

THIS IS EXHIBIT "K"
REFERRED TO IN THE AFFIDAVIT OF
JANE MUSTAC
SWORN BEFORE ME THIS 24TH DAY
OF JULY, 2020.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'Z' shape with a loop at the end.

.....

A Commissioner, etc.

From: Kristoffer Balallo <KBalallo@countyofessex.ca>
Sent time: 02-12-2020 10:24:50 AM
To: Mark Murray <Mark.Murray@enbridge.com>; Krystal Kalbol <KKalbol@countyofessex.ca>; Jane Mustac <JMustac@countyofessex.ca>; Tammy Mungar <Tammy.Mungar@enbridge.com>; Rob Marson <Rob.Marson@enbridge.com>; Brian Chauvin <Brian.Chauvin@enbridge.com>
Subject: RE: Meeting February 6, 2020

Good Morning Mark,

Please see below County comments.

Best Regards

Kristoffer Balallo

Engineering Technician ext. 1564

From: Mark Murray <Mark.Murray@enbridge.com>
Sent: February 10, 2020 10:35 AM
To: Krystal Kalbol <KKalbol@countyofessex.ca>; Jane Mustac <JMustac@countyofessex.ca>; Kristoffer Balallo <KBalallo@countyofessex.ca>; Tammy Mungar <Tammy.Mungar@enbridge.com>; Rob Marson <Rob.Marson@enbridge.com>; Brian Chauvin <Brian.Chauvin@enbridge.com>
Subject: FW: Meeting February 6, 2020

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Thank you again for the meeting. Below are the DRAFT minutes from the meeting, which I have put together from my notes. Once I have comments from everyone I will send out a final version.

Minutes

Meeting February 6, 2020

Enbridge Gas Inc., AECON, County of Essex

Attendance: Mark – Enbridge
Brian – Enbridge
Rob – Enbridge
Tammy – Enbridge
Lee – Aecon
Paul – Aecon
Jane – County
Krystal – County
Kris – County

Discussion of Status of required Municipal Consents and Road Use Agreement for Windsor Pipeline Replacement Project

Item: Location of Pipeline – Road Allowance v. Private Easement

- County of Essex (County)
 - ❖ The County would prefer to have the pipeline within private easement and not within road allowance
 - ❖ Based on the lack of available space within roadway and planning for additional utilities and road expansion difficult with multiple utilities within right-of-way
 - ❖ The County will require minimum depth of cover of 1.5m **at the proposed location to the east of CR 19 if there is no possibility of relocation closer to property line.**
 - ❖ **The County has advised that the existing pipeline will need to be removed and not abandoned through the CR 46 corridor.**
- Enbridge Gas Inc. (Enbridge) reply

- ◊ Established practice and procedure is to install this size of pipeline within road allowance
- ◊ Current easements only allow for one pipeline not multiple pipelines
- ◊ Current easements will need to be maintained if pipeline is abandoned in place
- ◊ If pipeline is removed, easement will be released
- ◊ Future maintenance and future attachments can be difficult if pipeline is within private easements and **additional future temporary easements** will be required
- ◊ Landowners have objected to granting easements for this pipeline
- ◊ Currently only about 20 - 25% of the current pipeline within County Road 46 is on private easement
- ◊ **The County commented on the response from Enbridge that the County Official Plan does permit utilities within highways, however there is challenges with the number of utility companies that require space and County Road 46 is becoming congested.**

Item: Does this Pipeline have sufficient capacity to meet future projected grow in the County of Essex. **This was a questions raised by Council in May of 2019.**

- County
 - ◊ The County advised that council had concerns that the capacity of this pipeline will not meet future growth
- Enbridge
 - ◊ This question was previously answered by Enbridge – refer to email November 7, 2019. **The County provided comments back in November 2019 on this submission from Enbridge. No additional information was provided in response to the County's.**

Item: Design, Location, Construction and Traffic Management **The County had several submissions and Enbridge is to provide a full package of the latest drawings.**

- **The County asked Enbridge to further explore relocation of proposed pipeline going east as to minimize lane closures and partial lane closures.**
 - ◊ A description of the following items is required, and any resulting questions answered, before the County can issue approval for this project
 - Pipeline design and location – for each section justification/reason why specific location was chosen.
Describe factors such as:
 - Safety, public and contractor – **Enbridge advised that they would not perform night work based on safety concerns and that it is not typical practice.**
 - setback requirements from other utilities,
 - consideration of future road expansions,
 - landowner input and requests,
 - requirements from other authorities i.e. MTO,
 - constructability, physical features, environmental features
- ◊ Depth of pipeline
 - Plans to clearly identify depth of pipeline under roadways, ditches and other features
 - Setback from other utilities
- ◊ Construction Timing **Enbridge advised that the scheduled would be from May to October**
 - What is the planned timing windows for construction of these sections
 - Construction length
 - Construction challenges for this section
 - Coordination with other parties
- ◊ Traffic Impacts
 - What is the impact to traffic from this construction
 - Are lane closures required, if Yes then
 - **Work to be done during working hours not peak hours between the hours of 9 am to 3 pm.**
 - **The County advised the Enbridge will also need to accommodate the over sided and annual load permits for this section.**
 - Timing
 - Duration **needs to be minimized based on the current proposed 266 days. The County cannot accept this duration of closure consecutively on CR 46.**
 - **Enbridge advised that west of CR 19 would be a 3 month duration and that they would only need to close the roadway for 5 – 6 days through this period.**
 - Mitigation efforts
 - Regulation compliance – MTO Book 7
 - Work to be undertaken within road – welding, pipeline lowering
 - Description of the closure
 - ◊ Diagrams
 - ◊ Maps

For all the above matters Enbridge agrees to provide the justification, industry practices and mitigation efforts to provide the rational as to why lane closures, either full or partial are required **and agreed to limit the road closures only when there are no other options. Enbridge confirmed that they would only need road closures when they were lowering in the pipeline based on the size of the equipment used. Enbridge advised that they would utilize non-typical equipment for other operations as required (ie. Welding) so that CR 46 could remain open with 2 lanes during these operation windows.**

The County inquired about why private lands are not being utilized for this operation (lowering in). Enbridge said that they required a stable platform and that without improvements to agricultural lands that this would damage the soils. The County then expressed concerns regarding the use of this equipment on the paved roadway and the associated damage. Enbridge confirmed that all equipment that will be within the travelled portion of the highway will be rubber tired equipment and will be within HTA loading and size limits. This will need to be clearly defined within the agreement.

Enbridge requested that they be allowed to remove trees in the right-of-way as prework under a permit in advance of the Road User Agreement being finalized to assist with the project schedule. The County was not aware that tree removal was required along CR 46 within the right of way and will need further details and specifics for tree removal for this to be considered.

Aecon confirmed that hydro vac existing utilities will not impede on road or disrupt traffic while this work is being done.

Item: Road User Agreement **Estimated May 6 Council will need agreement finalized by April 15**

- ◆ Road User Agreement is required for this project
- ◆ This agreement will set out above requirements regarding construction, traffic management plan, road remediation, required permits, responsibility for relocation costs,
- ◆ This agreement must be approved by County Council and approved by by-law
- ◆ The County will provide copy **of a sample agreement (this has since been provided)**
- ◆ **The County will draft up a road user agreement in conjunction with Enbridge.**
- ◆ Both parties agree to work on the agreement contiguously finalized of construction and traffic management plans

In regard to the Road User Agreement, I have received a copy of a 2016 agreement which we are reviewing and using as a model for this project.

Thank you again.

Mark Murray J.D.
Supervisor, Permitting

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