

CITY OF MARKHAM RESPONSE TO
BOARD STAFF INTERROGATORY STAFF L.1 - COM

REQUEST

Reference: EB-2012-0451, Exhibit BdStaff.IR.IntervenorEvidence.EGD.Union.20130705,
Page 2

Preamble

City of Markham notes that the introduction of the proposed EGD GTA Pipeline through the proposed Langstaff development area would have a major and detrimental impact on the entire plan, possibly even terminating the plan.

Question

a) Please discuss if the City of Markham has had any discussions with EGD regarding the location of EGD's proposed GTA Pipeline.

RESPONSE

Yes, the City of Markham has had discussions with EGD regarding the location of EGD's proposed GTA Pipeline. The EA process for the GTA pipeline, as well as the public meetings that were held, showed the proposed alignment of the GTA pipeline in the general area of the south corridor of Hwy 407, without being more specific about line and grade.

On October 30, 2012, at 9:20 a.m., Rachel Prudhomme of the City of Markham sent an e-mail to Bonnie Adams of Enbridge requesting more detailed drawings of the pipeline alignment through Markham, stating "*Would it be possible for us to receive more detailed drawings of the pipeline alignment as it goes through the City of Markham please? We would greatly appreciate receiving drawings (pdf would be great) showing details of both line and grade if these are available. Our interest focuses mostly on Enbridge's proposed pipeline as it crosses under Markham's roads and potential development properties*".

A response dated November 12, 2012, at 3:24 pm, from Lisa Dumond of Enbridge to Rachel Prudhomme of Markham indicated that the proposed route alignment through the Langstaff Gateway lands was adjacent to the Holy Cross Cemetery and that the alignment had been discussed with the landowners and developers. The e-mail stated that *"Noting that other potential routing alignments were discussed with the developers in this area, we plan to work towards finalizing the route alignment between Yonge and Bayview in coordination with the landowners, the developers, and the City of Markham."* Attached to that e-mail from Lisa Dumond was a project shape file that could be inserted into the City of Markham's GIS system. Ms. Dumond stated that *"The files are the proposed alignment, as currently identified, and is subject to change based on the final design drawings."* Furthermore, Ms. Dumond stated that *"Once we have the design drawings ready we will submit them to the City of Markham for review and alignment approval"*.

On February 21, 2013, at 1:53 PM, Rachel Prudhomme of Markham sent a follow-up e-mail to Lisa Dumond of Enbridge, asking if there was any update to the alignment of the pipeline and requesting *"new shape files to reflect the more recent changes in the alignment"* that had been alluded to by Enbridge in informal conversations.

On March 5, 2013, at 9:47 AM, Rachel Prudhomme of Markham received an e-mail from Sam McDermott of Enbridge stating that the shape files that had been sent to Markham on November 12, 2012, were the most recent ones and that there were *"no new updates available"*. Furthermore, Mr. McDermott wrote that Enbridge *"will be happy to provide you with updated shape files in your desired format reflecting the pipeline alignment as it goes through the City of Markham as soon as they are available"*.

On March 5, 2013 at 2:54 PM, Rachel Prudhomme responded to Sam McDermott of Enbridge, indicating that *"We are happy to hear that you have held discussions with the developers of the Langstaff Gateway development. However, having superimposed the previous shape files you sent us on our Markham mapping system, we have some concerns regarding potential encroachment between the location of the pipeline and the future development."* Rachel Prudhomme also wrote *"We would be pleased to set up a meeting with the appropriate individuals to ensure that you are apprised of our concerns. Please provide the names and contact information of the individuals who would be participating and I can contact everyone to set up a suitable time"*.

Mr. McDermott's response to Ms. Prudhomme's request came March 5, 2013 at 10:44 PM simply stating *"I will get back to you tomorrow. Sam"*.

Having not heard back from Mr. McDermott, on March 14, 2013 at 2:07 PM, the City of Markham (Lynda Davis, through Alan Brown's calendar) sent a meeting request for a meeting to be held on April 5, 2013, from 9 AM to 11 AM. The invitation was sent to Enbridge representatives Jim Arnott, Mohammed Koussarnia, Byron Madrid, Lisa Dumond, Bill Coldicott, Hussein Bhujwalla and Cindy Mills of Enbridge, asking her to invite anyone from the Enbridge office she felt should attend and indicating that *"Developers in the Langstaff area, Sam Balsamo from Condor Properties, Michael Montgomery and Patrick O'Hanlon from Angus Glen will be joining the first part of this meeting from 9:00 – 10:00am"*.

The meeting was held on April 5, 2013 as planned. Concerns were discussed and the minutes were recorded by Enbridge. As a result of that meeting, the Developers accelerated the production of cross-section drawings at Enbridge's request. Markham had still not received any updated information regarding the line and grade and detailed alignment of the pipeline that it had requested several months prior.

The new shape files that were requested on February 21, 2013, were received via e-mail from GTA Document Control [gta.documentcontrol@enbridge.com] on May 10, 2013 at 11:26 AM, with the following message: *“Good Day Rachel: Please find attached Shape Files for the GTA Project. If you have any questions regarding this email please contact me directly. If you have any questions regarding the content please contact Lisa Dumond. Kindest Regards, Felicia Baylis, Document Control Lead –GTA Project”*. The new shape files appeared to be identical to those sent on November 12, 2012 and did not offer any further detail on the line and grade nor on the specific location of the pipeline through the Langstaff development.

Question

b) Please discuss if the planning process for the Langstaff development allows for any further revisions to accommodate the proposed EGD GTA Pipeline.

RESPONSE

The Langstaff Secondary Plan establishes an implementation process that requires the completion and City approval of a variety of studies, reports and plans prior to development approval. These include, but are not limited to, a Phasing Plan and associated monitoring studies; Master Environmental Servicing Plan; Community Energy Plan; Sustainable Development Strategy; Master Operations and Maintenance Plan; Financial Impact Analysis, Master Emergency Services Plan; Woodlot Management Plan; Precinct Plan; Stormwater Management Plan; Servicing Implementation Plans and Functional Servicing Reports. These studies must be approved by the City prior to any development approvals. Amendments to the Secondary Plan are not required to implement these studies. In exceptional circumstances where the strategies and recommendations set out in these studies do not comply with all goals, objectives and policies of the Secondary Plan, an Official Plan amendment process would need to be undertaken pursuant to the requirements of the *Planning Act*, as amended.

Question

c) Please discuss what steps would need to be taken, and the associated time and cost adjustments needed, to accommodate EDG's GTA Pipeline in the Langstaff development area.

RESPONSE

A detailed analysis of the study requirements, approval process, timing and costs adjustments associated with accommodating EDG's GTA Pipeline in the Langstaff development area has not been undertaken by the City as this is not within its purview as a municipal development approval authority. EDG did not respond to the City's repeated requests for more detailed alignment information, so even if the City had the resources and expertise to carry out this analysis, it could not have been done accurately.

CITY OF MARKHAM RESPONSE TO
ENBRIDGE GAS DISTRIBUTION INC. INTERROGATORY STAFF L.2 - COM

REQUEST

Reference: EB-2012-0451, Exhibit BdStaff.IR.IntervenorEvidence.EGD.Union.20130705, Pages 2 & 3

Preamble

City of Markham notes that the proposed cross-sections of Langstaff Right-of-Way ("ROW") found in Figures 2 & 3 do not contain any additional space to accommodate EGD's proposed GTA pipeline. City of Markham further notes that the cross-sections are only at the conceptual stage and have not yet been officially submitted for formal review and approval by the City's Development Engineering or Planning and Urban Design Departments.

Question

a) What stage of the approval process are the Langstaff ROW cross-sections found in Figures 2 & 3 in?

RESPONSE

Langstaff ROW cross-sections found in Figures 2 & 3 are not required at this stage, which is the Secondary Plan stage. The infrastructure generally required to be accommodated in a ROW is well understood so they would not be required until the Precinct Plan or the Draft Plan stage. The Developer normally decides when to go ahead with the submission of a Precinct Plan or a Draft Plan. . Addition of the GTA pipeline through the ROW is an exceptional circumstance which cannot be accommodated in the current ROW. Therefore, in this particular case, the production of the cross-sections in Figures 2 & 3 was accelerated to accommodate a request made by Enbridge at a meeting organized by the City of Markham on April 5, 2013.

Question

b) Please discuss if there is still an opportunity to include EGD's proposed GTA Pipeline within the Langstaff development plans.

RESPONSE

Yes, but only if there is a possibility of incorporating the pipeline and its required easement(s) without compromising any of the other utilities, services or infrastructure that is required for this development. Markham, however, does not think that this will be possible based on the cross-sections in Figures 2 and 3.

Question

c) Has the City of Markham considered alternatives to the Langstaff ROW cross-section plans to include EGD's GTA Pipeline? If it has, please compare these alternatives to the preferred configuration and provide similar cross-section figures to those already filed.

RESPONSE

No, Markham has not considered alternatives to the Langstaff ROW cross-section plans, as Markham is still waiting for Enbridge to provide details of line and grade for the proposed alignment of the GTA Pipeline after the alignment was changed. The alignment during the OEB Hearings and the Public Meetings showed the proposed location of the GTA pipeline to be along the south side of Hwy 407. However, after repeated requests for more detailed alignment information, it became obvious only on November 12, 2012 that the pipeline would be located within the Langstaff development. However, Enbridge has yet to provide more specific information on the line and grade of the pipeline.

NOTE: The general alignment of the GTA pipeline that was shown by Enbridge during the EA process and during the public consultations does not reflect the current alignment, which was changed by Enbridge sometime between the EA process and November 12, 2012 without consultation. As such, the City of

Markham will challenge the validity of the Enbridge consultation process and EA study to the OEB.