022

Stantec completed archeological assessment (AA) Stage 1 as required by the MHSTCI *2011 Standards and Guidelines for Consultant Archaeologists* (Government of Ontario, 2011) and submitted it for review on March 16, 2022 to the MHSTCI. Archeological Assessment Stage 2 was planned to start in May 2022.

- a) Please update the status of the MHSTCI's review of the Stage 1 AA Report.
- b) What is the status of the Archeological Assessment Stage 2 work and when is the anticipated date of filing the Archeological Assessment Stage 2 Report with the MHSTCI for a review?

- c) When does Imperial Oil expects clearance letters from the MHSTCI with respect to the Stage 1 AA and Stage 2 AA reports.
- d) Please confirm that Imperial Oil would file with the OEB clearance letters for Stage 1 AA and Stage 2 AA as soon as received from the MHSTCI.

ISSUE 5.0: ROUTE MAP AND FORM OF LANDOWNER AGREEMENTS

5.1 Staff.4 Application, Exhibit E, Tab 1, Schedule 3, page 1

Imperial Oil identified in its application the entities that would require approvals, permits and land easements for location, construction and operation of the Project.

- a) Please provide the status and anticipated time of each permit/approval application and the expected date of acquiring each of the permits.
- b) Discuss any anticipated potential delays that may affect construction schedule.

ISSUE 7.0 CONDITIONS OF APPROVAL

7.1 Staff. 5 Application

Imperial Oil has applied for leave to construct facilities under section 90(1) of the OEB Act. The OEB's standard conditions of approval for section 90 applications are provided below.

- a) OEB staff suggests that the OEB's standard conditions of approval should apply to the Project with the exception of Condition 6 which requires the applicant to file a post-construction financial report, given that the Project is being financed by Imperial Oil. Please confirm if Imperial Oil agrees with OEB staff's suggestion.
- b) Additionally, if Imperial Oil does not agree with any of the conditions of approval set out below, please identify the specific conditions that Imperial Oil disagrees with. Explain the rationale for disagreement and for any proposed changes or amendments.

**Leave to Construct Application under
Section 90 of the OEB Act**

**Imperial Oil Limited
EB-2022-0171**

STANDARD CONDITIONS OF APPROVAL

1. Imperial Oil Limited (Imperial Oil) shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2022-0171 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued, unless construction has commenced prior to that date.

(b) Imperial Oil shall give the OEB notice in writing:
 - i. of the commencement of construction, at least 10 days prior to the date construction commences
 - ii. of the planned in-service date, at least 10 days prior to the date the facilities go into service
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
 - iv. of the in-service date, no later than 10 days after the facilities go into service
3. Imperial Oil shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
4. Imperial Oil shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
5. Imperial Oil shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Imperial Oil 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.

6. Concurrent with the final monitoring report referred to in Condition 7(b), Imperial Oil shall file a Post Construction Financial Report, which shall provide a variance analysis of project cost, schedule and scope compared to the estimates filed in this proceeding, including the extent to which the project contingency was utilized. Imperial Oil shall also file a copy of the Post Construction Financial Report in the proceeding where the actual capital costs of the project are proposed to be included in rate base or any proceeding where Imperial Oil proposes to start collecting revenues associated with the Project, whichever is earlier
7. Both during and after construction, Imperial Oil shall monitor the impacts of construction, and shall file with the OEB one electronic (searchable PDF) version of each of the following reports:
 - (a) A post construction report, within three 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 the 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, licenses, and certificates required to construct, operate, and maintain the proposed project
 - (b) A final monitoring report, no later than fifteen 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 4
 - 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; and the rationale for taking such actions
8. Imperial Oil shall designate one of its employees as project manager who will be the point of contact for these conditions, and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.