

ONTARIO ENERGY BOARD

IN THE MATTER OF the Ontario Energy Board Act, 1998, S.O. 1998, c. 15 (Sched. B), as amended (the “Act”);

AND IN THE MATTER OF an application by Imperial Oil Limited under section 90(1) of the Act for an order granting leave to relocate an approximately 2000 metre (m) portion of existing 12-inch nominal pipe size (NPS) pipeline that is currently located on land owned by Lafarge Canada Inc. in the City of Hamilton;

AND IN THE MATTER OF an application by Imperial Oil Limited under section 97 of the OEB Act for approval of the proposed form of easement agreements included herein.

**INTERROGATORY RESPONSES OF
IMPERIAL OIL LIMITED**

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STAFF 4.1.1

Question(s)

- (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.

Response(s)

- (a) Imperial Oil Limited (“**Imperial Oil**”) has received has received comments from:
- (i) the Ministry of Ministry of Heritage, Sport, Tourism and Culture Industries (“**MHSTCI**”), dated April 6, 2022 and attached hereto as Appendix “A”;
 - (ii) the Ministry of Environment, Conservation and Parks (“**MECP**”), dated April 28, 2022 and attached hereto as Appendix “B”; and
 - (iii) the Technical Standards and Safety Authority (“**TSSA**”), dated July 18, 2022 and attached hereto as Appendix “C”.

STAFF 4.1.2

Question(s)

- (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.

Response(s)

- (a) The Cultural Heritage Report was completed and submitted to the MHSTCI on August 17, 2022 for review and approval.
- (b) Responsive correspondence is included at Appendix "A".

STAFF 4.1.3

Question(s)

- (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 Archaeological 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.

Response(s)

- (a) The Stage 1 AA Report was submitted on March 15, 2022. As of August 18, 2022, no comments have been received from the MHSTCI.
- (b) The Stage 2 AA Report has been completed and has been circulated to Haudenosaunee Confederacy Chiefs Council, Six Nations of the Grand River Elected Council, and Mississauga's of the Credit First Nation (the "**Indigenous Communities**"). Once review of the Stage 2 AA Report with the Indigenous Communities is completed, the Stage 2 AA Report will be updated as necessary and submitted to the MHSTCI.
- (c) Imperial Oil intents to submit a request for expedited review of the Stage 1 AA and Stage 2 AA Reports to the MHSTCI. It is anticipated that clearance letters will be received prior to the commencement of construction.
- (d) Imperial Oil confirms that it will file clearance letters for Stage 1 AA and Stage 2 AA as soon as received from the MHSTCI.

STAFF 5.1.4

Question(s)

- (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.

Response(s)

- (a) The following is a summary of the status and the expected date of acquiring each of the permits required by Imperial Oil in respect of the Project:

- (i) **Permit Type:** Road-Crossing Approvals

- Permitting Authority:** City of Hamilton

- Status:** Confirmation of approval process obtained, which will include adding new crossings to “Schedule A” of existing master crossing agreement. Imperial Oil anticipates filing required materials by August 31, 2022.

- Expected Date of Acquisition:** October 30, 2022

- (ii) **Permit Type:** Above-Ground Power Crossing Approval

- Permitting Authority:** Hydro One Networks Inc.

- Status:** Application materials are currently being prepared. Imperial anticipates filing required materials by August 26, 2022.

- Expected Date of Acquisition:** September 31, 2022

- (b) Imperial Oil does not anticipate delays which may impact the construction schedule.

STAFF 7.1.5

Question(s)

- (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 postconstruction 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.

Response(s)

- (a) Imperial Oil does not object to OEB Staff's suggestion that standard conditions of approval should apply to the Project with the exception of Condition 6.
- (b) Imperial Oil does not object to the conditions of approval set out at pages 4 – 8 of the OEB Staff Interrogatories dated August 4, 2022. Thanks for this – I revised accordingly.

**Appendix “A” – Correspondence from the Ministry of Heritage, Sport,
Tourism and Culture Industries, dated April 6, 2022**

From: Hatcher, Laura (MHSTCI) <Laura.E.Hatcher@ontario.ca>
Sent: Wednesday, April 06, 2022 10:50 AM
To: Hartwig, Emily
Cc: IOLRelocation; Zora Crnojacki
Subject: RE: Imperial Oil Limited - Pipeline Relocation Project OPCC Review

Hi Emily,

Thank you for the responses. I have taken an initial look at the Environmental Report that was sent to our office yesterday. I see that the detailed recommendations from the stage 1 AA have not yet been incorporated into the body of the Environmental Report. I also note that the archaeological assessment was resubmitted on March 15, 2022 and is currently under review, and so it can not yet be considered final.

Thank you for the information on the timing of the Cultural Heritage Report. It continues to be our advice that this reporting should be completed during the Environmental Reporting phase so it can inform the report. It is my understanding that this used to be common practice for Stantec's OEB files, but this has changed recently. I have spoken to my Team Lead, Karla Barboza, about this and she let me know she had been in touch with Stantec to suggest a meeting about this but I don't think anything has been set up yet.

Sincerely,
Laura

Laura Hatcher, MCIP, RPP

Heritage Planner

Heritage Planning Unit | Programs and Services Branch | Heritage, Tourism and Culture Division

Ministry of Heritage, Sport, Tourism and Culture Industries

Tel. 437-239-3404 **New** | email: laura.e.hatcher@ontario.ca

From: Hartwig, Emily <Emily.Hartwig@stantec.com>
Sent: March 1, 2022 9:16 AM
To: Hatcher, Laura (MHSTCI) <Laura.E.Hatcher@ontario.ca>
Cc: IOLRelocation <IOLRelocation@stantec.com>; Zora Crnojacki <Zora.Crnojacki@oeb.ca>
Subject: RE: Imperial Oil Limited - Pipeline Relocation Project OPCC Review

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Good morning Laura,

Thank-you for your response regarding the IOL Pipeline Relocation Project. Please find below our responses to the comments provided in your email.

Archaeological Resources

The Stage 1 Archaeological Assessment (AA) is expected to be submitted to the MHSTCI this week (Feb 28. – Mar. 4). The Environmental Report will be updated to include the detailed recommendations that are noted in the draft Stage 1 AA (e.g. recommendation regarding Stage 3 Cemetery Investigations due to the project's close proximity to the Glenwood Cemetery).

Built Heritage Resources and Cultural Heritage Landscapes

The MHSTCI Criteria for Evaluating Potential for Built Heritage Resources and Cultural Heritage Landscapes checklist was prepared for the IOL Pipeline Relocation Project. The checklist included a 50-meter study area buffer around the alternative pipeline route and the preferred pipeline route. The Cultural Heritage Report: Existing Conditions and

Preliminary Impact Assessment (CHECP/IA) will be completed prior to construction. All reports and findings will be submitted to the MHSTCI for review.

Emily Hartwig B.Sc., EP.

Environmental Consultant, Assessment and Permitting

Direct: (519) 585-3849

Mobile: (226) 979-4457

Emily.Hartwig@stantec.com

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From: Hatcher, Laura (MHSTCI) <Laura.E.Hatcher@ontario.ca>

Sent: Wednesday, February 23, 2022 9:31 AM

To: Zora.Crnojacki@oeb.ca

Cc: Hartwig, Emily <Emily.Hartwig@stantec.com>; IOLRelocation <IOLRelocation@stantec.com>

Subject: RE: Imperial Oil Limited - Pipeline Relocation Project OPCC Review

Good day,

MHSTCI has reviewed the Environmental Report for this project as part of the Ontario Pipeline Coordinating Committee. Our interest in this project relates to the conservation of cultural heritage resources (archaeological resources, built heritage resources and cultural heritage landscapes). We provided preliminary advice and comments on July 28, 2021 (attached here).

Overall, the Environmental Report needs to provide more information to support its findings about impacts to cultural heritage resources.

Archaeological Resources

Our comments from July 2021 advise that, at a minimum, a Stage 1 archaeological assessment should be prepared during the project planning phase, and the findings incorporated into the Environmental Report. Section 3.4.8 *Archaeological Resources* of the Environmental Report states that a Stage 1 archaeological assessment was prepared for the project. Our records show that the report has not yet been submitted to the ministry by the licensed archaeologist for review. It is only once the report has been screened or reviewed by MHSTCI and entered onto the *Ontario Public Register of Archaeological Reports* that it can be considered finalized. At this point in time, this component of the project reporting is incomplete.

We also note that the draft archaeological assessment makes more detailed recommendations than are presented in the body of the Environmental Report (e.g. recommendation regarding Stage 3 Cemetery Investigations due to the project's close proximity to the Glenwood Cemetery). It is our standard advice that the recommendations within the Executive Summary of the archaeological assessment, containing project specific details and recommendations, are incorporated into the body of the Environmental Report.

Built Heritage Resources and Cultural Heritage Landscapes

Section 3.4.9 *Cultural Heritage Resources* identifies cultural heritage resources within the study area, but states that the Cultural Heritage Report: Existing Conditions and Preliminary Impact Assessment will be completed prior to construction. MHSTCI recommends that the Cultural Heritage Report is prepared now, so that it can inform the Environmental Report and make preliminary recommendations for the conservation of known and potential cultural heritage resources.

These are all of our comments on the Environmental Report. Thank you for the opportunity to review and comment on the document.

Sincerely,
Laura

Laura Hatcher, MCIP, RPP

Heritage Planner

Heritage Planning Unit | Programs and Services Branch | Heritage, Tourism and Culture Division

Ministry of Heritage, Sport, Tourism and Culture Industries

Tel. 437-239-3404 **New** | email: laura.e.hatcher@ontario.ca

From: Hartwig, Emily <Emily.Hartwig@stantec.com>

Sent: Wednesday, January 12, 2022 12:33 PM

To: Hamilton, James (MHSTCI) <James.Hamilton@ontario.ca>

Cc: IOLRelocation <IOLRelocation@stantec.com>; zora.crnojacki@oeb.ca <zora.crnojacki@oeb.ca>

Subject: Imperial Oil Limited - Pipeline Relocation Project OPCC Review

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Good afternoon,

Lafarge Canada will be mining their approved South Quarry Extension lands on the south side of Concession 4 West, Hamilton, ON and therefore the existing 12" nominal pipe size (NPS) pipeline owned and operated by Imperial Oil Limited (Imperial Oil) will need to be relocated.

The Ontario Energy Board's Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario 7th Edition 2016 (Guidelines) recommend that a project proponent provide a copy of the Environmental Report (ER) for a project to the Ontario Pipeline Coordinating Committee for review and comment.

Pursuant to the Guidelines, please provide any comments on the ER to Ms. Zora Crnojacki (Zora.Crnojacki@oeb.ca) by no later than **February 23, 2022**. The ER is available for review and download in the link below.

 [Imperial Oil – Pipeline Relocation Project Environmental Report](#)

Emily Hartwig B.Sc., EP.

Environmental Consultant, Assessment and Permitting

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**Appendix “B” – Correspondence from the Ministry of Environment,
Conservation and Parks, dated April 28, 2022**

From: Georgopoulos, Rooly <Rooly.Georgopoulos@stantec.com>
Sent: Thursday, April 28, 2022 6:55 PM
To: Del Villar Cuicas, Joan (MECP); Hartwig, Emily
Cc: IOLRelocation
Subject: RE: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

Good afternoon Joan, thank you for the comments on the ER.

We will let IOL know that for any potential blasting activities to try and coordinate with LaFarge since as you say, Lafarge would likely receive any complaints associated with blasting in this area.

The project team understands it is the responsibility of the IOL to ensure SAR are not killed, harmed or harassed and that their habitat is not damaged or destroyed through the proposed activities to be carried out on the site. As noted in the ER, if SAR are encountered during the proposed pipeline replacement, all work will stop and consultation with the MECP regarding the potential need for a permit under the ESA and/or species specific mitigation will be conducted.

Lastly, our hydrogeological team have reviewed the groundwater levels in existing borehole records along the preferred route that along with the knowledge that Lafarge has drawn down the groundwater table in the study area to complete their extraction activities has helped us determine that a PTTW will not be required for this project.

Thanks again for getting back to us on this. If you have any other questions or comments, please feel free to reach out to me at your convenience.

Regards,
Rooly

Rooly Georgopoulos B.Sc.,
Principal, Environmental Services

Direct: 905-415-6367
Mobile: 416-729-2300
Fax: 905-474-9889
rooly.georgopoulos@stantec.com

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From: Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Sent: Thursday, April 28, 2022 3:53 PM
To: Hartwig, Emily <Emily.Hartwig@stantec.com>
Cc: IOLRelocation <IOLRelocation@stantec.com>
Subject: RE: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

Hi Emily,

Thank you for the clarification. We reviewed the report and offer the following comments:

- The Environmental Report mentions having to do possible blasting, and notes that landowners will be notified and existing conditions will be documented. It should also be noted that Lafarge blasts regularly in the north quarry (directly north of the proposed pipeline relocation), so coordination with Lafarge would be beneficial, as Lafarge would likely receive any complaints associated with blasting in this area.
- Source Protection Programs Branch (SPPB) notes that their previous comments on this project have been addressed in the Environmental Report.
- Please note that it is the responsibility of the proponent to ensure that Species at Risk (SAR) are not killed, harmed, or harassed, and that their habitat is not damaged or destroyed through the proposed activities to be carried out on the site. If the proposed activities cannot avoid impacting protected species and their habitats, then the proponent will need to apply for an authorization under the Endangered Species Act (ESA). As noted in the report, If the proponent believes that their proposed activities are going to have an impact or are uncertain about the impacts, they should contact SAROntario@ontario.ca to undergo a formal review under the ESA.
- It is recommended that the proponent consult with the PTTW Unit of the Environmental Permissions Branch of the Ministry of the Environment, Conservation and Parks to determine any Permit to Take Water (PTTW) or Environmental Activity and Sector Registry (ESAR) requirements (enviropemissions@ontario.ca).

Regards,

Joan Del Villar Cuicas (she/her)
Regional Environmental Planner (A)
Project Review Unit | Environmental Assessment Branch
Ontario Ministry of the Environment, Conservation and Parks
Joan.delvillarcuicas@ontario.ca | Phone: 365-889-1180

From: Hartwig, Emily <Emily.Hartwig@stantec.com>
Sent: Thursday, April 28, 2022 11:35 AM
To: Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Cc: IOLRelocation <IOLRelocation@stantec.com>
Subject: RE: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

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Good morning Joan,

My apologies for the delay in response. As per the recommendations of the Ontario Energy Board's Environmental Guidelines (2016), a copy of the ER was provided to a member representative from the MECP on the Ontario Pipeline Coordinating Committee (OPCC) on January 12, 2022 (attached for reference). The 42-day review period ended February 23, 2022, and as such we notified the OPCC chair that no comments had been received from the MECP (also attached for reference).

We will be submitting the Leave-to-Construct application very shortly, so any comments provided may be addressed after the applications submission.

From: Hartwig, Emily <Emily.Hartwig@stantec.com>
Sent: Wednesday, April 13, 2022 9:26 AM
To: Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Subject: RE: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

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My apologies Joan – I believe I have the issue resolved now. Can you please try access the report?

9a Jm Ukk B.Sc., EP.
Environmental Consultant, Assessment and Permitting

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From: Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Sent: Wednesday, April 13, 2022 8:04 AM
To: Hartwig, Emily <Emily.Hartwig@stantec.com>
Subject: RE: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

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Del Villar Cuicas, Joan (MECP)
Joan.DelVillarCuicas@ontario.ca
Connected to Windows



Use another account

Thanks,


Joan

Joan Del Villar Cuicas (she/her)
Regional Environmental Planner (A)
Project Review Unit | Environmental Assessment Branch
Ontario Ministry of the Environment, Conservation and Parks
Joan.delvillarcuicas@ontario.ca | Phone: 365-889-1180

From: Hartwig, Emily <Emily.Hartwig@stantec.com>
Sent: Monday, April 11, 2022 12:58 PM
To: Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Subject: RE: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

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Good afternoon Joan,

No problem – you should now have access to the report using the following link:  [rpt_110904556_IOL-Relocation_ER_20220323_fnl.pdf](#)

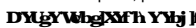
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From: Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Sent: Friday, April 8, 2022 1:05 PM
To: Hartwig, Emily <Emily.Hartwig@stantec.com>
Subject: FW: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

Good afternoon Emily,

Thank you for circulating the Environmental Report for this project. Could you please provide me with a new link to the report? I was not able to download the report from the link below.

Thanks,

Joan Del Villar Cuicas (she/her)
Regional Environmental Planner (A)
Project Review Unit | Environmental Assessment Branch
Ontario Ministry of the Environment, Conservation and Parks
Joan.delvillarcuicas@ontario.ca | Phone: 365-889-1180

From: Evers, Andrew (MECP) <Andrew.Evers@ontario.ca>
Sent: Tuesday, April 5, 2022 5:42 PM
To: Potter, Katy (MECP) <Katy.Potter@ontario.ca>; Del Villar Cuicas, Joan (MECP) <Joan.DelVillarCuicas@ontario.ca>
Subject: FW: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

FYI

From: Malcolmson, Heather (MECP) <Heather.Malcolmson@ontario.ca>
Sent: April-05-22 5:35 PM
To: Evers, Andrew (MECP) <Andrew.Evers@ontario.ca>; O'Neill, Kathleen (MECP) <Kathleen.Oneill@ontario.ca>;

Desautels, Solange (MECP) <Solange.Desautels@ontario.ca>

Subject: FW: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

Heather Malcolmson

Director, Client Services and Permissions Branch
Ministry of the Environment, Conservation and Parks
Phone: 416-302-4063 (cell)

From: Hartwig, Emily <Emily.Hartwig@stantec.com>

Sent: April 5, 2022 3:34 PM

To: IOLRelocation <IOLRelocation@stantec.com>

Subject: Imperial Oil Limited Pipeline Relocation Project: Environmental Report

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Good afternoon,

Lafarge Canada will be mining their approved South Quarry Extension lands on the south side of Concession 4 West, Hamilton, ON. As a result, the existing 12" nominal pipe size (NPS) pipeline owned and operated by Imperial Oil Limited (Imperial Oil) will need to be relocated. The intent is to relocate the pipeline along Concession 4 West primarily within the municipal road Right-of-Way, including two road crossings of Concession 4 West. The replacement pipeline will be approximately 2 km in length.

Imperial Oil retained Stantec Consulting Ltd. (Stantec) to undertake an Environmental Study of the construction and operation of the Project, in accordance with the Ontario Energy Board's (OEB) "*Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario, 7th Edition*" (2016)".

The Environmental Report for the study is available for review and download from the link provided below.

 [rpt_110904556_IOL-Relocation_ER_20220323_fnl.pdf](#)

Regards,

Emily Hartwig B.Sc., EP.

Environmental Consultant, Assessment and Permitting

Direct: (519) 585-3849

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**Appendix “C” – Correspondence from the Technical Standards and Safety
Authority, dated July 18, 2022**

From: Kourosh Manouchehri <KManouchehri@tssa.org>
Sent: Monday, July 18, 2022 8:30 AM
To: Georgopoulos, Rooly
Cc: Cao, Thomas
Subject: RE: Ontario Energy Board Notice - Imperial Oil Limited

Hi Carol,

Thank you for the provided information about this project. An application needs to be filled and submitted for the review of this project by TSSA as part of Ontario Pipeline Coordinating Committee. Please fill [Application for Review of Pipeline Project](#) and send it to the email address provided on the form.

If you have any question, please contact me.

Regards,



Kourosh Manouchehri, P.Eng., PMP | Engineer, Fuels
Engineering
345 Carlingview Drive
Toronto, Ontario M9W 6N9
Tel: +1 416-734-3539 | Fax: +1 416-231-7525 | E-Mail: kmanouchehri@tssa.org
www.tssa.org



Winner of 2022 5-Star Safety Cultures Award

From: Naylor, Carol <carol.naylor@stantec.com> **On Behalf Of** Georgopoulos, Rooly
Sent: June 29, 2022 3:35 PM
To: Kourosh Manouchehri <KManouchehri@tssa.org>
Cc: Cao, Thomas <thomas.cao@esso.ca>
Subject: Ontario Energy Board Notice - Imperial Oil Limited

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On behalf of Imperial Oil Limited (Imperial Oil) and the Ontario Energy Board (OEB) please find attached the OEB Notice. Furthermore, within the FTP site below, please find a copy Imperial Oil's Leave to Construct Application.

Login Information

FTP link: <https://tmptsftp.stantec.com>

Login name: s0706090224

Password: 7233060

Disk Quota: 20 GB

Expiry Date: 7/13/2022

Regards,
Rooy Georgopoulos

Rooy Georgopoulos B.Sc.,
Principal, Environmental Services

Direct: 905-415-6367
Mobile: 416-729-2300
Fax: 905-474-9889
rooy.georgopoulos@stantec.com

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