



# CASA

## ENFORCEMENT/ ROLE OF REGULATION TASK GROUP

# Final Report Presentation to the OMT

*Richard Sharkey*

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# BACKGROUND

- The Enforcement/Role of Regulation Task Group (ERoRTG) was formed in June 2014 to carry out the work listed under “Enforcement/Role of Regulation” in the Odour Management Team (OMT) Project Charter (March 2013).
- The dedication and engagement of the ERoRTG members to complete deliverables is acknowledged and appreciated.
- Each deliverable of the ERoRTG was achieved through consensus agreement of the whole group.
- The task group and consultant reviewed relevant odour regulation and enforcement approaches that included a focus on applicability within Alberta.

# MEMBERSHIP



|   | Name   | Organization   |
|---|--|--|
| Current Members                         | <input type="checkbox"/> Kim Eastlick        | Alberta Energy Regulator                               |
|   | <input type="checkbox"/> Jennifer Fowler     | Alberta Forestry Processors Association (Hinton Pulp)  |
|   | <input type="checkbox"/> Debra Mooney        | Alberta Health   |
|   | <input type="checkbox"/> Tanya Moskal-Hebert | Alberta Agriculture and Rural Development              |
|   | <input type="checkbox"/> Imtiyaz Moulvi      | CAPP (Devon)   |
|   | <input type="checkbox"/> Richard Sharkey     | Alberta Environment & Sustainable Resource Development |
|   | <input type="checkbox"/> David Spink         | Prairie Acid Rain Coalition                            |
|   | <input type="checkbox"/> Lorna Young         | Chemistry Industry Association of Canada               |
|   | <input type="checkbox"/> Amanda Stuparyk     | CASA   |
|   | <input type="checkbox"/> Warren Greeves      | CASA   |
| <input type="checkbox"/> Robyn Jacobsen | CASA   |  |
| Alternate/Corresponding Members         | <input type="checkbox"/> Francisco Echegaray | Natural Resources Conservation Board                   |
|   | <input type="checkbox"/> Zaher Hashisho      | Alberta Health   |
|   | <input type="checkbox"/> Joseph Hnatiuk      | Canadian Society of Environmental Biologists           |
|   | <input type="checkbox"/> Sandi Jones         | Alberta Agriculture and Rural Development              |
| Former Members                          | <input type="checkbox"/> Al Schulz           | Chemistry Industry Association of Canada (CIAC)        |
|   | <input type="checkbox"/> Sandi Hilton        | City of Edmonton                                       |
|   | <input type="checkbox"/> Celeste Dempster    | CASA   |



# TASK GROUP OBJECTIVE



The Charter outlines one objective for the ERoRTG work:

1. To analyze the effectiveness and comprehensiveness of existing regulations, including the roles and responsibilities of federal, provincial, and municipal governments, which address odour in Alberta.





# WORKPLAN OVERVIEW



## Vision:

*“Odour related regulation and associated enforcement of these regulations is one of many odour management tools. In order for enforcement to effectively resolve or prevent odour issues, it must be based on a set of comprehensive and appropriate regulations. For discussion purposes, regulation here refers to any law, bylaw, rule, code, standard, objective or other order prescribed by a government authority (federal, provincial, or municipal) that regulates or guides conduct and provides oversight. The objective under this topic applies to all odour-producing sources and is not meant to single out any particular source.”*



# TASK GROUP RESULTS





# TASK GROUP IMPLEMENTATION & BUDGET



To meet its objectives the ERoRTG:

- ❑ Met 8 times,
- ❑ Spent over 275 hours in and between meetings developing and reviewing deliverables, and,
- ❑ Operated within its allocated budget from the OMT.





# TASK GROUP DELIVERABLES

| Task Group Deliverables   | Completion Status and Details   |
|---|---|
| <p>Develop common definitions, relevant terms and a common language to discuss enforcement/role of regulation.</p>  | <p>Incomplete. Any gaps in terminology present in the GPG will be addressed by the ERoRTG.</p>  |
| <p>Develop an inventory of regulatory practices, regulations and enforcement approaches to odour management.</p>  | <p>Completed jointly by the task group and RWDI. For more information, see the RWDI Report.</p> |
| <p>A list of gaps in current regulations, and a comprehensive understanding of how odour control/management is/is not incorporated in facility approvals.</p> | <p>Complete. For more information, see the RWDI Report.</p>                                     |



# WORKPLAN METHODOLOGY

## □ Step One: Develop common definitions

- ERoRTG examined language relating to odour used in approvals and codes of practice for the last 5 years.
- Recent environmental protection orders issued under the EPEA related to odour were assembled
- The ERoRTG will contribute to any gaps in the GPG glossary as they pertain to regulation or enforcement

# WORKPLAN METHODOLOGY

- Step Two: Assemble list of regulatory practices
  - ERoRTG was requested to draw from work already completed by other Task Group's as it applied to regulatory practices from selected jurisdictions.
  - The group developed a list of regulatory practices that may be applicable to enforcement/regulation, and this list was utilized in the consultant report.
  - The group did not develop a formal process to communicate between other task groups, however there were some members of the group that also sat on other task groups.



# WORKPLAN METHODOLOGY

## □ Step Three, Four & Five:

- ERoRTG solicited the expertise of a consultant to deliver steps 3, 4 & 5, and created a RFP.
- Objective of the consultants work was to:
  - Collate information on odour regulation and enforcement in Alberta and in other jurisdictions (including Canada, North America and/or worldwide) 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, and
  - Identify odour regulatory and enforcement “approaches” that may have application in an Alberta context and why and how.



# WORKPLAN METHODOLOGY

## □ Step Three, Four & Five (continued):

- In order to assist the consultant with the analysis of specific approaches relevant to Alberta, the following publically available documents were provided:
  - RWDI: Final Report Odour Management in British Columbia: Review and Recommendations (2005).
  - AER Proceeding #1796224 documents (2013):
    - Phase 2 submission:
      - RWDI: Review of Regulatory Framework in Alberta and Other Jurisdictions Related to Odourous Emissions (2013).
      - Odotech: Expert Opinion – Monitoring and Characterization of Odour Sources (2013).
    - Phase 3 submission:
      - RWDI: Phase 3 Final Report (2013).
  - Odotech: Review of Odour Management Strategies prepared for the Cumulative Environmental Management Association (2013).
  - Anna Bokowa: Review of Odour Legislation (2010).



# WORKPLAN METHODOLOGY

## □ Step Three, Four & Five (continued):

- The group worked together with the consultant to review recommendations on which approaches are most applicable in an Alberta context. The ERoRTG also worked with the contractor to elaborate on which of the identified regulatory approaches should be the focus of more detailed assessment.
- The consultant analyzed 3 main approaches and analyzed each in more detail:
  - Minimum separation distances,
  - Ambient concentration criteria for odour; and,
  - Complaint criteria



# WORKPLAN METHODOLOGY

## □ Step Six: Examine Link Between Regulation & Enforcement

- Link between current regulation and enforcement was partially addressed in the consultant report, and the task group agreed that this task could be considered complete.
- The report further examines existing regulations in Alberta and highlights gaps specific to odour legislation.



# WORKPLAN METHODOLOGY

## □ Step Seven: Develop Recommendations

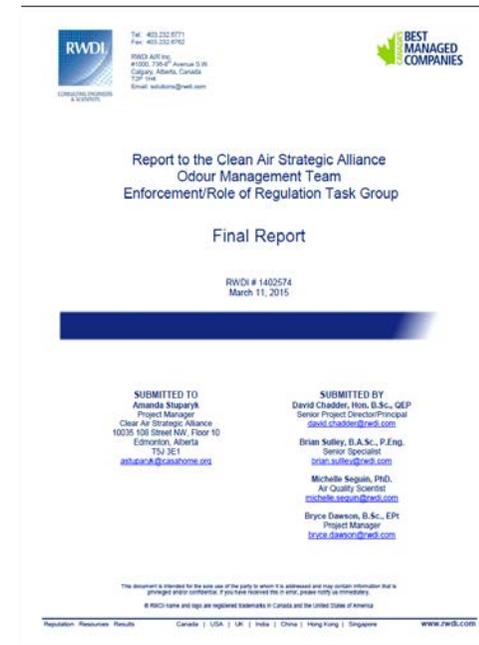
- The Task Group had indicated that there would not be a formal endorsement of these recommendations, but that the report should be provided in full to appropriate government regulators as previously requested.
- In section 7 of the consultant report, several recommendations were provided, demonstrating how the approaches listed above could be implemented using;
  - Proactive and Preventive Legislation,
  - Ongoing Monitoring Legislation; and,
  - Reactive Legislation.

# REFLECTIONS ON DELIVERABLES



## Report to the Clean Air Strategic Alliance Odour Management Team, Enforcement/Role of Regulation Task Group, Final Report

- ✓ The Task Group worked with RWDI to provide feedback as the draft report was developed, in addition to reviewing the consultants recommendations on which approaches are most applicable in an Alberta context. The task group agreed by consensus to accept the complete report for inclusion as an appendix into the GPG.
- ✓ To fulfill the earlier request from AESRD, the ERoRTG recommends that the report should be provided in full to appropriate government regulators.





# ADVICE TO THE OMT - COMMUNICATIONS

Considerations for OMT for the distribution of the groups' deliverables:

- Key audience of the final deliverable is primarily the provincial government (but can apply to all levels of government)
- The references and summary information included in the RWDI report may be particularly useful to the provincial government, particularly regulatory bodies with enforcement capabilities.
- The RWDI Report is an important resource that should be integrated into the larger response from the team.
- Establishing and maintain good relationships between facilities and neighbors is something that needs to be stressed upon.

# ADVICE - CONTINUOUS IMPROVEMENT



The ERoRTG discussed the following areas of advice to the OMT about potential future work stemming from the group's work.

- Update of the consultant report including a cross-jurisdictional review of enforcement practices on a timeline as seen fit by the OMT.
- Should there be a revision of current odour legislation, it should be emphasized that these revisions need to be clearly communicated to prevent possible misinterpretation.
- Future odour work should include examining odour in relation to overall air quality.



# LINKS TO OTHER TASK GROUPS

- While there is a certain degree of connectivity between all task groups, it was noted that some groups are linked more than others. Health is undeniably an underlying issue with the ERoRTG as it is with all of the task groups, however **Assessment, Complaints & Prevention/Mitigation** approaches are explored in depth by the consultant.
- See the final report for a detailed summary of links to other task groups with regard to odour management approaches.



# LESSONS LEARNED

The task group discussed lessons learned for the OMT to consider in regard to their work on this topic, their task group final report, and deliverables.

- ❑ The ERoRTG felt they would have benefitted from the opportunity for a better exchange of work/deliverables with other task groups. Other task groups work could have provided more context as the group was reviewing regulatory/enforcement approaches.
- ❑ It was difficult to separate ‘odour management’ from ‘odour regulation and enforcement’ with regard to the approaches explored in the consultant report.
- ❑ The group agreed that the RFP was adequately constructed and the outcomes of the report adhered to the RFP. Further, the face-to-face meetings with the consultant resulted in effective communication over the long term with the task group.
- ❑ The ERoRTG noted that odour is a subjective issue and regulation of odours is constantly evolving.

# RECOMMENDATIONS

## **Recommendation 1: Accept the Task Group's RWDI report without qualifiers.**

The task group recommends the OMT accept their report without qualifiers for inclusion in the Good Practice Guide (GPG).

## **Recommendation 2: Provide a copy of the RWDI Report to AESRD.**

As AESRD specifically requested assistance with assessing the feasibility of defining an ambient odour objective for Alberta based on a perceptive threshold, the Task Group recommends that the RWDI report be officially transmitted to the AESRD Air Policy Section Head by the ERoRTG.

# RECOMMENDATIONS

## **Recommendation 3: Accept the Task Group's Final Report.**

The task group recommends the OMT accept its final report and the advice and recommendations within, for consideration as the OMT develops their deliverables.

## **Recommendation 4: Disband the Task Group, after review of the GPG.**

The task group recommends it have an opportunity to review the GPG applicable sections to the groups' topic, after which the group should be disbanded as their workplan will be complete.



# QUESTIONS?

