



Draft Minutes

Enforcement/Role of Regulation Task Group, Meeting #5 - Teleconference

Date: January 28, 2015
Time: 1:30pm-3:30pm
Place: Teleconference

In attendance:

Name	Stakeholder group
Kim Eastlick	Alberta Energy Regulator
Jennifer Fowler	Hinton Pulp
Debra Mooney	Alberta Health
Intiyaz Moulvi	CAPP (Devon Canada Corporation)
Maude Ramsay	CAPP (Devon Canada Corporation)
Richard Sharkey	Alberta Environment and Sustainable Resource Development
Joseph Hnatiuk	Canadian Society of Environmental Biologists
Tanya Moskal-Hébert	Alberta Agriculture and Rural Development
Francisco Echegaray	NRCB
Lorna Young	CIAC
Michelle Riopel	CASA
Robyn Jacobsen	CASA
Amanda Stuparyk	CASA

Regrets:

David Spink	Prairie Acid Rain Coalition
Zaher Hashisho	Alberta Health

1. Review Draft RWDI Report and Discuss Feedback

The teleconference began at 1:30pm.

The task group received a draft final report from RWDI, based on feedback from December 12th Meeting #4, on January 21, 2015. The group had one week until January 27, 2015 to submit any comments to CASA. A teleconference was scheduled (this meeting) in the case of any substantive comments that needed to be discussed with the group. Comments/questions were received by 4 members. This teleconference is strictly to review those comments. RDWI will require the comments ASAP to complete final report and close contract.

2. Meeting Wrap-up

Schedule a meeting with RWDI for next week to discuss any outstanding questions/clarifications.

Further follow up. The task group will need to meet following the finalization of the RWDI report with the objective to prepare the final report to the OMT. *CASA will poll for dates for meeting in February 2015 for mid- to late February.*

The meeting adjourned at 3:00pm.

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Appendix A: Feedback on January 21, 2015 version of RWDI report

Section	Comments/Questions for Discussion	DISCUSSION WITH RWDI
Section 3.	Page 4. In re: second full paragraph on relationship of concentration and intensity. "A relationship exists between intensity and concentration, but it is not direct."	Discussion on if there is a need to clarify the sentence re: what is meant by "it is not direct"? Could replace "direct" with "linear", if that is what was meant.
Section 4.1.	Page 5. British Columbia. There is reference to an altered proposed regulation being posted in 2014. Should this be updated in any way now that its February 2015? Any updates?	Discuss if any updates or requirements to update this information based on changing regulation?
Section 5.7.	Page 25. Odour Index. In regard to the Japan Standard that was previously mentioned - RWDI noted they had it correct at 10-21. The group discussed the inclusion of some information and reference to other range.	The group discussed the need to add a footnote to indicate that this number is contested. Provide both references: Range 10-20: Government of Japan – Ministry of - Environment’s website at http://www.env.go.jp/en/laws/air/odor/opm.html Range 10-21: http://www.env.go.jp/en/laws/air/offensive_odor/all.pdf
Section 6.	Page 27. Odour Management Considerations. This may be resolved as Section 7 is clarified/discussed.	It is not clear how the three tiers of legislation are linked.
Section 7.	Page 28. Recommendations. The group felt that the information in Section 7 could be restructured. Points they’d like to discuss that could be clarified: - How are management strategies and legislation connected or flow from one to another? - What is the legislation expected to accomplish? Could a goal-statement of the legislative process be added (ex. Fewer/no odours/no complaints)?	Discussion about Section 7 content. - Clarify what is the intention first. - Add statement around goals of legislative process.
Section 7.1.	Page 29. Recommended Odour Regulation Approaches.	Generally, there needs to be more discussion of the

	<ul style="list-style-type: none"> - In general, this section seems to focus more on management strategies as opposed to enforcement strategies. There is obviously a strong link, but the critique did not go far enough to describe the type of enforcement structure or options. The criteria seem reasonable but how they are applied within a regulatory/enforcement framework are not clear. - The 3 odour management approaches are not mutually exclusive and can be organized into proactive and reactive but are not really tiered (as mentioned in introduction to recommendations): <ul style="list-style-type: none"> a. As I understand, the ambient concentration criteria includes a target odour criteria (see Table 5-3); there is no mention as to how this would be established in AB and where it would sit in the regulatory structure – would it be adopted within the current EPEA/regs along with an adoption of the odour panel and process outlined in EN 13725:2003. b. In the second paragraph on p29, dispersion modelling for larger facilities. - would guess would then be measured against the target odour criteria? See this as another option but not part of the Ambient concentration criteria for odour option. Is it possible for AB to adopt dispersion modelling? Clarification required on what the reference is to specifically with ambient air quality? Ie. do we have the data to generate the models? c. The report recommends the use of EN13725:2003. Given the criticism of odour units as a regulatory tool in BC – how is this different and more credible approach to assessing odour and more appropriate as a regulatory tool? d. I agree with the merits of complaint criteria but there is little information as to what they should be. NRCB has a well laid out process that could be adopted for all facilities but has this been ‘successful’? What pieces need to be regulatory for enforcement purposes? (Example: Health, there needs to be a reg and referenced standard in order for enforcement to occur – not sure about other Acts.) 	<p>recommendation and on how to use the recommended regulation approaches, the approval process (where it applies) and how they would work with what exists already.</p>
	<p>Page 29. (Also Section 5.5 discusses MSD) The Minimum Separation Distance management strategy has major flaws...for example, unless the organization has sufficient funds to purchase the land around it, the "buffer zone" remains open for development - and approval for this lies</p>	<p>In general require a discussion on the content. Is there a need to clarify that the minimum separation only applies to Ag operations and to some smaller oil and gas facilities (not ‘other’)?</p>

	with the government jurisdiction, often regional or municipal. Minimum separation distance requirements then need to be respected in that arena....but generally aren't.	
	Page 30 – 2 nd paragraph. In re: “The complaint criteria method is implemented in Alberta currently with the Natural Resource Conservation Board (NRCB), along with the City of Edmonton. This method is easily applicable and has relative low costs associated with it, since it is the dependent on residents providing insight to the occurrence of potential odour problems. The complaint criteria method allows the focus to be at areas where odour is of concern to the residents and allows for focused investments (both financial and time) in areas where odour concerns are predominant. The complaint criteria is well established in practice in most jurisdictions and provides interaction between the public and the regulating body.”	Discussion with consultant in regard to justification for this statement. The group discussed the use of NRCB and if there is any feedback or information about the effectiveness of the complaints system in responding to odor complaints? Have complaints gone down due to this? Why do they think it is effective? How do we know these things are working?
Section 7.1.1.	Page 31. New Developments. Recommendation – it lists only smaller ag practices (should this be listed as just ag practices?) what about larger ag ops? And minimum distance separation applies here as well.	Group discussed potential clarification in this section to be more specific in regard to the facilities. There was a reference back in Section 1 that stated <i>Large Industrial Facilities</i> ?
	Page 32. What is an odour impact assessment guide? Are the predicted ambient concentrations of odour generated through dispersion model of some kind?	Provide a definition/introduction for Odour impact assessment guidelines. Need a discussion with consultant. Talk of specific chemicals with dispersion model.
Figures 7-1 & 7-2.	The group discussed potential addition of more informative titles but also require clarification of the process. (ie. The regulatory framework they are in) Should there be 2 charts for small versus large? Should the boxed be numbered to tie back into 7.1? Should a table be added that provides an explanation of how it works? The diagram does not show any loop back to the complainant. This could be very important. Should there be an addition to the diagram that shows throughout the process a feedback element back to complainant.	The group would like to discuss these figures to clarify process.
Section 8.4.	Page 40 – 2 nd paragraph. Agree that a clear, well-defined approach is important. If best practice guides are ‘highly recommended’, then could they be required under legislation to ensure that they are developed for every facility. If cumulative effects are also of importance, is that resolved by measuring the ‘odour’?	The group discussed this statement and asked if there should be a discussion on what was meant in regard to the best practice guide? Is there a need to elaborate/provide clarity that the BPG compliment regulatory approaches? Are they the only solution or complimentary and would they be enforceable.

		Should this be in Recommendation Section also?
Feedback from Enforcement/Role of Regulation Task Group for Review/Revision	RWDI Revision/Response	
General. Once the report is near finalization, could use some final proofing and editing. There are numerous grammatical and typographical errors throughout.		
General. Usage through-out report. Consistency on sulfide vs sulphide; both are used.		
Executive Summary - Second line s/b detailed review OF odour Regulation - s/b enforcement approaches and THEIR applicability - Second paragraph fifth line s/b "FIDOL", which include the frequency" (No "s" on include)		
Section 2.8. Page 3 First line No "s" on convert		
Section 3. Page 4 First full paragraph Should this be "lead to a nuisance" or "lead to an odour complaint"?		
Section 4. Page 5 Title s//b "Existing Odour Frameworks in Canada"		
Section 4.2. Page 6 First line sb/ "emissions in Alberta ARE generally regulated"		
Page 8 - middle of the page s/b Environmental Protection ordser" (singular, no "S")		
Page 11 Second paragraph ("c") s/b pollutant (T missing)		
Page 17 Last paragraph, second line from the bottom: s/b Brunswick		
Section 2.4 Agricultural Operations Recommend rewording on the Intro paragraph. - Group agrees with changes. Similar to MSW management, odorants from agricultural operations have been a part of human society since the beginning. The primary odour issue at agricultural operations revolves around the management of nutrients, which includes the generation, collection, storage and eventual application of animal wastes. Facilities that have no animal husbandry component will typically may still rely on		

<p>the application of animal waste-based nutrients for crop production, which is often associated with odour complaints. Facilities that do have an animal husbandry operation (e.g. hog farms) will obviously generate waste over time, which must be collected and stored for some period of time, which has a significant odour generation potential. Given the large areas of Alberta dedicated to agriculture, odorants from these operations can best be described as both ubiquitous sporadic and relatively de-centralized.</p>	
<p>Section 2.4 “Facilities that have no animal husbandry component will typically still rely on the application of animal waste-based nutrients” Should this read often, in many cases, or similar instead of typically? Many operations use chemical fertilizer only, not sure the actual percentage that uses animal waste.</p>	
<p>Section 2.7 “This is due to, for the most part from hydrogen sulfide” get rid of “From” or change to ‘for the most part this is due to hydrogen sulfide.’ “Also the cutting of the wood” could just be ‘the cutting of wood’.</p>	
<p>Section 4.11.2. Page 20 - s/b Many jurisdiction IN EUROPE that have ... (it’s the jurisdictions, not the development that is in Europe) - Mid-paragraph “pleasant odours are therefore treated differently” No need for the two commas.</p>	
<p>Section 5.1 last couple of lines “with the assumption that health effects associated with odorous compounds covered by” should be ‘are covered by’</p>	
<p>Section 5.2. Page 22 s/b Very few have associated frequency criteria, (e.g. observed concentrations must be less than the criteria value 98% of the time), and. therefore, ...</p>	
<p>Section 5.6. Page 25. Comment, not correction. Was there any indication of how field staff determine Odour Units in the field? Clarify if there is any training for staff and what kind. How does the field staff make assessments? What tools are used? Are there specific monitoring devices/instrumentation.</p>	
<p>Section 7.1 – Page 29. In the last paragraph, don’t agree that ambient monitoring would be a solution to reducing odorous</p>	

emissions (just a monitoring tool) – agree that best management and best available technology could be helpful. Provide an Explanation of the application of ambient monitoring criteria for ambient monitoring being a solution (presume ambient for specific chemicals or specific odor measurement technologies).	
Page 31 Last paragraph – an dour s/b an odour	
Section 7.11 – Page 32. What is an odour impact assessment guide? Are the predicted ambient concentrations of odour generated through dispersion model of some kind? Provide a definition/introduction for Odour impact assessment guidelines and any kind of specific chemicals with dispersion model.	
Page 32 third paragraph line 4. There are many technologies that exist but that are not economically feasible for industry. Should <i>best economically available technology</i> be used?	
Section 7.1.3. Page 34. Comment: I agree that “We were here first” carries little weight but is there any reference to back this up? This is a big issue in Alberta where people are moving out into the urban fringe and bumping into existing industry. Is there a legal reference or legal precedent in Alberta/Canada?	
Section 7.1 – Page 36. 2 nd sentence. The AER decision clearly identifies gaps - enforcement actions related to odours (so what is AB missing?) and the need for ambient odour objective based on a perception threshold and this is strong support for that approach. Integrate with AER- take recommendations from AER and consider in section 7.1. How does this influence their recommendations. Also, who decides, and on what criteria, if the approval conditions are adequate. I suspect the complainant does not agree. This is a big issue in Alberta.	
Page 37 Section 8.2.1 Be careful of wording that describes the issue as ‘nuisance odours’. In some areas this is a great source of friction as they understand this issue as an emissions problem. Can wording be revised?	
Table 6.1 - Middle column, first page fourth bullet s/b <i>nuisance</i> . - First column, second page. Is it modelling or modeling? For consistency. - Section on minimum separation distance – In Alberta this applies to some oil and gas activity	

as well as agriculture.

Middle column, section on sample degradation. The sentence “Window of optimal testing and may factor into cost” needs some sorting out.