

**THIS IS EXHIBIT "J"**  
**REFERRED TO IN THE AFFIDAVIT OF**  
**JANE MUSTAC**  
**SWORN BEFORE ME THIS 24<sup>TH</sup> DAY**  
**OF JULY, 2020.**

  
.....  
**A Commissioner, etc**

**From:** Krystal Kalbol <KKalbol@countyofessex.ca>  
**Sent time:** 12-11-2019 12:49:51 PM  
**To:** Mark Murray <MMurray@uniongas.com>; Chantelle Rodger <Chantelle.Rodger@enbridge.com>; Tony DiCiocco <tdiciocco@lakeshore.ca>; Brian Laramie <blaramie@lakeshore.ca>; Jeff Wilson <jwilson@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Kristoffer Balallo <KBalallo@countyofessex.ca>  
**Cc:** Blair Warnock <bwarnock@uniongas.com>; Olivia Curti <OMCurti@uniongas.com>; Steve Holsappel <SHolsappel@uniongas.com>  
**Subject:** RE: EGI 2020 Windsor Line Replacement NPS6 - Meeting Summary

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Mark,

There was a lot of discussion that was had at the meeting that did not make it into the minutes. The County did not approve the alignment as presented in the proposed location. It did not say outside of the right of way but in the meeting it was clear that the County does not approve:

- the location to the west of CR 19 (Manning Road) because of the future widening and impact to traffic; and
- if the location were to continue to be proposed to the east – the County would not approve single lane closures on CR 46 during construction.

In addition to the comment on night work (which was in passing) it was identified that 2 lanes need to be maintained along CR 46 at all times to accommodate the AADT and the permits the county issues every year along CR 46 as this is a preferred haul route. There was also discussion on paving the shoulder (or beyond) in order to achieve the proper width to accommodate two lanes of traffic. There was also discussion on moving the pipeline closer to the property line maybe to minimize this.

The road user agreement will identify this as a requirement. The discussion was had that we needed a proposal on a limited impact to traffic during construction at the location proposed in order to confirm the location meets the County's concerns/requirements. Depth was also an issue and discussed as well but I think this is minor compared to the alignment.

The short answer is Kris and myself review and discuss with others in our department that are impacted (i.e. operations, construction) receive input and when satisfied I would support the location. The long answer is that this then goes to council for final approval via a road user agreement that is supported and recommended by our department. The recommendation is that lane closures for that duration are not supported.

Permits follow this process but are shorter and I would follow some of the detailed discussion we had regarding town requirements and further discussion is needed on our involvement once we get to the field work.

I understand that you were not present however I would suggest you follow up with Blair and/or Olivia and/or Steve as the location was still a concern and we cannot approve this unless there is a proposal that would not impede upon the normal flow of traffic (i.e. two lanes open). Pertaining to the west, this location is a concern and a sketch of the limit of future paved road was provided as a guide to move the pipeline closer to the property line.

I would suggest that an alternative location be proposed to the west and that a proposal be brought forward with respect to traffic impact and mitigation. Once we review the County can meet to discuss.

Let me know if you have any questions.

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**From:** Mark Murray <MMurray@uniongas.com>  
**Sent:** December 10, 2019 4:01 PM  
**To:** Krystal Kalbol <KKalbol@countyofessex.ca>; Chantelle Rodger <Chantelle.Rodger@enbridge.com>; Tony DiCiocco <tdiciocco@lakeshore.ca>; Brian Laramie <blaramie@lakeshore.ca>; Jeff Wilson <jwilson@lakeshore.ca>; Jill Fiorito <jfiorito@lakeshore.ca>; Kristoffer Balallo <KBalallo@countyofessex.ca>  
**Cc:** Blair Warnock <bwarnock@uniongas.com>; Olivia Curti <OMCurti@uniongas.com>; Steve Holsappel <SHolsappel@uniongas.com>  
**Subject:** RE: EGI 2020 Windsor Line Replacement NPS6 - Meeting Summary

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Thank you Krystal, for the notes and the follow up call.

So to summarize, what Enbridge requires to commence construction of the pipeline on County roads is the Road User Agreement you have referred to. I understand this is an agreement, which is project specific, which will amongst other items, identify the location and pipeline design within the road, construction procedures and methodology, road restoration requirements, timing and staging of construction and the traffic control plan. I would like to continue to move forward and address those outstanding items.

Krystal, you mentioned that the council agendas are quite full for January and February which is why you suggested the March timeline for this agreement to go to Council for approval. So lets continue to push for that time.

With respect to the Road Use Agreement you stated that you require specific detail on the actual construction methodology, the actual construction staging and the actual Traffic Control Plan which Enbridge and its contractor are proposing. From your comments to the meeting notes that Chantelle provide, lane closures and the traffic control plan is a major concern for the County of Essex. You even went so far as to suggest that perhaps Enbridge should be looking to evening construction if there is an unavoidable need to close one lane of traffic.

You require this for the entire length of the project along County roads but specifically you are concerned/interested with the construction east and west of Manning Road. This is an Action Item for Enbridge to take and provide this information. Once this is provided then I assume that this could be incorporated into the road agreement.

With respect to the third comment, in your email, regarding the location of the pipeline being under a future expansion of the roadway and not supported, this is a request that will need an engineering solution.

The Leave to Construct application which Enbridge filed with the Ontario Energy Board (OEB), specifically identifies the location of this pipeline within the limits of County Road 46, both east and west of Manning Road. For your reference this is identified in Appendix C, Tab 7, of the pre-filed evidence package which was provided earlier, and specifically sheets AL 1 to AL 011. The OEB does not have the authority to modify or change the route of the pipeline as submitted by the application (Enbridge). The OEB would either approve the application in its entirety, including the pipeline route, as filed or not approve the application. Assuming that the OEB does approve the application then Enbridge would be required to construct the pipeline within the limits of County Road 46. There is no modification of the route. If the OEB does not approve the application then the discussion is moot.

So we need to focus our efforts on a location, and construction methodology of the pipeline within the limits of the road which best mitigates the future road work proposed by the County. So who would be the best individuals from the County to meet with Enbridge personal to review and come to agreement. Just would like to get folks together before Christmas to keep this moving forward.

Thank you  
Mark

**Mark Murray J.D.**  
Supervisor, Permitting

**Enbridge Gas Inc.**  
TEL: 519-436-4601 | CELL: 519-365-0973 |  
P.O. Box 2001, 50 Keil Drive North, Chatham, ON N7M 5M1  
[www.enbridge.com](http://www.enbridge.com)

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**From:** Krystal Kalbol <[KKalbol@countyofessex.ca](mailto:KKalbol@countyofessex.ca)>

**Sent:** Tuesday, December 10, 2019 11:17 AM

**To:** Mark Murray <[MMurray@uniongas.com](mailto:MMurray@uniongas.com)>; Chantelle Rodger <[Chantelle.Rodger@enbridge.com](mailto:Chantelle.Rodger@enbridge.com)>; Tony DiCiocco <[tdiciocco@lakeshore.ca](mailto:tdiciocco@lakeshore.ca)>; Brian Laramie <[blaramie@lakeshore.ca](mailto:blaramie@lakeshore.ca)>; Jeff Wilson <[jwilson@lakeshore.ca](mailto:jwilson@lakeshore.ca)>; Jill Fiorito <[jfiorito@lakeshore.ca](mailto:jfiorito@lakeshore.ca)>; Kristoffer Balallo <[KBalallo@countyofessex.ca](mailto:KBalallo@countyofessex.ca)>

**Cc:** Blair Warnock <[bwarnock@uniongas.com](mailto:bwarnock@uniongas.com)>; Olivia Curti <[OMCurti@uniongas.com](mailto:OMCurti@uniongas.com)>; Steve Holsappel <[SHolsappel@uniongas.com](mailto:SHolsappel@uniongas.com)>

**Subject:** [External] RE: EGI 2020 Windsor Line Replacement NPS6 - Meeting Summary

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The County does not issue municipal consent, essentially our consent would be the road user agreement.

We discussed permitting in sections based on the issues related to traffic and communication but there was no resolution on how this would work.

I agree on alternative locations, however with this it was noted that TLU would be required in order to keep the impact on traffic to a minimum (no lane closures). We will relocate utilities that are in conflict as required. Expropriation will be required and the proposed pipeline is under the future roadway so not supported.



Krystal Kalbol

Manager, Transportation Planning & Development

County of Essex

360 Fairview Ave. W. Suite 315 | Essex, ON | N8M 1Y6

P: 519-776-6441 ext. 1316

F: 519-776-4455

TTY: 1-877-624-4832

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**From:** Mark Murray <[MMurray@uniongas.com](mailto:MMurray@uniongas.com)>

**Sent:** December 10, 2019 10:49 AM

**To:** Chantelle Rodger <[Chantelle.Rodger@enbridge.com](mailto:Chantelle.Rodger@enbridge.com)>; Tony DiCiocco <[tdiciocco@lakeshore.ca](mailto:tdiciocco@lakeshore.ca)>; Brian Laramie <[blaramie@lakeshore.ca](mailto:blaramie@lakeshore.ca)>; Jeff Wilson <[jwilson@lakeshore.ca](mailto:jwilson@lakeshore.ca)>; Jill Fiorito <[jfiorito@lakeshore.ca](mailto:jfiorito@lakeshore.ca)>; Krystal Kalbol <[KKalbol@countyofessex.ca](mailto:KKalbol@countyofessex.ca)>; Kristoffer Balallo <[KBalallo@countyofessex.ca](mailto:KBalallo@countyofessex.ca)>

**Cc:** Blair Warnock <[bwarnock@uniongas.com](mailto:bwarnock@uniongas.com)>; Olivia Curti <[OMCurti@uniongas.com](mailto:OMCurti@uniongas.com)>; Steve Holsappel <[SHolsappel@uniongas.com](mailto:SHolsappel@uniongas.com)>

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Thank you for the minutes, I am sorry I had a conflict for this.

I do have a couple of follow up questions.

Road Use Agreement – When will we receive the draft agreement? I know that we (Essex and Enbridge) will have to have the agreement reviewed by our respective counsel but lets get the agreement in a form that we both are happy with so that when it goes to legal review it is just that a review and not a negotiation. This will avoid any time delays. I am assuming that the end of March reference to the council meeting agenda is more to make sure there is time for any back and forth. Let's work together and cut that time frame down. I am available to review and discuss any drafts of this agreement to keep this process moving forward.

Alignment West of Manning Road – I am not sure exactly what was discussed but did any alternative locations within County Road 46 get discussed. Based upon other projects we have installed pipelines very close to property line and that has worked as a satisfactory location. Basically between ditch and property line. What is the plan for the relocation of other utilities and services when the road is widened in 6 years? Does the County need to expropriate land for this widening?

County of Essex Issuing Municipal Consent in stages bullet point 6 – the comment that may issue permit in stages. This will become cumbersome and may result in confusion between the parties and the construction crews as to where work can be completed. Also this will be difficult for the construction staging for the project. It may be easier to issue the Municipal Consent and include any conditions of approval which I understand the Town of Lakeshore has requested. Again I am not sure if this was discussed at the meeting. OR was this comment that if Traffic Control Plans are not in place then construction work cannot proceed.

Thank you  
Mark

**Mark Murray J.D.**  
**Supervisor, Permitting**

**Enbridge Gas Inc.**  
TEL: 519-436-4601 | CELL: 519-365-0973 |  
P.O. Box 2001, 50 Keil Drive North, Chatham, ON N7M 5M1  
[www.enbridge.com](http://www.enbridge.com)

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**From:** Chantelle Rodger <[Chantelle.Rodger@enbridge.com](mailto:Chantelle.Rodger@enbridge.com)>  
**Sent:** Tuesday, December 10, 2019 9:40 AM  
**To:** Tony DiCiocco <[tdiciocco@lakeshore.ca](mailto:tdiciocco@lakeshore.ca)>; Brian Laramie <[blaramie@lakeshore.ca](mailto:blaramie@lakeshore.ca)>; Jeff Wilson <[jwilson@lakeshore.ca](mailto:jwilson@lakeshore.ca)>; Jill Fiorito <[jfiorito@lakeshore.ca](mailto:jfiorito@lakeshore.ca)>; Krystal Kalbol <[KKalbol@countyofessex.ca](mailto:KKalbol@countyofessex.ca)>; Kristoffer Balallo <[KBalallo@countyofessex.ca](mailto:KBalallo@countyofessex.ca)>  
**Cc:** Blair Warnock <[bwarnock@uniongas.com](mailto:bwarnock@uniongas.com)>; Olivia Curti <[OMCurti@uniongas.com](mailto:OMCurti@uniongas.com)>; Steve Holsappel <[SHolsappel@uniongas.com](mailto:SHolsappel@uniongas.com)>; Mark Murray <[MMurray@uniongas.com](mailto:MMurray@uniongas.com)>  
**Subject:** EGI 2020 Windsor Line Replacement NPS6 - Meeting Summary

Good morning,

Thank you for taking the time to meet on December 5, 2019, with respect to the above subject project. Below is a summary of our meeting notes. Please let me know if we have missed anything or if you have any additional comments at this time.

**Attendees:**

Lakeshore: Tony DiCiocco  
Brian Laramie  
Jeff Wilson  
Jill Fiorito

Essex County: Krystal Kalbol  
Kris Balallo

EGI: Olivia Curti  
Blair Warnock  
Steve Holsappel  
Chantelle Rodger

- Essex County will be widening County Rd. 46 to Manning Rd. in approximately 6 years. Widening to be 6 m on either side of Rd.
- A roundabout will be constructed at County Rd. 46 and Manning Rd.
- Essex is not approving our proposed pipeline alignment west of Manning Rd. and advised to obtain easement or find a spot in ROW that would not interfere with future widening.
- EGI identified that we'd review example cross-section (from County Rd. 42 currently under construction) supplied by Essex and hope to propose a location on the south side of County Rd. 46 1.5m off property line under municipal drain.
- Essex identified no problem with EGI's proposed alignment east of Manning Rd. but voiced concerns around construction i.e. road/lane closures. Road cannot be closed.
- Will require a traffic control plan (TCP), proposed times, typical cross-sections, for all proposed lane closures for every stage including daylighting, etc. May permit in sections.
- TCP required prior to issuance of MC.
- Essex advised that night work could alleviate some concerns with traffic.
- Essex requested all abandoned pipe be removed throughout County Rd. 46.
- Essex will require a "Road Use Agreement" which will be drafted and provided to EGI.
- The Road Use Agreement will need to go to Council. Will not be on agenda until end of March.
- Essex suggested proposed access lanes be sent to Kris for review.
- Lakeshore indicated they are in general agreement with EGI's proposed alignment but requested a 1.5m offset from the watermain on all Lakeshore Rds. Lakeshore will provide MC with conditions of being onsite during construction locating and daylighting to ensure running line is kept 1.5 m off watermain. Lakeshore agreed that moving closer to road to accommodate offset is acceptable.
- EGI will update alignment drawings from Rochester Townline Rd. to Wheatly Rd. to show the 1.5m offset and will

forward to Lakeshore for review and approval.

- Lakeshore identified concerns over providing MC based on proposal drawings only and requested pipeline and property line staking and Lakeshore utility daylighting prior to providing MC.
- EGI and Lakeshore came to an agreement to defer this work until the start of construction with the understanding that Lakeshore will provide MC with conditions stating that Lakeshore be present at the time of construction. Pipeline alignment marking by Enbridge Survey and witness staking and daylighting to provide final agreement to pipeline location while ensuring Enbridge keep a 1.5m separation from Lakeshore watermain during construction on Lakeshore roads.
- Essex and Lakeshore stressed the importance of a clear communication plan during construction and will work closely with EGI to develop one, focus was put on the likelihood of alignment changes in the field as utilities identified during the planning and design stage may not be exactly as built in the field. All parties agreed that quick decisions to avoid project delays are required and further discussions would be needed to form a plan to address this issue.
- Essex and Lakeshore voiced concerns over disturbance during construction to private yards in ROW and requested EGI minimize disturbance as much as possible and suggested EGI consider trenchless installations. EGI agreed to consider the use of HDD where practical.
- EGI will achieve a 2m clearance below engineered bottom of ditch with the NPS6 main pipeline and 1m with services. Jill can provide plans.

Regards,

**Chantelle Rodger**

**Advisor Permitting Transmission**

ENBRIDGE GAS INC.

TEL: 519-436-4600 ext. 5002411 | CELL: 519-350-0557 | [chantelle.rodger@enbridge.com](mailto:chantelle.rodger@enbridge.com)

P.O. Box 2001, 50 Keil Drive North, Chatham, ON N7M 5M1

[enbridge.com](http://enbridge.com)

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