



Minutes

Enforcement/Role of Regulation Task Group, Meeting #1

Date: June 23, 2014

Place: CASA office, 10035 108 Street, Edmonton, Alberta

In attendance:

Name	Stakeholder group
Kim Eastlick	Alberta Energy Regulator
Francisco Echegaray	Natural Resources Conservation Board
Jennifer Fowler	West Fraser - Hinton Pulp
Sandi Hilton	City of Edmonton
Joseph Hnatiuk	Canadian Society of Environmental Biologists
Debra Mooney (AM only)	Alberta Health
Tanya Moskal-Hébert	Alberta Agriculture and Rural Development
Intiyaz Moulvi	CAPP (Devon Canada)
Al Schulz	Chemistry Industry Association of Canada
Richard Sharkey	Alberta Environment and Sustainable Resource Development
David Spink	Prairie Acid Rain Coalition
Celeste Dempster	CASA

Action Items:

Action Items	Who	Due
1.1: Celeste will post the meeting #1 reading list to the login page.	Celeste	ASAP.
1.2 Members will read the meeting #1 reading list.	All	Meeting #2.
1.3: Celeste will follow up with ESRD regarding their request for the task group to assist with the implementation of the AER Peace River Panel recommendation.	Celeste	ASAP.
1.4: Richard and Kim will locate standard and unique language related to odour used in approvals and codes of practices for the last 5 years.	Richard, Kim	Meeting #2.
1.5: Richard will prepare a list of recent environmental protection orders issued under EPEA related to odour.	Richard	Meeting #2.
1.6: Celeste will send out the OMT's brainstorm regarding odour sources in Alberta.	Celeste	ASAP.
1.7: Celeste will prepare an updated RFP and send to the group for review.	Celeste, all	ASAP.
1.8: Celeste will poll for meeting #2 in late August/early September.	Celeste	ASAP.

1. Administrative Items

Celeste chaired the meeting which began at 9:00am. Participants introduced themselves and were welcomed to the meeting. Quorum was achieved.

The agenda and meeting objectives were approved.

2. Task Group Dynamics

Celeste provided an overview of CASA, the collaborative consensus process, CASA's *Guide to Managing Collaborative Processes* and the work of the Odour Management Team and task groups. Task group members had the opportunity to ask questions and discuss as required.

CASA and the Collaborative Process:

CASA is made up of three components:

- Board:
 - 22 members from government, industry and non-government organizations
 - Oversees and provides strategic direction for CASA
 - Meets 4 times annually
- Secretariat:
 - Oversees the day-to-day operations of CASA
 - Responsible to the Board
 - Are the process experts
- Teams:
 - Responsible to the Board and to the constituents they represent
 - All team members have roles and responsibilities which can be found in CASA's *Guide to Managing Collaborative Processes (MCP)* (page 19-25).

CASA uses a collaborative, consensus process to work together and make decisions. This means that participants focus on interests rather than positions and strive to reach consensus - where consensus is defined as all parties can agree to the decision as a whole and can live with the final package. This process is described in detail in CASA's *Guide to Managing Collaborative Processes* which is available from the CASA website.

Overview of the Odour Management Team and Associated Task Groups:

- The issue of odour management was brought forward by all three of CASA's stakeholder groups (government, industry and NGO). Some initial scoping was done and the CASA Board approved the formation of a small working group to create a 'Project Charter' which would outline the work for a CASA Odour Management Team.
- The working group considered the broad issue of odour management as well as what could be accomplished by a CASA team in 18-22 months and prepared the project charter for Board consideration:
 - Rather than focus on specific odours or odour producing activities, the team will focus on creating strategies, processes, etc. that can be applied to all sectors and odours.
 - The project charter outlines seven topics of objectives: complaints, odour assessment, health, prevention/mitigation, enforcement/role of regulation, education/communication/awareness, continuous improvement.
 - The team is responsible to the CASA Board for two deliverables: A final report with package of recommendations, and a Good Practice Guide.

- The Good Practice Guide is intended to be a user-friendly version of the final report and act as a communication tool to help share and apply the work of the team.
- To meet the 18-22 month timeline, the team will use small task groups. A task group is responsible for completing a piece of work that will subsequently be reviewed by the team and incorporated into the overall work of the team. This will help to the team to complete their work in a timely manner by making efficient use of resources. A task group reports to and coordinates with the team on a regular basis. The team provides oversight for all task groups. The team holds the final-decision making authority over the work of the task group.
- In 2013, the team prioritized three areas where work would begin first: odour assessment, complaints, and health. Three task groups were formed to take on each of these pieces:
 - Health Task Group:
 - The task group is focused on two pieces of work:
 - Stream 1 - A backgrounder about odour and health:
 - The task group has prepared an initial draft and will finalize the content at their next meeting before sending it to an editor.
 - Stream 2 - Tool(s) for individuals to track the health-related impacts of odour
 - The task group has developed a first draft of the tool and will review it at their next meeting.
 - The task group will meet next on July 24th.
 - Odour Assessment Task Group:
 - The task group is focused on two pieces of work:
 - Odour Assessment:
 - The task group is working with a consultant to prepare an inventory and analysis of odour assessment tools. They expect to receive a draft of the report on June 30th and will review it with the consultants on July 16th.
 - Prevention/Mitigation:
 - The team has asked this task group to take on the work under prevention/mitigation from the team's project charter. The task group met on June 18th to kick-off this work and are preparing an RFP.
 - Complaints Task Group:
 - The task group prepared a background report outlining the current odour complaint landscape in Alberta and used this document to frame a discussion about strengths and gaps. The task group used this discussion to refine the categories of tools they will be developing.
 - The task group will use a consultant to assist with some tool development and will scope this work at their next meeting on June 19th.
- The team has been scoping how to action the remaining areas of the project charter.
 - The prevention/mitigation work will be taken on by the Odour Assessment Task Group and this task group will undertake the work under enforcement/role of regulation. Work under education/communication/awareness and continuous improvement will be addressed at the team level.
- The team presented this information to the CASA Board on June 5th and outlined three possible scenarios for how the work could be completed, depending on what additional funding is available. The Board agreed that, subject to funding being made available, Scenario #3 where consultants are used to complete the work is the best path forward.

- Since the Board meeting, the Secretariat and the CASA Executive Committee have located sufficient funds to move forward with Scenario #3.
- All task group members have roles and responsibilities that can be found in CASA's *Guide to Managing Collaborative Processes* (page 19-25). Task group responsibilities include:
 - Clearly articulating the interests of the stakeholders they represent
 - Establishing effective communication with decision maker in the organizations/groups they represent

The presentation prompted the following discussion by the task group:

- The task group noted that there may be overlap between the work of this task group and other task groups. Coordination amongst task groups will be required.
- While task group members are encouraged to attend meetings in person, but there may be the opportunity for teleconferences depending on the nature of the discussion.

Following Celeste's overview, the task group continued discussing how they would work together:

Ground Rules:

Task group members were asked to list meeting behaviours they had experienced in the past that contributed to a bad meeting:

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|--|---|
| • Being yelled at | • No follow-up/accountability |
| • Talking over each other | • People don't share their concerns |
| • No agenda | • People have their own agenda |
| • People monopolizing the conversation | • Not staying on schedule |
| • Getting off topic | • Talking about different things at the same time |
| • Lack of awareness of definitions (common language) | • Not having enough time to discuss |

By reversing this list, the task groups discussed what behaviours lead to a positive meeting experience. Based on this list, the task group modified the Odour Management Team's ground rules to create their own set that will be used to guide how the task group will work together going forward:

- Focus on interests, not positions
- Respect the values and interests of others
- Listen to learn
- If you have a concern speak up
- Contribute to an environment where people feel safe to be creative and take risks
- Honour commitment
- Keep comments on topic
- Be accountable
- Come prepared to meetings
- Set objectives for each meeting
- Be clear on definitions

Operating Terms of Reference:

Task group members reviewed the team's Operating Terms of Reference which describes logistics for working together. In particular, they focused on sections:

- Section 10 - Requirements for quorum: A representative from each of industry, government and non-government organization must be present.

- Section 12 - Non-attribution: Any concepts or ideas suggested by a team member will not be attributed to that individual or organization outside of the discussions.
- Section 13 - Discussion with prejudice: In a genuine effort to maintain creativity and ensure open and honest dialogue, all discussions will be “without prejudice”. I.e. Team members will not be viewed as having committed to a particular solution being discussed prior to reaching agreement on a complete package of recommendations. All team members are responsible for creating an environment where the team can talk about possibilities, explore issues, and take risks without fear.

Chairs:

Task group members selected two co-chairs: Al Schulz and Richard Sharkey.

3. Debrief Workplan

Celeste provided an overview of the Enforcement/Role of Regulation workplan and the task group reviewed it with highlights as follows:

- The timelines for this work are tight.
- There has already been work done in this area from which the task group can draw.
- These documents can be used to discuss the effectiveness of regulatory approaches and their applicability to the Alberta context.

The task group prepared a reading list of recently completed work relating to enforcement/role of regulation:

- CEMA request for proposal for odour management strategies in the Wood Buffalo region
- CEMA Review of Odour Management Strategies (Odotech)
- AER Proceeding 1769924 submissions:
 - Phase 2:
 - RWDI report
 - Odotech report
 - Phase 3:
 - RWDI report
- Complaints Background Report prepared by the Complaints Task Group
- Final Report Odour Management in BC
- Saskatchewan Air Quality Modelling Guideline

Action Item 1.1: Celeste will post the meeting #1 reading list to the login page.

Action Item 1.2 Members will read the meeting #1 reading list.

Alberta Environment and Sustainable Resource Development (ESRD) has requested the assistance of the Enforcement/Role of Regulation Task Group in implementing a recommendation from the AER *Report of Recommendations on Odour and Emissions in the Peace River Area* (March 2014) that:

- “ESRD assess the feasibility of defining an ambient odour objective for Alberta based on a perception threshold.”

ESRD prepared a list of information that would be useful for the implementation of this recommendation. The task group discussed ESRD’s request and determined that:

- There were concerns about workload and capacity given the work already assigned to the task group by the OMT.
- In alignment with the current workplan, the task group will provide information to ESRD.
- Through the task group’s investigation of different regulatory approaches they will be able to answer some of ESRD’s questions but not all (see item 4). Some of the more detailed questions go beyond the scope/capacity of the task group’s work.
- The task group will not be preparing a quantitative objective – this would take more time and work than is possible by this task group. Rather the work of the task group will focus on “approaches”.
- The work of the Odour Management Team is meant to be non-sector and non-industry specific as is the work of the Enforcement/Role of Regulation Task Group.
- ESRD will be provided with a copy of the task group’s final report for their use in the implementation of this recommendation.

The task group’s thoughts regarding ESRD’s request will be shared with the Odour Management Team at their next meeting on June 25th.

Action Item 1.3: Celeste will follow up with ESRD regarding their request for the task group to assist with the implementation of the AER Peace River Panel recommendation.

4. Implementation of Workplan

Following the overview of the workplan, the task group discussed how they would implement the workplan. The task group will use a consultant to complete this work and prepared an RFP.

The consultant will be asked to:

- Collate information on odour regulation and enforcement in Alberta and in other jurisdictions that have specific odour management criteria and formalized odour management/regulatory processes and requirements.
- Identify and categorize odour management criteria and processes into “approach” types.
- Analyze the strengths and weaknesses of each approach with an emphasis on the practicality of the approach from a regulatory implementation standpoint.
- Identify any specific gaps.
- Identify odour regulatory and enforcement “approaches” that may have application in an Alberta context and why and how.

Based on guidance from the task group a more detailed analysis of specific “approaches” relevant to Alberta may be required. The foundation for this work will be the documents outlined in the task group’s reading list (see item 3).

The deliverable of this work is:

- A final report which contains:
 - A cross-jurisdictional summary of odour standards, method of assessing performance against standards, and associated regulation and enforcement by sector and jurisdiction. This summary should include a summary presentation of jurisdictional requirements in tabular format.

- A categorization of regulatory approaches to odour management and an analysis of the strengths and weaknesses of each approach in terms of its practicality and utility and as an odour management approach (e.g., how the approach is put into effect by regulations and how jurisdictions assure compliance with odour-related rules), including:
 - The range of criteria used to determine the acceptability of the outcome.
 - An assessment of its effectiveness based on available literature.
- Based on the inventory, a recommendation of which approaches are most applicable to the Alberta context and why.
- A more in-depth review of approaches determined to be the most applicable to the Alberta context.
- Identification of gaps in Alberta's existing odour regulation and enforcement structure.

The task group will work with the contractor to:

- Provide feedback as the draft report is developed,
- Review the consultant's recommendation of which approaches are most applicable to the Alberta context and determine which approaches will be explored in greater depth, and
- Finalize the final report.

The task group will need to meet with the contractor twice in order to:

- Kick-off the work, and
- Review the draft cross-jurisdictional review and inventory as well as the consultant's recommendation as to which regulatory approaches are the most applicable to Alberta.

The task group will supply the consultant with standard and unique clauses used in facility approvals and codes of practices in Alberta as background material that will be reviewed in order to help identify gaps with existing regulation and enforcement practices in Alberta.

Action Item 1.4: Richard and Kim will locate standard and unique language related to odour used in approvals and codes of practices for the last 5 years.

Action Item 1.5: Richard will prepare a list of recent environmental protection orders issued under EPEA related to odour.

Other highlights from the task group's discussion are as follows:

- The consultant should keep in mind the overall context of the work of the Odour Management Team while developing deliverables.
- The task group will not be working to fill any identified gaps but could provide advice/recommendations about future work.
- The task group will need to be mindful that there are different types of sources (ex. point, area) that require different considerations.

- The final report will not assign approaches to particular industries, but will take a broader approach.
- There are a variety of enforcement tools used (beyond fines).
- The task group will use the definition of ‘regulation’ used in the Project Charter for the purposes of our discussions.
- The task group also discussed how you know when you have an odour issue. It would be useful to have guidance from the OMT about how this issue be being addressed within the GPG.

The task group estimated that the timelines for the work outlined is about 3 months.

Action Item 1.6: Celeste will send out the OMT’s brainstorm regarding odour sources in Alberta.

Action Item 1.7: Celeste will prepare an updated RFP and send to the group for review.

Once the task group has finalized the RFP, the Odour Management Team will be given the opportunity to provide comment before the RFP is posted online to MERX and sent directly to: RWDI, Clearstone, Stantec, Golder, Millennium EMS Solutions Ltd., and Ortech.

5. Task Group Membership

The task group reviewed current membership - the goal of this exercise being to check that interested parties are being engaged at the right level and in the most efficient manner, and to fill any gaps that might be identified. The task group had no adjustments to make at this time. Membership is an iterative process and the group will review it periodically.

6. Meeting Wrap-up

The team reviewed the action items from today’s meeting.

The task group discussed that future face-to-face meetings to be held in Edmonton.

Action Item 1.8: Celeste will poll for meeting #2 in late August/early September.

The objectives for meeting #2 are:

- To review responses to the RFP and choose a consultant to undertake the work.

The meeting adjourned at 3:30pm.