



Draft Minutes

Enforcement/Role of Regulation Task Group, Meeting #6 - Teleconference

Date: February 6, 2015
Time: 10:00am-12:00pm
Place: Teleconference

In attendance:

Name	Stakeholder group
Joseph Hnatiuk	Canadian Society of Environmental Biologists
Richard Sharkey	Alberta Environment and Sustainable Resource Development
Tanya Moskal-Hébert	Alberta Agriculture and Rural Development
Lorna Young	CIAC
Intiyaz Moulvi	CAPP (Devon Canada Corporation)
Bryce Dawson	RWDI
Robyn Jacobsen	CASA
Amanda Stuparyk	CASA

Regrets:

David Spink	Prairie Acid Rain Coalition
Francisco Echegaray	NRCB
Kim Eastlick	Alberta Energy Regulator
Jennifer Fowler	Hinton Pulp
Debra Mooney	Alberta Health
Maude Ramsay	CAPP (Devon Canada Corporation)

1. Discuss Feedback with RWDI

The teleconference began at 10:10am.

The task group received a draft final report from RWDI, with revisions based on feedback from December 12, 2014, Meeting #4, on January 21, 2015. The group submitted comments that required discussion with RWDI.

The task group discussed the comments with RWDI that required clarification. The task group and RWDI received two tables of comments prior to the meeting. One contained discussion items and the other had editorial based comments for RWDI on the report. The first discussion comments were the focus of this meeting. Each comment was discussed and addressed by RWDI. Applicable revisions will be made to the report. RWDI will submit next final version of report as soon as possible.

2. Meeting Wrap-up

CASA will summarize the discussed comments in the table and send to RWDI to complete next final version of the report. [table attached to minutes below]

Further follow up. The task group will need to meet following the finalization of the RWDI report with the objective to prepare their final report to the OMT.

The meeting adjourned at 11:30am.

Draft Minutes



Discussion of comments for RWDI report

Section	Comments/Questions for Discussion	DISCUSSION WITH RWDI	FEEDBACK FROM RWDI/GROUP
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.	RWDI recognizes the complex relationships and that the relationships of intensity and time are not simple (not linear) and agrees that they will add some clarity within the section/discussion on FIDOL
ADDED Fr. Industry	A point which comes up in numerous places and seems to support the incorrect idea of there being a simple relationship between concentration and exposure times for odours substances. It is obvious that RWDI know this is not the case, but they do not say it anywhere. I suggest that within the discussion of “FIDOL” (maybe in P4), RWDI add some additional commentary about the fact that relationship of intensity/concentration and time is not simple. They so state this in the 3 rd para, but later in the doc (see P12 , 16 and 17 in particular) they seem to fully support the use of “conversion” factors from (eg) a 10 min to 60 min exposure standard without stating this is normally not a good practice for odorous substances.		ADDED comment (further question per above – and recommendations)
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?	RWDI has not found anything new so this has not been updated yet so while there are no changes to section regs itself RWDI will update the wording to state the reg ‘was to be posted in 2015’.
Section 5.7.	Page 25. Odour Index.	The group discussed the need to	RWDI will add a footnote that

	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.	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	identifies both references.
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.	RWDI to review once Section 7 updates/additions have been completed to determine any clarification to section.
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.	RWDI stated that a restructure of this section is not a problem and with the good guidance provided by group they will make the section more clear to address the questions.
Section 7.1.	Page 29. Recommended Odour Regulation Approaches. - 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):	Generally, there needs to be more discussion of the 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.	RWDI agreed that they can expand some information on the management strategies in the section but the other commented areas are outside the scope of the contract and their expertise. RWDI can discuss and make clearer in section the 3 odour

	<p>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.</p> <p>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?</p> <p>le. do we have the data to generate the models?</p> <p>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?</p> <p>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>		<p>management approaches based on the comments and questions posed and to tie it back to the previous section to provide greater clarity.</p> <p>RWDI agreed to add the following: Industry requested that RWDI include some information in the report/section around the fact that in Alberta this processes around compliance and regulation is in its infancy – any processes will need further stakeholder support / consultations etc. and that odour is subjective in nature (see wording added to the left)</p> <p>RWDI agreed to review/think about implications and take under consideration the following: If this applies to leased land? Is there a difference. (page 29 section 5.5. discusses MSD).</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 with the government jurisdiction, often regional or municipal. Minimum separation distance requirements then need to be respected in that arena...but generally aren't.</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>	<p>RWDI agreed they could clarify this section more based on comments (on how applies etc.).</p>
	<p>Page 30 – 2nd 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</p>	<p>Discussion with consultant in regard to justification for this statement. The group discussed the use of NRCB and if there is</p>	<p>RWDI do not have any information with respect to effectiveness. It was used to drive the Peace River proceeding but</p>

	<p>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.”</p>	<p>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?</p>	<p>would be a larger effort to go into further.</p> <p>If RWDI receives information from the group on the NRCB experience they will consider it and determine whether to include in this section.</p> <p>Task Group Action - Francisco – to obtain some information on NRCB experiences send to CASA to forward to RWDI for review/discretion.</p>
Section 7.1.1.	<p>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.</p>	<p>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></p>	<p>RWDI has agreed to re-visit and clarify without prescribing ‘how to’ which is outside of section.</p>
	<p>Page 32. What is an odour impact assessment guide? Are the predicted ambient concentrations of odour generated through dispersion model of some kind?</p>	<p>Provide a definition/introduction for Odour impact assessment guidelines. Need a discussion with consultant. Talk of specific chemicals with dispersion model.</p>	<p>RWDI has agreed to provide definition/information.</p>
Figures 7-1 & 7-2.	<p>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?</p> <p>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</p>	<p>The group would like to discuss these figures to clarify process.</p>	<p>RWDI agreed to revise per group suggestions.</p> <p>RWDI was open to discussion from group on how to improve diagrams. The group was generally good with the figures as they are meant to be a general guidance that can be customized</p>

	<p>throughout the process a feedback element back to complainant.</p>		<p>later.</p> <p>Group discuss how to improve and used previously submitted comments that were sent in. Generally everyone good with the diagrams with a couple small additions. All agreed they should not be split in two.</p> <p>Figure 7-1. Group agreed to:</p> <ul style="list-style-type: none"> - better titles - yes / no split - change to 'proposed' in first diamond <p>Figure 7-2</p> <ul style="list-style-type: none"> - No areas that say 'how' - Noted 2 other areas on figure could be added <p>The draft figures with guidance written on them will be sent to RWDI from CASA for revision.</p>
<p>Section 8.4.</p>	<p>Page 40 – 2nd 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'?</p>	<p>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?</p>	<p>RWDI agreed to add some wording around the questions.</p> <p>The group discussed that they do not want to recommend being part of legislation as guides are not part of legislation itself. Is more 'good practices' / good neighbor for managing odour. Also the hope would be also to capture cumulative effects. Every commodity group in Ag and also</p>

			in industry have good practice guides but are not regulated/legislation.
ADDED Fr. Industry	One of the recommended approach is odour concentration criteria i.e. an OU. Industry realizes that perhaps this may be the way forward in terms of regulating odour however it is important in the context of this report that RWDI include a few words around the confidence level perhaps on page 29. around its major limitations. Firstly, to establish an OU in Alberta for compliance and enforcement purposes, a detailed and comprehensive research process (with stakeholder consultations) will have to followed given the variable nature of Alberta businesses (industry and agriculture) and especially because OU is subjective in nature and there are shortcomings with respect to accuracy and precision. This should also be included in weaknesses and strengths table 6.1.		RWDI to review and comment.