

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 19, 2016

Item 16, Report No. 34, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on October 19, 2016.

16 REQUEST FOR NOISE EXEMPTION – TRANSCANADA PIPELINE LIMITED VAUGHAN MAINLINE EXPANSION PROJECT WARDS 1 AND 2

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Director, By-law & Compliance, Licensing & Permit Services, dated October 5, 2016, subject to amending recommendation 3 f) to read:

3. f) That no construction take place on Statutory Holiday long weekends.

Recommendation

The Director, By-law & Compliance, Licensing & Permit Services recommends:

1. That TransCanada PipeLines Limited and its agents be granted a long-term noise exemption, in accordance with the City's Noise By-law 96-2006, for the purposes of connecting into the approved King's North Connection Pipeline and the existing TransCanada Line 200-2 pipeline northwest of the intersection of Major Mackenzie Drive and Huntington Road;
2. That the long-term noise exemption be approved from October 19, 2016 through to December 31, 2017; and
3. That this request for noise exemption be granted with the following conditions:
 - a) That construction communication notices be sent to surrounding residents and business owners within a 60 metre radius, in keeping with City standards, advising of the impending work;
 - b) That copies of further communication notices be submitted to the City of Vaughan, By-law & Compliance, Licensing & Permit Services;
 - c) That the construction communication notices to residents and business owners include contact information for TransCanada PipeLines Limited and/or its agents;
 - d) That measures are taken to minimize idling of construction vehicles, avoid unnecessary revving of engines and unnecessary use of airbrakes, to maintain equipment in good working order (including muffling devices and noise attenuation where appropriate) to minimize noise impacts;
 - e) That measures are taken to direct lighting away from residential areas; and
 - f) That no construction take place on Statutory Holidays.

Contribution to Sustainability

This noise exemption is related to the delivery of growing natural gas supplies in the Ontario and Eastern Canada markets and will provide Ontario with improved access to new natural gas supplies from the U.S. Northeast.

Economic Impact

There is no economic impact for the City as a result of the recommendations in this Report.

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Communications Plan

TransCanada PipeLines Limited (TransCanada) and its agents have a comprehensive communication plan and held several public meetings introducing the project as well as sent out several project notification letters and updates throughout 2015 and early 2016.

TransCanada have further been instructed by the City to notify area residents and businesses in the City of Vaughan of this recent proposed work schedule in advance of the commencement of the work and will provide a draft of such notice. The Applicant has committed to notifying properties within a one (1) kilometer radius, well above the 60 metre City Standard notification requirement.

Purpose

The purpose of this Report is to seek Council's approval for the TransCanada PipeLines Limited (TransCanada) request for a long-term noise exemption. The delegated authority under By-law 96-2006 allows the Director of By-law & Compliance to approve noise exemptions up to 11 days. This request exceeds the delegated authority of the Director and therefore the authorization of Council is required.

Background - Analysis and Options

TransCanada has submitted an Application for a noise exemption to the City of Vaughan, By-law & Compliance, Licensing & Permit Services requesting an exemption to the Noise By-law from October 19, 2016 through to December 31, 2017 for the purposes of connecting into TransCanada's approved King's North Connection Pipeline Project and the existing TransCanada Line 200-2 pipeline. The intention of this long-term noise exemption request is to allow for continuous work activities such as horizontal directional drilling and horizontal directional boring, installation and construction of new pipeline. The expected locations of after-hours trenchless construction are outlined on the construction area map (Attachment No. 1) and could expand to other areas along the route map.

The majority of construction activities will occur during the daytime hours within the permitted times between 7:00am and 7:00pm.

The letter of intent provided by the Applicant (Attachment No. 2) outlines the scope of the project and addresses demand and supply of natural gas to Ontario and eastern Canada markets. The construction work after-hours may include:

- HDD and HDB equipment;
- directional drill/bore and power-pack unit;
- mobile equipment (loaders, lifts, cranes, side-booms, excavators);
- pump(s) air-compressor (s);
- generator(s);
- welding equipment;
- light towers with diesel generator(s); and
- service trucks.

Noise Mitigation

TransCanada has already developed an Environmental Protection Plan (EPP) for the Project. The EPP requires that noise abatement equipment on machinery must be in good working order and that reasonable measures be taken to control construction related noise near residential

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areas, which includes following applicable local by-laws and project agreements. In addition, TransCanada will be responsible and available throughout the construction phase to receive and address any complaints/concerns raised.

As part of the noise exemption, TransCanada and their agents will be required to minimize idling of construction vehicles, avoid unnecessary revving of engines/use of airbrakes, to maintain equipment in good working order (including muffling devices) to minimize noise impacts, erect noise barriers where required and to ensure lighting is directed away from residential areas.

Relationship to Term of Council Priorities and Service Excellence Strategic Initiatives

This report is in keeping with the priorities established by Council, specifically: Invest, renew and manage infrastructure and assets.

Regional Implications

Continuous demand for natural gas requires the proposed work to be carried out. The proposed work falls within the jurisdiction of the City of Vaughan, within the Region of York.

Conclusion

This request for a noise exemption under By-law 96-2006 exceeds the delegated authority of the Director of By-law & Compliance, Licensing & Permit Services. Therefore, Council authorization for the exemption to the By-law is required to permit TransCanada and its agents to proceed as planned.

Attachments

1. Construction Area Maps
2. Letter of Intent

Report prepared by

Janice Heron, Supervisor, Client Services & Business Administration

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

**REQUEST FOR NOISE EXEMPTION – TRANSCANADA PIPELINE LIMITED
VAUGHAN MAINLINE EXPANSION PROJECT
WARDS 1 AND 2**

Recommendation

The Director, By-law & Compliance, Licensing & Permit Services recommends:

1. That TransCanada PipeLines Limited and its agents be granted a long-term noise exemption, in accordance with the City's Noise By-law 96-2006, for the purposes of connecting into the approved King's North Connection Pipeline and the existing TransCanada Line 200-2 pipeline northwest of the intersection of Major Mackenzie Drive and Huntington Road;
2. That the long-term noise exemption be approved from October 19, 2016 through to December 31, 2017; and
3. That this request for noise exemption be granted with the following conditions:
 - a) That construction communication notices be sent to surrounding residents and business owners within a 60 metre radius, in keeping with City standards, advising of the impending work;
 - b) That copies of further communication notices be submitted to the City of Vaughan, By-law & Compliance, Licensing & Permit Services;
 - c) That the construction communication notices to residents and business owners include contact information for TransCanada PipeLines Limited and/or its agents;
 - d) That measures are taken to minimize idling of construction vehicles, avoid unnecessary revving of engines and unnecessary use of airbrakes, to maintain equipment in good working order (including muffling devices and noise attenuation where appropriate) to minimize noise impacts;
 - e) That measures are taken to direct lighting away from residential areas; and
 - f) That no construction take place on Statutory Holidays.

Contribution to Sustainability

This noise exemption is related to the delivery of growing natural gas supplies in the Ontario and Eastern Canada markets and will provide Ontario with improved access to new natural gas supplies from the U.S. Northeast.

Economic Impact

There is no economic impact for the City as a result of the recommendations in this Report.

Communications Plan

TransCanada PipeLines Limited (TransCanada) and its agents have a comprehensive communication plan and held several public meetings introducing the project as well as sent out several project notification letters and updates throughout 2015 and early 2016.

TransCanada have further been instructed by the City to notify area residents and businesses in the City of Vaughan of this recent proposed work schedule in advance of the commencement of the work

and will provide a draft of such notice. The Applicant has committed to notifying properties within a one (1) kilometer radius, well above the 60 metre City Standard notification requirement.

Purpose

The purpose of this Report is to seek Council's approval for the TransCanada PipeLines Limited (TransCanada) request for a long-term noise exemption. The delegated authority under By-law 96-2006 allows the Director of By-law & Compliance to approve noise exemptions up to 11 days. This request exceeds the delegated authority of the Director and therefore the authorization of Council is required.

Background - Analysis and Options

TransCanada has submitted an Application for a noise exemption to the City of Vaughan, By-law & Compliance, Licensing & Permit Services requesting an exemption to the Noise By-law from October 19, 2016 through to December 31, 2017 for the purposes of connecting into TransCanada's approved King's North Connection Pipeline Project and the existing TransCanada Line 200-2 pipeline. The intention of this long-term noise exemption request is to allow for continuous work activities such as horizontal directional drilling and horizontal directional boring, installation and construction of new pipeline. The expected locations of after-hours trenchless construction are outlined on the construction area map (Attachment No. 1) and could expand to other areas along the route map.

The majority of construction activities will occur during the daytime hours within the permitted times between 7:00am and 7:00pm.

The letter of intent provided by the Applicant (Attachment No. 2) outlines the scope of the project and addresses demand and supply of natural gas to Ontario and eastern Canada markets. The construction work after-hours may include:

- HDD and HDB equipment;
- directional drill/bore and power-pack unit;
- mobile equipment (loaders, lifts, cranes, side-booms, excavators);
- pump(s) air-compressor (s);
- generator(s);
- welding equipment;
- light towers with diesel generator(s); and
- service trucks.

Noise Mitigation

TransCanada has already developed an Environmental Protection Plan (EPP) for the Project. The EPP requires that noise abatement equipment on machinery must be in good working order and that reasonable measures be taken to control construction related noise near residential areas, which includes following applicable local by-laws and project agreements. In addition, TransCanada will be responsible and available throughout the construction phase to receive and address any complaints/concerns raised.

As part of the noise exemption, TransCanada and their agents will be required to minimize idling of construction vehicles, avoid unnecessary revving of engines/use of airbrakes, to maintain equipment in good working order (including muffling devices) to minimize noise impacts, erect noise barriers where required and to ensure lighting is directed away from residential areas.

Relationship to Term of Council Priorities and Service Excellence Strategic Initiatives

This report is in keeping with the priorities established by Council, specifically: Invest, renew and manage infrastructure and assets.

Regional Implications

Continuous demand for natural gas requires the proposed work to be carried out. The proposed work falls within the jurisdiction of the City of Vaughan, within the Region of York.

Conclusion

This request for a noise exemption under By-law 96-2006 exceeds the delegated authority of the Director of By-law & Compliance, Licensing & Permit Services. Therefore, Council authorization for the exemption to the By-law is required to permit TransCanada and its agents to proceed as planned.

Attachments

1. Construction Area Maps
2. Letter of Intent

Report prepared by

Janice Heron, Supervisor, Client Services & Business Administration

Respectfully submitted,

Gus Michaels
Director, By-law & Compliance, Licensing & Permit Services

TransCanada
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July 7, 2016

Mr. Gus Michaels
 Department Head of Enforcement Services, City of Vaughan
 2141 Major Mackenzie Drive
 Vaughan, Ontario, L6A 1T1

Dear Mr. Michaels,

TransCanada PipeLines Limited (TransCanada) is preparing an application for the City of Vaughan to obtain an exemption from the City's Noise Control By-law 96-2006 (the By-law) to construct the Vaughan Mainline Expansion Project (the Project). The construction activities associated with the Project, specifically the trenchless construction methods, are expected to operate during the prohibited dates and times as described in Section 10 and Schedule 2 of the By-Law.

This letter serves as TransCanada's letter of intent and supporting documentation as part of the Application for Noise Exemption (Construction) form.

Project Description

The Project is located in the Greater Toronto Area (GTA) in the City of Vaughan, within the Regional Municipality of York, Ontario. The Project consists of approximately 11.7 kilometres (km) of 1,067 millimetres (mm) (Nominal Pipe Size [NPS] 42) pipeline, tie-in valves and associated facilities. The Project is being proposed to address customer demand for natural gas in Ontario and Eastern Canada markets, and will provide Ontario with improved access to new natural gas supplies from the U.S. Northeast.

The Project will connect into TransCanada's approved King's North Connection Pipeline Project and the existing TransCanada Line 200-2 pipeline northwest of the intersection of Major MacKenzie Drive and Huntington Road. Beginning in the west, the Project will run north and east before heading south to connect into the existing TransCanada Line 200-3 pipeline near the existing mainline valve (MLV) 201A crossover valve site located southeast of the intersection of Kirby Road and Kipling Avenue. At that location, the existing crossover valve MLV 201A and associated crossover piping will be removed. A receiver barrel and associated piping will be installed at the existing TransCanada Maple Compressor Station (Station 130), approximately 3.2 km east. The Project footprint required for Project construction consists of new permanent right-of-way (ROW) and temporary workspaces (TWS) for construction. The Project parallels existing linear disturbances for approximately 35% of its length, paralleling power transmission lines for approximately 3.0 km, a rail line for approximately 0.2 km and existing roads for approximately 0.7 km. The Project location can be seen in the attached Figure 1.

The pipeline will be constructed using typical open trenching methods and trenchless methods, namely horizontal directional drilling (HDD) and horizontal directional boring (HDB). Trenched construction will occur with minimal activities during the nighttime period. For typical open trenched construction (approximately 8.66 km), a minimum width of 32 metres (m) is required which includes approximately 14 m of Temporary Work Spaces (TWS) and 18 m of new permanent ROW. Trenchless construction methods will require activities during the nighttime period. Approximately 3.06 km of the pipeline will be constructed using trenchless methods, which will limit the surface disturbance needed for pipeline construction between entry and exit locations. The TWS will be required for staging areas, pullback areas, water body and infrastructure crossings, topsoil storage, sidebends and where grading is necessary. Existing highways and public roads and the proposed Project ROW will be used to access the Project workspace, where feasible. Temporary access roads will use existing disturbances where feasible.

The locations for trenched and trenchless construction methods known at the time of preparing the noise exemption application are presented in Figure 1. It is possible the number of trenchless areas and respective locations may change within the vicinity of Proposed Project Footprint (i.e. KP 1-4). Therefore TransCanada requests that the locations of the trenched and trenchless construction methods presented in Figure 1 be used for reference purposes only and that the noise exemption not be limited to these area's only, but for the entire project footprint overall.

Environmental Assessment Requirements

TransCanada retained Golder Associates Ltd. (Golder) to prepare an environmental and socio-economic assessment (ESA) report, pursuant to section 58 of the *National Energy Board Act* (NEB Act) for an Order from the National Energy Board (NEB) approving construction and operation of the Project. The full Application, inclusive of the ESA report (Golder 2015), was submitted to the NEB on November 10, 2015. The Application and ESA are currently under the NEB review process. The full ESA report is publicly available on the NEB's website at: <https://docs.neb-one.gc.ca/ll-eng/llisapi.dll?func=ll&objId=2856163&objAction=browse>.

TransCanada filed Additional Written Evidence (AWE) to the NEB on March 14, 2016 (Golder 2016), reflecting refinements to the Project since the Application was filed. The AWE update to the ESA report (Golder 2016) is available on the NEB's website at: <https://docs.neb-one.gc.ca/ll-eng/llisapi.dll?func=ll&objId=2935826&objAction=browse&viewType=1>.

In support of the ESA and the NEB's review process, TransCanada carried out a consultation program in which the public was given the opportunity to learn about the Project and voice any potential concerns related to the construction of the pipeline. This consultation program, and ongoing consultation with stakeholders and regulatory agencies, is expected to meet the City's requirements with respect to the request for the By-law exemption.

Ontario Environmental Assessment Act

The Project does not trigger the requirement for an environmental assessment under the *Ontario Environmental Assessment Act*; however, a Class EA may be required for a small portion of the Project crossing a parcel of land recently purchased by the Ontario Ministry of Transportation (MTO). Discussions with the MTO will occur in the future to determine any requirements.

As a federally regulated undertaking, the Project is not subject to the Ontario Energy Board (OEB) review process.

Canadian Environmental Assessment Act, 2012

This Project does not trigger the requirements of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) because it is not a designated project pursuant to the Regulations Designating Physical Activities and is not located on federal lands. Therefore, a federal environmental assessment pursuant to CEAA 2012 is not required. The ESA report filed with the NEB will serve as the primary environmental application for the Project.

Trenchless Construction

Approximately 3.06 km of the pipeline will be constructed using trenchless crossing methods resulting in limited surface disturbance in those areas. The trenchless construction will require HDD and HDB equipment to be located within the workspace at both ends (the entry and exit sites) of each of the trenchless sections. These sites will include one or more of the following potential noise generating equipment:

- the directional drill/bore and power-pack unit;
- mobile equipment (loaders, lifts, cranes, side-booms, excavators);
- pump(s);
- air-compressor(s);
- generator(s);
- welding;
- light towers with diesel generator(s); and/or
- service trucks.

Construction Schedule and City By-Law Overview

TransCanada is planning to commence construction of the Project in October 2016, pending receipt of all required permits and approvals. Construction of the Project is expected to take 9 to 12 months, subject to seasonal and environmental conditions. Engineering design and planning activities are expected to continue, including the procurement of materials, until construction commences.

The majority of construction activities will occur during the daytime between 0700 and 1900 hours; however, the trenchless construction will occur over a 24 hour period, 7 days a week (includes Monday to Friday, Saturday and Sunday), for an extended period. Trenchless construction at a given location may occur for four to twelve weeks. More than one HDD may occur concurrently, at different locations, during the construction period if equipment and crews are available. The expected locations that could have activities occurring over a 24 hour period, 7 days a week, (includes Monday to Friday, Saturday and Sunday), are presented in Figure 1.

The following is an overview of the City's By-Law Section 10 and Schedule 2 regarding the time periods and respective municipality area, when construction is prohibited without an exemption:

- quiet zones prohibit construction all day Sundays and statutory holidays and between 1700 of one day to 0700 next day;
- residential areas prohibit construction all day Sundays and statutory holidays and between 1900 of one day to 0700 next day; and
- auditory signaling devices prohibited at any time in a quiet zone and between the hours of 1900 and 0700 in residential areas.

Noise Emissions

Noise from the construction activities was assessed in the ESA for the NEB filing. The representative potential noise receptors that could be affected by the Project construction are presented in the attached Figure 1. Based on the proposed construction activities, the most significant noise source during the construction activities is expected to be located at the entry and exit sites associated with the trenchless activities. It is expected the noise associated with the site activities may be perceivable, at times, at the identified noise receptors.

TransCanada has already developed an Environmental Protection Plan (EPP) for the Project as part of the ESA. TransCanada acknowledges that operating HDD and HDB equipment may be perceived offsite. The EPP identifies that noise abatement equipment on machinery must be in good working order, and reasonable measures will be taken to control construction related noise near residential areas, which include following applicable local bylaws and project agreements. In addition to equipment controls at the entry and exit sites, a TransCanada representative will be responsible and available throughout the construction phase to receive and address any complaints/concerns raised.

Stakeholder Consultation and Landowner Notification Summary

TransCanada has communicated with stakeholders throughout the length of the Project, as outlined in the ESA report and the AWE (Golder 2015, 2016). The following is a summary of main activities.

- Formal engagement with stakeholders began on November 3, 2014 when TransCanada introduced the Project through a public mail-out.
- This was followed by meetings with City of Vaughan councillors, regional councillors and municipal staff through December 2014 and January 2015 to introduce and solicit feedback on the Project.
- TransCanada sent project notification letters on April 16, 2015.
- May 5, 2016 project update letter to all stakeholders.
- TransCanada hosted an open house in the City of Vaughan on May 13, 2015.
- A project update notification letter was sent to stakeholders on October 26, 2015.
- A letter with an update on the Project status, including a summary of potential environmental effects and mitigation measures in relation to the areas of interest identified by the City of Vaughan was sent to the City on January 25, 2016.

TransCanada has further corresponded with all residents within a 1 km radius during the following times:

- Project Notification and Open House Advertisements in local City of Vaughan newspapers on May 13, 2015;
- Open House follow up letter on June 29, 2015; and
- During the week of October 26, 2015, a mailout was sent to all stakeholders with a map of the proposed route TransCanada and the reasons for selecting the proposed route.

In addition to the above correspondence, TransCanada has been in ongoing contact with directly affected landowners via mail, email, phone and in-person meetings. Mailings were sent to directly affected landowners on:

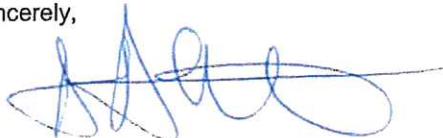
- November 13, 2015, TransCanada notified all directly affected landowners about the filing of the Project Application to the NEB;
- January 15, 2016, all directly affected landowners were provided with the NEB Letter of Completeness; and
- February 17, 2016, all directly affected landowners were provided the NEB Hearing Order.

TransCanada will continue communicating with the stakeholders by notifying them, as appropriate, prior to construction. Further information about stakeholder engagement activities can be found in TransCanada's VME Application and AWE submitted to the NEB.

Closing

We trust this provides the City of Vaughan with the required information. Please feel free to contact us if you have any questions and/or concerns.

Sincerely,



Amanda Abbate
Environmental Advisor, Community & Sustainability
Email: amanda_abbate@transcanada.com | Phone: (403) 920-7367

Attachments: Figure 1: Project Location
Public Open House Invitation