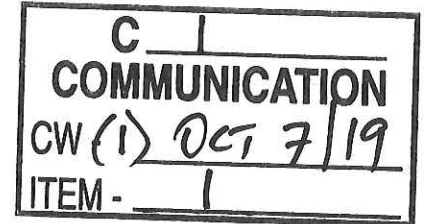


Britto, John

From: Bellisario, Adelina
Sent: Thursday, September 26, 2019 2:17 PM
To: 'CBarnett@osler.com'
Cc: Coles, Todd; Leung, Isabel; Britto, John
Subject: FW: Committee of the Whole - September 24, 2019 meeting Item 16
Attachments: L to Vaughan Health and Safety Block 41_Final.PDF; AS SUBMITTED Block 41 SP Preliminary Response letter Sept. 6 2019.PDF

Follow Up Flag: Follow up
Flag Status: Completed



Hello Mr. Barnett,

One this email I have cc'd John Britto, Council / Committee Administrator, who is responsible for the October 7, 2019 Committee of the Whole meeting. Your correspondence will be processed as Communication to the item and placed on our website.

Thank you.

Adelina Bellisario
Council / Committee Administrator
905-832-8585, ext. 8698 | Adelina.Bellisario@vaughan.ca

City of Vaughan | City Clerk's Office
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1
vaughan.ca



From: Barnett, Chris <CBarnett@osler.com>
Sent: September-26-19 2:13 PM
To: Bellisario, Adelina <Adelina.Bellisario@vaughan.ca>
Subject: RE: Committee of the Whole - September 24, 2019 meeting Item 16

During my deputation on this item on September 24, Councillor lafrate asked about correspondence that my client had sent to Mr. Kiru earlier that day.

Please find attached a copy of that letter, for inclusion with any material that goes to Council when this item comes back on October 7, along with earlier correspondence addressed to Ms Hassakourians.

I will provide copies of any further substantive correspondence between my client and staff in advance of October 7. Please let me know if you have any questions.



Chris Barnett

Partner

416.862.6651 | CBarnett@osler.com

Osler, Hoskin & Harcourt LLP | osler.com

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Brian MacDonnell
Sr. Land Representative

tel 905.951.4337
cell 705.238.0665

email brian_macdonnell@transcanada.com

September 24, 2019

Bill Kiru, MCIP, RPP
Director of Policy Planning and Environmental Sustainability
City of Vaughan

**RE: Block 41 Secondary Plan
Response to City of Vaughan (City)**

TransCanada PipeLines Limited (TCPL), an affiliate of TC Energy Corporation, is writing in response to the City's letter dated September 5, 2019 regarding the Block 41 Secondary Plan (the "Plan"). First, TCPL appreciates the City taking the time to better understand our concerns on these important issues. We have endeavoured to outline these clearly on a number of occasions over the years as the Plan has progressed and are pleased to have this further opportunity. In addition, the meeting on September 11, 2019 provided further clarification on the information the City is seeking.

Canada Energy Regulator (formerly the National Energy Board) and the Land Use Planning Process

TCPL agrees that the City and TCPL are working within different regulatory regimes that are "distinct and separate" from each other. However, we both have responsibilities to public health and safety as the City plans for a new community area that will surround TCPL's industrial compressor station.

TCPL has endeavoured to work within the City's municipal land use planning review process for the Block 41 Secondary Plan since 2015 and will continue to do so in accordance with the *Planning Act* as both a major landowner that is directly impacted by the Block 41 Secondary Plan as well as an official commenting agency as a member of the Technical Advisory Committee. TCPL has sought to provide input and materials to support its engagement in the process, however, if the City has identified any material information or omissions or can provide clarification, please do let us know.

Land Use Compatibility

TCPL has identified a number of land use compatibility concerns that arise from planning a new residential community immediately adjacent to and surrounding the existing industrial use on TCPL's lands and rights-of-way which include a natural gas compressor station hub with multiple high-pressure natural gas pipelines coming into and exiting the facility on the west, north and east sides. These concerns focus on public health and safety.

These concerns have been raised with the City in discussions and written correspondence as the Block 41 Secondary Plan has evolved. TCPL also notes that it has had many interactions and meetings with public health officials including the City's Emergency Planning officials and the City of Vaughan Fire and

Rescue department in relation to safety in the context of emergency management matters associated with the facility and pipelines. Based on its continuous and ongoing consultation over the years, TCPL takes issue with the City's assertion of "an apparent lack of sharing of information related to the public safety issue". TCPL will continue to work with the City, first responders and emergency management personnel as appropriate to coordinate proper safeguards and plans, and share relevant information as the development of Block 41 progresses.

We also disagree with the assertion that MHBC Planning (on behalf of TCPL) has not provided preferred revisions to policies in the Plan. The submission to the April 4, 2019, Public Meeting contained a detailed commenting matrix, which included specific proposed policy revisions.

The City notes it requires, "TC Energy's specific technical knowledge and advice as to what it sees as challenges in relation to safety and other concerns." In response, TCPL reiterates that increased population as proposed in the Block 41 Secondary Plan for the area surrounding Station 130 increases the risk of safety and health issues arising, specifically with respect to the following:

Health	<p>Noise</p> <p>Human responses to noise vary, but residents located adjacent to or in close proximity to the natural gas compressor station hub may experience negative reactions to noise from the station that could be considered a health concern. In addition to any noise associated with day to day operations, there will be occasional blowdowns at the station which will be noisy.</p> <p>As set out in TCPL's submission to the April public hearing, it is TCPL's position that land use designations permitting sensitive uses in the Noise Influence Area should not be approved until studies have been undertaken that demonstrate sensitive uses can exist in close proximity with the Station without adverse effects. These effects include any from Low Frequency Noise.</p> <p>This conforms with provincial policy. The 2019 Growth Plan is clear that sensitive land uses should be avoided in close proximity to industrial uses.</p> <p>Since the City does not support this approach to mitigate adverse effects in proximity to the station, sensitive land uses should not be permitted to be built unless the developer can mitigate any potential adverse effects from the station on new sensitive land uses in proximity to the station.</p>
Safety	<p>Site Security</p> <p>An increase in population density to the extent planned in the Block 41 Secondary Plan, adjacent to and surrounding critical industrial infrastructure, increases concerns about safety and security of the site, its procedures and mechanisms.</p>
	<p>Emergency Response Planning</p> <p>While our facilities and pipelines are constructed to safety standards with regulatory oversight, planning for the possibility of incidents is essential. In the event of an incident, immediate access to site may be required for emergency responders and evacuation of the surrounding area may also be required.</p>

	TCPL has established engagement channels and will continue to liaise with the City, first responders and emergency management personnel as appropriate to coordinate proper safeguards and plans, and share relevant information as the development of Block 41 progresses.
	Third Party Strikes to Pipelines Urban encroachment, and increased construction and on-going maintenance activities associated with development along pipeline rights-of-way, create a higher probability of third-party damage to pipelines. Based on historical data, excavation damage continues to be a leading cause of pipeline incidents.
	Unimpeded Road Access Operations, maintenance and construction activities related to both the pipelines and the Station all require unimpeded, safe access for related vehicles and heavy equipment. Emergency response requires unimpeded access to maximize response times. Co-mingling of residential and industrial use traffic between the site and Weston Road has the potential to impede road access and increase public safety concerns.

TCPL notes that other (non-health and safety) concerns that may arise from the City's plan to situate residents in close proximity to the Station may include site lighting as well as dust from construction and ongoing operations and maintenance traffic.

Station 130 has operated for approximately 60 years in a mostly rural environment for the majority of that time. As a *Planning Act* approval authority, the City is well positioned to evaluate and address land use compatibility issues taking into consideration the presence of an industrial facility in the midst of the proposed new residential community. Planning that does not incorporate appropriate transitions between industrial and residential uses may result in high levels of complaints about health, safety and other concerns identified above. As discussed in previous correspondence, there are provincial policies which clearly address these issues. We are unclear why the City has asserted that MHBC's and TCPL's submissions have referred to provincial policy without specific application to the Secondary Plan process. The written submissions to date have made it very clear to the City that the provincial policies that protect infrastructure and industrial uses from encroachment and the ability to meet current and projected needs¹ are clearly applicable. Any decision by the City on the Plan is legally required to conform to and/or be consistent with these policies.

TCPL has also been clear that based on its industrial expertise and technical knowledge, the most appropriate planning regime would be to include separation distances and/or incorporate less sensitive land uses in proximity to the facility, to protect unimpeded road access to the facility, and ensure there are no adverse impacts to TCPL's facility or pipelines from stormwater management.

Proposed Expansion of Station 130

Since the writing of your letter, TCPL filed its application to the Canada Energy Regulator (successor to the National Energy Board) of which you were formally notified on September 12, 2019. All information filed with the CER is publicly available on the CER's website. TCPL would be pleased to provide additional

¹ Including A Place to Grow, Policy 2.3.5.8 and PPS policies 1.6.1 and 1.6.8

information as appropriate related to the C5 Unit Addition that the City may require for the Block 41 Secondary Plan. We point to our letter dated September 6, 2019 which was written in response to the City's letter of July 31, 2019 that may address this concern. Please advise if, in addition to the September 6, 2019 and this letter, further information is required about the C5 Unit Addition.

Further Questions

1. *Will the gas flow-through be increased in the area as a result of the current expansion and future expansion, as well as the improvements you are making?*

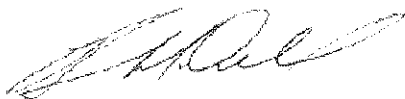
The intent of both the C4 Unit Addition, which is currently under construction, and the proposed C5 Unit addition for which TCPL filed an application with the CER on September 10, 2019, is to increase the capacity of the compressor station which, in turn, will increase the capacity to flow natural gas to required markets. As such, these station upgrades/expansions will increase the gas flow-through in the area.

2. *What is the anticipated frequency of 'Blowdowns' for this site moving forward?*

The frequency and number of blowdowns will vary depending on the specific activities, but are currently anticipated to be approximately 2-4 per year.

TCPL appreciates the opportunity to provide these comments and anticipates that this letter will provide greater clarification to the City concerning TCPL's health and safety concerns with the draft Block 41 Secondary Plan.

Regards,



Brian MacDonnell, AACI, P. App
Senior Land Representative
Environment, Land & Indigenous Relations

September 6, 2019

Ms. Armine Hassakourians
The Corporation of the City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

Via email: armine.hassakourians@vaughan.ca

Dear Ms. Hassakourians:

RE: Block 41 Secondary Plan 2nd Draft Preliminary Comments

We are writing in response to the City of Vaughan's (the "**City**") issuance of the draft of the Block 41 Secondary Plan (the "**Plan**") which we received on August 28, 2019.

City planning staff has communicated to TransCanada PipeLines Limited ("TCPL") that this version of the Plan has been issued as a courtesy, which is appreciated given our level of concern for compatible development of the new community area to surround our industrial facility Compressor Station 130. It has also been communicated that the Plan is not open to a comment/review cycle prior to Committee of the Whole on September 24, 2019.

We also understand the City plans to "lock down" the Plan by September 10th, and therefore are not able to accommodate TCPL's request for a meeting with City staff on September 10th or 11th after TCPL has had sufficient time to review the Plan in detail and prior to finalizing the staff report to Committee. Based on this understanding, we are providing these preliminary comments in advance of the September 10, 2019 "deadline" and will provide additional commentary based on a more detailed review prior to the Committee meeting later this month.

The revised Plan contains many new and revised policies and technical information which we are in the process of reviewing with our subject matter experts. We note that there have been substantial revisions to the Plan, in particular the addition of section 3.10 "Policies for TransCanada Pipelines Limited" and we appreciate City planning staff efforts to incorporate these considerations. We had requested, through the submission of our letter and commenting matrix on April 2, 2019, that a number of additions and amendments to the proposed policies be made. We are in the process of reviewing the Plan to determine whether and how those requests have been addressed.

Our preliminary comments are organized by heading, below.

Road Crossings

Schedules B, C, E and F of the Plan continue to show a collector road crossing land that is owned by TCPL. This land contains both pipeline facilities as well as the lone access road to Station 130. As set out in our previous submissions and as discussed in meetings with staff, this road is a key element of the Station and unimpeded access is vital. The crossing of the TCPL owned private access road requires permission from TCPL and this permission has not been provided. TCPL continues to review and assess a number of options for the access road crossing, but also awaits a response to the letter dated July 16, 2019, that posed a number of questions related to the road crossing issue that were highlighted as necessary for the development of the road options.

Applicability of the Plan to TCPL's Operations and Facilities

As City planning staff have previously been advised, all of TCPL operations are federally regulated. As such, municipally adopted policies and approvals do not apply.

Notwithstanding this, policy 3.10.5 incorrectly purports to apply to any development of TCPL's pipeline and compressor station. Any 'additional development or enhancements' to TCPL's facilities is subject only to the review and approval of the Canada Energy Regulator¹, and policy 3.10.5 is therefore outside the jurisdiction of the City. We request that it be deleted.

There are also numerous references throughout the Plan to TCPL's "existing and approved" operations. It is not clear what the intent of these policies are, or what time frame it is intended to apply to, and we ask for clarification of what these policies are intended to refer to and accomplish. To the extent that they are intended to impose standards or obligations on TCPL and any future operations, they should be either amended or deleted. The Provincial Policy Statement clearly protects major facilities and infrastructure from sensitive land uses (Section 1.6.1) to ensure they can meet "current and future needs". The policy does not restrict the facility to existing and approved operations. We also note that the Growth Plan (in policy 2.2.5.8) is clear that it is the development of sensitive land uses adjacent to existing industrial uses, like Compressor Station 130, that must not encroach on those uses. The onus is clearly on the developer of new sensitive uses to respect and not encroach on the existing industrial uses. Any policy that purports to reverse that onus is contrary to provincial policy.

Policy 3.10.13 refers to a requirement for a "noise mitigation element". We request further detail on what this element is proposed to be, where it is proposed to be located, and whether there is an expectation that this element will reduce low frequency noise (LFN) effects (we note this is under the section titled "Policies for Impacts due to Low Frequency Sound"). TCPL expects this "noise mitigation element" to be located outside of the TCPL owned lands given they are not included in the Plan and because the proposed residential development is the reason for any noise mitigation measures. Accordingly TCPL expects it will be the responsibility of the developer to pay for any such measures.

To ensure fulsome comments from TCPL on the Plan, we believe it is important to note that there are a number of outstanding items and requests for information that TCPL has made, for which we currently

¹ The CER replaced the National Energy Board as of August 28, 2019.

do not have a response from the City. These items are listed below and we ask that this information be provided, as any comments we make at this time may need to be supplemented or amended based on the information received in response to our outstanding requests.

- Letter dated July 16, 2019, which included questions regarding the Street 4 crossing of the TCPL privately owned access road;
- Letters dated June 7, 2019 and July 30, 2019 regarding Stormwater Management (SWM); and
- Request by MHBC on August 29, 2019 regarding the peer review report prepared by Jade Acoustics.

As communicated above, we will provide further detailed comments prior to the planned Committee of the Whole meeting on September 24, 2019, and look forward to meeting with your team once we have received and have reviewed the responses to the outstanding information requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dana Anderson', with a stylized, cursive script.

Dana Anderson, FCIP, RPP
Partner
On Behalf of TransCanada PipeLines Limited