



**BY E-MAIL**

July 17, 2020

Ms. Jessie Malone  
Environmental and Regulatory Advisor  
Imperial Oil Limited  
100 5<sup>th</sup> Concession East  
Waterdown, ON L0R 2H1  
[Jessie.m.malone@esso.ca](mailto: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  
Request for Changes of Project Routing**

The Ontario Energy Board (OEB) is in receipt of your letter dated June 30, 2020 (Letter), in which Imperial Oil Limited (Imperial Oil) proposed three changes to the OEB-approved routing of the Waterdown to Finch Project (Project).

The OEB approved the Project on March 12, 2020, subject to a number of conditions<sup>1</sup>.

The Project involves 63 kilometers of 12-inch diameter pipeline for transportation of refined petroleum products from Imperial Oil's facility in the City of Hamilton to its facility in the City of Toronto. The OEB also approved the forms of easement agreements that Imperial Oil will offer, or has offered, to directly affected landowners related to the construction of the Project.

The Project will replace an existing Imperial Oil pipeline constructed in the mid -1950's. The existing pipeline from Waterdown to Finch is a segment of Imperial Oil's Sarnia Products Pipeline that transports fuel products manufactured in Sarnia to the Greater Toronto Area. The existing pipeline will be decommissioned in place. The OEB's approval of the Project was based on the need for Imperial Oil's Project to provide continuity of service and maintain system integrity.

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<sup>1</sup> Decision and Order (EB-2019-0007), dated March 12, 2020, including Conditions of Approval as Schedule "B".

The Project's route, as approved by the OEB, closely follows the route of the existing Imperial Oil pipeline, and is located in the City of Hamilton, the City of Burlington, the Town of Milton, the Town of Oakville, the City of Mississauga and the City of Toronto. The City of Burlington, the Town of Milton and the Town of Oakville are in the Region of Halton. The City of Mississauga is in the Region of Peel.

The OEB's Decision and Order approved the Project's route as described in Imperial Oil's application.<sup>2</sup> The OEB's conditions of approval, among other things, require that the Project is constructed in accordance with the OEB's Decision and Order in EB-2019-0007.

The OEB also included in its approval a condition which requires that:

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.

In accordance with the OEB's conditions of approval, Imperial Oil notified the OEB of three proposed changes to the OEB-approved route in its Letter. The first change request proposes a crossing realignment at Highway 403/Hurontario; the second change request proposes a crossing realignment at Highway 401/Highway 27; and the third change request proposes a new easement.

As the Manager, Generation and Transmission 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 proposals will result in material changes to the 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.

Based on my review of the initial information provided, I am unable to determine whether the changes proposed by Imperial Oil are material. Additional information is required regarding potential impacts of the proposed changes on any existing and newly affected landowners and on the environment. Imperial Oil is asked to file the following additional information by July 31, 2020:

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<sup>2</sup> The map of the approved route is included as Schedule "A" in the OEB Decision and Order (EB-2019-0007), dated March 12, 2020.

### Change 1: Highway 403/Hurontario Crossing Realignment

According to Imperial Oil's Letter, this change involves moving the route 65 meters to the northwest, closer to the existing Imperial Oil pipeline.

#### 1: Directly Affected Stakeholders and Landowners

- a) Please provide a list of stakeholders and landowners potentially affected by the proposed change.
- b) Please describe the means, process and timing of notifying the stakeholders and landowners of this proposed change.
- c) Are there any newly affected stakeholders and landowners (i.e. stakeholders and landowners that were not previously informed of the Project and/or directly impacted by the Project)?
- d) Please describe any concerns raised by potentially affected stakeholders and landowners.
- e) Please describe the actions undertaken and planned by Imperial Oil to address these concerns.
- f) What are the next steps in communicating with these parties?

#### 2: City of Mississauga

Imperial Oil stated that consultation with the City of Mississauga regarding the proposed change is in progress.

- a) Please provide details of the consultation with the City of Mississauga, including communication to date, concerns raised, and Imperial Oil's plan to address these concerns.

#### 3: Environmental Impacts

Imperial Oil stated that there will be no new environmental impacts and that the area added in this proposed change was subject to the environmental assessment for the Project. Imperial Oil also indicated that it conducted a new arborist assessment and species at risk assessment.

- a) Please describe the reason a new arborist assessment and species at risk assessments were required if the area added through this proposed change was already subject to the environmental assessment.
- b) Please describe previously and newly identified potential environmental impacts caused by the proposed change in the alignment of the route.

- c) Describe specific mitigation measures that will be applied in relation to the proposed route re-alignment.

#### 4: New Easement Required

- a) Please specify private and agency landowners for the areas requiring new permanent and temporary easements.
- b) What is the size of the area for each new easement and the form for each of the easements required?
- c) Please confirm that each of the forms of easement agreements have been approved by the OEB.
- d) Please describe the status and prospect of negotiations with the affected landowners.

#### Change 2: Highway 401/Highway 27 Crossing Realignment

According to Imperial Oil's description, this change involves moving a segment of the approved route about 800 m north from the Highway 27 crossing.

- 5: Directly Affected Landowners and Stakeholders (private, HONI/IO, agency landowners)
  - a) Please provide a list of stakeholders and landowners potentially affected by the proposed change.
  - b) Please describe the means, process and timing of notifying the directly affected private landowners, HONI/IO and agency landowners of this proposed change.
  - c) Are there any newly affected stakeholders and landowners (i.e. stakeholders and landowners that were not previously informed of the Project and/or directly impacted by the Project)?
  - d) Please describe any concerns raised by potentially affected stakeholders and landowners.
  - e) Please describe the actions undertaken and planned by Imperial Oil to address these concerns.
  - f) What are the next steps in the communication with these parties?

#### 6: City of Toronto

Imperial Oil stated that consultation regarding the proposed change with the City of Toronto is in progress.

- a) Please provide details of the consultation with the City of Toronto including communication to date, next steps, concerns raised, and Imperial Oil's plans to address these concerns.

## 7: Environmental Impacts

Imperial Oil stated that there will be no new environmental impacts and that the area of the proposed change was subject to the environmental assessment for the Project. Imperial Oil also indicated that it conducted a new arborist assessment, species at risk assessment, field survey, ecological land classification, and aquatic survey.

- a) Please describe the reason a new arborist assessment, species at risk assessment, field survey, ecological land classification, and aquatic survey were required if the area added through this proposed change was already subject to the environmental assessment.
- b) Please describe the timing, scope and results of the additional environmental surveys related to the proposed route re-alignment.
- c) Please describe previously or newly identified potential environmental impacts caused by the proposed change in the alignment of the route.
- d) Please describe specific mitigation measures that will be applied in relation to the proposed route re-alignment.

## 8: New Easements Required

- a) Please specify the private and agency landowner(s) of the areas requiring permanent and temporary easements.
- b) What is the size of the area for each new easement and the form for each of the easements required?
- c) Please confirm that the forms of easement agreement have been approved by the OEB.
- d) Please describe the status and prospect of negotiations with the affected landowners.

### Change 3: New Easement Requirement

According to Imperial Oil's Letter, this change requires a new easement.

#### 9: Directly Affected Landowners and Stakeholders

- a) Please provide a list of stakeholders and landowners potentially affected by the proposed change.
- b) Please describe the means, process and timing of notifying the stakeholders and landowners of this proposed change.
- c) Are there any newly affected stakeholders and landowners (i.e. stakeholders and landowners that were not previously informed of the Project and/or directly impacted by the Project)?
- d) Please describe any concerns been raised by potentially affected stakeholders and landowners.
- e) What are Imperial Oil's plans to address these concerns?
- f) What are the next steps in the communication with these parties?

#### 10: City of Mississauga

Imperial Oil stated that the proposed change is located in the City of Mississauga.

- a) Please provide details of consultation with the City of Mississauga, including communication to date, next steps, concerns raised, and Imperial Oil's plan to address these concerns.

#### 11: Environmental Impacts

Imperial Oil stated that there will be no new environmental impacts and that the area added in this proposed change was subject to the environmental assessment for the Project. Imperial Oil did not indicate that it conducted environmental assessments or surveys related to the proposed change.

- a) Please indicate if any new environmental assessment surveys or studies are required related to this proposed change. If not, please explain.
- b) Please describe previously or newly identified potential environmental impacts caused by the proposed change.
- c) Please describe specific mitigation measures that will be applied in relation to this proposed change.

12: New Easement Required

- a) Please specify the private and agency landowner(s) for the area requiring any new easements, both permanent and temporary.
- b) What is the size of the area and the form of the easement required?
- c) Please confirm that the form of easement agreement for any new easements has been approved by the OEB.
- d) Please describe the status and prospect of negotiations with the affected landowners.

Yours truly,

*Original Signed by*

Nancy Marconi  
Manager, Generation and Transmission Applications

CC: All participants in the EB-2019-0007