



Minutes

Enforcement/Role of Regulation Task Group, Meeting #4

Date: December 12, 2014
Time: 9am-3:30pm
Place: Devon Energy, 400 3 Ave SW, Calgary

In attendance:

Name	Stakeholder group
Kim Eastlick (at 1pm)	Alberta Energy Regulator
Jennifer Fowler	Hinton Pulp
Debra Mooney (by phone)	Alberta Health
Maude Ramsay	CAPP (Devon)
Richard Sharkey	Alberta Environment and Sustainable Resource Development
David Spink (by phone until 2pm)	Prairie Acid Rain Coalition
Lorna Young (by phone until 12:30pm)	CIAC
David Chadder	RWDI
Bryce Dawson	RWDI
Michelle Seguin	RWDI
Brian Sulley	RWDI
Celeste Dempster	CASA
Michelle Riopel	CASA

Action Items:

Action Items	Who	Due
2.1: Debra will investigate wording used in Executive Officer Orders related to odours.	Debra	Carry forward.
4.1: Task group members will send any editorial comments on RWDI's draft report to Celeste.	All	December 16, 2014.
4.2: Celeste will send content-related feedback from meeting #4 and editorial comments to RWDI.	Celeste	December 16, 2014.
4.3: Celeste will send a meeting notice for meeting #5 on January 26, 2014.	Celeste	ASAP.
4.4: Celeste will ask RWDI if it is possible to include two additional questions in the additional research phase.	Celeste	December 16, 2014.
4.5: CASA will poll for dates for meeting #6 in mid-February 2015.	CASA	January 2015.

1. Administrative Items

Richard chaired the meeting which began at 9:25am. Participants introduced themselves and welcomed to the meeting. Quorum was achieved.

The agenda and meeting objectives were approved.

The minutes from meeting #2 and #3 were reviewed and approved. The action items from meeting #2 and #3 were updated as follows:

Action Items	Who	Status
1.2 Members will read the meeting #1 reading list.	All	Complete.
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	Complete.
1.5: Richard will prepare a list of recent environmental protection orders issued under EPEA related to odour.	Richard	Complete.
2.1: Debra will investigate wording used in Executive Officer Orders related to odours.	Debra	Carry forward.
2.2: Celeste will email the OMT with the successful RFP bid candidate and provide one week for the OMT to comment on the selection.	Celeste	Complete.
2.3: Once the OMT has had the opportunity to comment on the successful candidate, Celeste will notify the consultant on September 19, 2014.	Celeste	Complete.
2.4: Celeste will arrange a 2 hour kick-off meeting in Calgary with the consultant.	Celeste	Complete.
3.1: Celeste will send the consultants the Odour Management Team's list of odour sources in Alberta.	Celeste	Complete.
3.2: Celeste will send the consultants the feedback on the review and compilation of odour management approaches developed by the task group at meeting #3.	Celeste	Complete.
3.3: Celeste will ask the consultants to attend meeting #4 from 11am-2:30/3pm.	Celeste	Complete.

The task group heard an update on the work of the Odour Management Team and other task groups.

2. Initial Discussion on Draft Report from RWDI

The purpose of today's meeting is to review the draft report and recommendations from RWDI and to provide specific feedback for the consultants as they develop the draft final report.

The task group began by discussing what worked well about the draft report:

- It was well written.
- It used clear language and wording and had good clarity.
- It was easy to read and made the material accessible.
- It flowed well.
- It highlighted issues concisely.
- Liked how the different approaches are categorized.

Next, the task group identified items that they would like to discuss with RWDI under item 3. The list of items for discussion generated can be found in column 1 of Appendix A.

3. Review Draft Report and Prepare Feedback

The task group met with RWDI, discussed each item identified under item 2, and prepared specific content-related feedback for RWDI - see Appendix A.

The task group agreed that RWDI should conduct additional research on the three approaches recommended in the draft report: ambient concentration criteria for odour, minimum separation distances, and complaint criteria. Additionally,

- RWDI will include additional commentary on the complementary approaches noted in the draft report: Technology criteria, odour intensity scales, and ambient concentration criteria for individual chemicals.
- It was noted that odour intensity scales could be a tool used in conjunction with complaint criteria.

The task group outlined additional details that should be included in the additional research phase conducted by RWDI for the three main approaches:

- Anecdotal evidence from jurisdictions that are using the approach or have tried to use the approach
- Is it practical to apply and enforce?
- Can it withstand appeals and challenges in the court?
- How the approach is applied, when it is appropriate to use (especially with respect to Ambient Concentration Criteria)
- General costs for the regulator and the regulated party
- Links and challenges between regulation and enforcement
- Is it happening in Alberta? If so, how is it being done? How does this compare to other jurisdictions? Are there ways Alberta could improve?
- Targets
- Mandatory requirements
- Thresholds
- Training requirements
- Implications for cumulative effects (when you have many industries clustered together) and population density
- How physical geography and meteorological conditions impacts regulation and enforcement

Action Item 4.1: Task group members will send any editorial comments on RWDI’s draft report to Celeste.

Action Item 4.2: Celeste will send content-related feedback from meeting #4 and editorial comments to RWDI.

4. Discuss Next Steps to Finalize the Report

The task group discussed next steps to finalize the consultant’s report as follows:

Date	Task
December 12, 2014 - January 16, 2015	<ul style="list-style-type: none"> • Consultant conducts additional research on the most relevant approaches, including interviews with jurisdictions that use or have tried to use that approach. • Consultant delivers draft final report. <p><i>This timeline has been updated from original contract as today’s meeting was moved from December 1 to December 12, 2014.</i></p>
January 16-23, 2015	<ul style="list-style-type: none"> • Task group reviews draft final report electronically and submits comments to the project manager no later than January 23rd, 2014

	<p>at 12pm.</p> <ul style="list-style-type: none"> • The project manager will review the feedback and determine if there are any substantive comments that require a group discussion.
Meeting #5 (if necessary): 26 January 2015	<ul style="list-style-type: none"> • If any substantive comments are put forward on the draft final report, discuss and prepare specific feedback for RWDI. • Project manager should then forward comments to RWDI ASAP.
January 30, 2015	<ul style="list-style-type: none"> • Consultants deliver final report.

Action Item 4.3: Celeste will send a meeting notice for meeting #5 on January 26, 2014.

5. Task Group Debrief and Meeting Wrap-up

The task group reviewed the action items from today's meeting.

After consultants from RWDI left the meeting, the task group discussed including some additional questions in the additional research phase:

- When RWDI interviews jurisdictions, is it possible to ask:
 - If they have any regulation is development/planned and
 - If they you aware of how transitions new regulation was handled (including grandfathering)?

Action Item 4.4: Celeste will ask RWDI if it is possible to include two additional questions in the additional research phase.

The task group reviewed their workplan to ensure that work was on track. The task group noted that their final report should include a summary of the findings from Step 4 and that Step 7 can only take place once the consultant's report is complete.

The task group discussed the objectives for meeting #6:

- Prepare final report to the OMT

Action Item 4.5: CASA will poll for dates for meeting #6 in mid-February 2015.

The task group aims to submit their final report to the OMT by the end of February 2015.

The meeting adjourned at 10:05am.



Minutes

Appendix A

Items for Discussion	Feedback from Enforcement/Role of Regulation Task Group for RWDI Developed at December 12, 2014 Meeting
<p>Section 7: Disconnect between 6.1 and 7 Wasn't persuasive why this were the choices, translation between 6.1 and 7, how did they choose which approaches? Need more rationale. Why were EDF and Japanese Odour Index eliminated? Approaches chosen, agree? Odour Management Plan approach? -wasn't included as a stand alone approach as if often included in conjunction with other approaches -Drinking Water Safety Plan -Risk assessment tool -The task group determined that is addressed by the Prevention/Mitigation Task Group. Can apply to which types of facilities vs blanket application</p>	<p>Section 7: Include more detailed rationale in section 7 about why approaches were eliminated and chosen. Highlight main points from Table 6-1.</p> <p>Specificity as to whether it's part or all of an approach that could be eliminated/chosen (ex. The way it's applied in Germany doesn't work but parts of the approach itself may still have merit).</p> <p>If an approach can't be applied in a 'blanket' way, add some discussion (using some sensitive language) about what types of industries these approaches could/could not be applied to, as necessary.</p> <p>Add discussion on facility expansion and industrial process change.</p> <p>Add discussion on implications of encroachment.</p> <p>Focus should be on regulatory approaches (rather than management approaches generally).</p>
<p>Section 7: Recommendation not necessarily what was anticipated</p>	<p>Section 7.1: Describe how recommended approaches relate to proactive and preventative, ongoing monitoring, and reactive categories.</p>
<p>Section 7: Re-frame language: "Based on our assessment, we recommend that these approaches warrant further exploration"</p>	<p>Section 7: Re-frame language: "Based on our assessment, we recommend that these approaches warrant further exploration"</p>
<p>Section 6 and 7: Language: "We think" vs third party</p>	<p>Section 7: Remove "we" language, re-frame as third person</p>
<p>Figure 7-1: Left side "should probably not be approved", can we say this?</p>	<p>Figure 7-1: Re-word: Bottom left-hand box "Should probably not be approved" (include full reasoning in the box)</p>

How do facility amendments fit into in? -addressed above already	
Section 7.1.2: Possible third option: the regulator can determine that the level of odour is acceptable and no action will be taken	Section 7.1.2: Possible third option: the regulator can determine that the level of odour is acceptable and no action will be taken, Alberta doesn't regulate for 0 odour
Missing component: Identification of gaps in Alberta's existing odour regulation and enforcement structure.	Add section (Section 6?): Identification of gaps in Alberta's existing odour regulation and enforcement structure. -from the perspective of government, industry and the public -noting where complaints continue to occur could help to highlight gaps -use Peace River review and analysis as an input to this discussion <i>-RWDI will contact the task group for guidance as necessary as this section is written</i>
Ambient concentration criteria for odour: Discussion on odour units in Alberta? -covered by additional research that will occur	No additional feedback. Covered by additional research that will occur.
Nuisance approach: A number of provinces have nuisance under their Public Health Act The term 'nuisance' in Alberta can be confusing - Terminology challenge – Public Health Act	Section 5.1: Clarify how the word 'nuisance' is being used. Clarify the term 'avoidance of nuisance laws'. Section 7: There are nuisance law under the Public Health Act exists, but we will not discuss it as an approach for regulating odour. It is generally used as a complaint response mechanism (see paragraph 3, pg 28).
Did you look at any studies that compared regulatory approaches? -There are a few out there, usually they list the approaches but don't directly compare them. Some of these studies are older and are out of date. RWDI has reviewed and included studies as necessary.	No additional feedback.
Discussion on geographical hot spots? -Covered under additional discussion about setbacks and cumulative effects	No additional feedback. Covered under additional discussion about setbacks and cumulative effects.
Consistent use of 'odour' and 'odorant'	Consistent use of 'odour' and 'odorant': Odour: what people smell (sensory response to a chemical) Odorant: what makes the smell (chemicals)
Refer to odour as an emission:	Whenever report refers to odour as emission, clarify according to our use of

Facilities emit substances that may have an odour, can we use different phrasing?	'odour' and 'odorant' (ex. First sentence of 4.2, pg 6): Odour: what people smell (sensory response to a chemical) Odorant: what makes the smell (chemicals)
Section 4.4, pg 12: Second paragraph: odour is not a compound	Section 4.4, pg 12: Second paragraph, first tool: odour is not a compound Re-word "including"
Section 4.4, pg 12: Second paragraph: Only for EIA for a new facility, not used for compliance	Section 4.4, pg 12: Second paragraph, second sentence: Odour units criteria only apply during the EIA for a new facility, not used for enforcement after a facility is built.
Section 4: Use framework, criterion, guideline terminology that doesn't necessarily match jurisdiction	Section 4: In each section, terminology used (ex. framework, criteria, guideline) should match what is used in that jurisdiction. Example: Manitoba has guidelines for H ₂ S, called criteria in report
Section 4.4, pg 12: Third paragraph: Shouldn't be a conversion, Ontario already uses a 10 minute averaging time	Section 4.4, pg 12: Third paragraph: Typo, should say – converting the Ontario to a 1-hour averaging time
	Section 4.4, pg 12: Third paragraph: typo – ammonia (1.4 mg/m ³)
Section 4.6, pg 15: What does 120 degrees of odour per cubic meter mean? -this is a direct quote from the legislation	Section 4.6, pg 15: What does 120 degrees of odour per cubic meter mean?
Pg 23, 3 rd paragraph: More detail needed (summary of what it is and how it's done)?	Section 5.3, Pg 23, 3 rd paragraph: Add one sentence about each standard. In the additional research that will occur, we expect RWDI to examine the applicability of these standards to Alberta.
Section 5.6, Pg. 24: Is there actually no special training? Or there will be no robustness	Section 5.6, Pg. 24: Re-word 'Special training' to indicate the level/type of training required.
Section 5.7: paragraph 2 Correction: Should say 10-20 as per the regulation	Section 5.7: paragraph 2 Verify is range is 10-20 or 10-21.
Section 5.7: paragraph 2 What is the methodology for this? Can we have some detail?	Section 5.7: paragraph 2 Add some specifics about the survey (short description): survey design, how is sample population chosen, how conversion is carried out.
Section 7.1, last paragraph: More detail about methods? Including n-butanol?	Section 4.1: Include comment on n-butanol court case

<p>-detail on methods will be covered under additional research</p>	<p>In additional research: Include a more detailed discussion on n-butanol court case and outcome</p>
<p>Status update from RWDI on task group feedback from Deliverable 1: Section 4 compares H₂S criterion between Canadian provinces. It would be useful to also include hydrocarbons, process chemicals (ex. amines and glycols), and non-methane hydrocarbons that don't have ambient standards. The task group would like to know if other jurisdictions are doing anything around these substances, although there may not be any policies in place.</p>	<p>Update from RWDI: Pulled any information that found and pulled out major compounds. Not much information on hydrocarbons as a whole. Many provinces don't cover these compounds. No criteria for non-methane hydrocarbons and total hydrocarbons.</p> <p>Status: Feedback has been addressed.</p>
<p>Status update from RWDI on task group feedback from Deliverable 1: Some comments included in the accompanying tables were not self-explanatory. For example: Table 5.2, row 1 and 2 – what is meant by “action” and “episode”? Please make sure that all comments in the tables are self-explanatory.</p>	<p>Update from RWDI: Will be addressed in the next version.</p> <p>Status: In progress.</p>
<p>Status update from RWDI on task group feedback from Deliverable 1: Table 5.2: In addition to the current version of the table, the task group would like a version organized by compound included in the report.</p>	<p>Update from RWDI: This would take a lot of time to do. Is this how we'd like to spend our money?</p> <p>Status: The task group agreed that RWDI is not expected to incorporate this feedback.</p>