

Minutes



Complaints Task Group, Meeting #5

Date: March 10, 2014
 Time: 10am – 3:30pm
 Place: CASA

In attendance:

Name	Stakeholder group
Michael Aiton (AM only)	Alberta Environment and Sustainable Resource Development
Ron Axelson	Intensive Livestock Working Group
Ann Baran	Southern Alberta Group for the Environment
Mike Bisaga (by phone)	Lakeland Industrial Community Association
Roxane Bretzlaff (by phone)	Canadian Association of Petroleum Producers (Canadian Natural Resources Limited)
Keith Denman	Alberta Environment and Sustainable Resource Development
Jennifer Fowler	West Fraser - Hinton Pulp
Joseph Hnatiuk	Canadian Society of Environmental Biologists
Christine King (PM only)	Alberta Energy
Jim Lapp	City of Edmonton, Compost Operations
Tanya Moskal-Hébert	Alberta Agriculture and Rural Development
Ludmilla Rodriguez	Alberta Health Services
Merry Turtiak	Alberta Health
Dalene Wilkins	Alberta Energy Regulator
Celeste Dempster	CASA
Michelle Riopel	CASA

Action Items:

Action Items	Who	Due
3.3: Merry and Joseph will check if the federal government (specifically Transport Canada) does anything with respect to odour.	Merry, Joseph	Meeting #6.
5.1: Ludmilla will inquire if Health Link Alberta protocol scripts can be shared.	Ludmilla	Meeting #6.
5.2: Keith will follow-up with Michael about what sort of tools and recommendations would be helpful for ESRD compliance officers.	Keith	Meeting #6.
5.3: Celeste will share the presentations from complaint handling agencies from meeting #5.	Celeste	ASAP.
5.4: Celeste will share Christine King's presentation.	Celeste	ASAP.
5.5: Each presenter will review their material in the draft background report for accuracy.	All presenters	21 March 2014
5.6: Celeste will communicate the desired changes to the draft background report to Scott.	Celeste	ASAP.
5.7: Celeste will poll for dates for meeting #6 in April.	Celeste	ASAP.
5.8: Celeste will poll for dates for meeting #7 in May.	Celeste	ASAP.
5.9: Celeste will poll for dates for meeting #8 in June.	Celeste	ASAP.

1. Administrative Items

Jennifer chaired the meeting which began at 10:05am. Participants introduced themselves and were welcomed to the meeting. Quorum was achieved.

The agenda and meeting objectives were approved.

The minutes from meeting #3 and #4 were reviewed and approved with the following edits to meeting #3 minutes: several typos were noted, and Celeste was asked to clarify two sentences on pg 7. The action items from meeting #3 and #4 were updated as follows:

Action Items	Who	Status
2.3: Keith will investigate specifics around CIC staff training.	Keith	Complete.
2.6: Celeste will look into presenters from Champion Petfoods.	Celeste	Complete.
3.1: Everyone will read the sections of the BC document as outlined in Action Item 2.2.	All	Complete.
3.2: Jennifer will talk to Cindy Quintero, RN at Hinton Pulp, if she has any thoughts about the complaints process.	Jennifer	Complete.
3.3: Merry and Joseph will check if the federal government (specifically Transport Canada) does anything with respect to odour.	Merry, Joseph	Carry forward.
3.4: Keith will check if odour is written into sewage approvals.	Keith	Complete.
3.5: Celeste will distribute the presentations from meeting #3.	Celeste	Complete.
3.6: Celeste and co-chairs will have the initial meeting with Scott about the background report.	Celeste, Tanya, Jennifer, Darren	Complete.
3.7: Celeste will poll for dates for a one-hour teleconference to review the background report proposed format.	Celeste	Complete.
3.8: Keith will ask Christine King to speak at meeting #4.	Keith	Complete.
3.9: Celeste will prepare a one-page summary of the discussion on input from complainants and send to the task group for review.	Celeste	Complete.
3.10: Celeste will poll for dates for meeting #4.	Celeste	Complete.
4.1: Celeste will direct Scott to begin writing the background report based on his suggested format.	Celeste	Complete.

Additional Information:

Action Item 3.1: Questions should be directed to Michael Aiton under agenda item 3.

Action Item 2.6: Celeste has contacted Champion Petfoods plant (Morinville) but they have not been responsive to inquiries. The task group agreed to consider this action item complete and no longer pursue information on Champion Petfoods for inclusion in the background report. This would not preclude a presentation from them in the future.

Action Item 3.2: Cindy works with occupational exposure limits (OEL) for gases as relates to operational health and safety. Often the OEL is much higher than the threshold at which an odour can be detected. She had no further thoughts.

Action Item 3.4: Keith spoke with municipal approval staff and found that odour is not specifically written into sewage approvals but facilities are expected to manage odours. Odour is usually included in a facility's operating or management plan.

2. CASA Update

Celeste provided an update on the Odour Management Team:

- The team will be meeting tomorrow, March 11th, where they will be discussing how to action the remaining areas of work in the Project Charter. The team will be providing an update on team and task group activities at the CASA Board meeting on March 13th.
- The OMT plans to have all task group work completed by the end of 2014.

Celeste also provided an update on the work of the Odour Assessment and Health Task Groups:

Odour Assessment Task Group:

- The task group will meet next on March 14th.
- At this meeting the task group will review RFP responses and recommend a consultant to do the work. This is an RFP to hire a consultant to conduct an inventory and analysis of odour assessment tools as described in their workplan. The task group received six responses.

Health Task Group:

- The task group is focused on two pieces of work:
 - Stream 1 - A backgrounder about odour and health:
 - Alberta Health is providing in-kind the literature review they have developed on odour and health. It has been made available to the task group on limited release. Alberta Health is currently conducting a peer review and, following its completion, intends to release it to the OMT as well as the public.
 - Stream 2 - Tool(s) for individuals to track the health-related impacts of odour
- The task group has two 1.5 day meetings scheduled (27-28 March and 3-4 April). The first meeting will focus on Stream 1 work while the second will focus on Stream 2 work.

Celeste provided an update on other CASA initiatives:

- The next CASA Board meeting will be March 13th in Edmonton. The CASA 20th year celebration will take place on June 6th in Calgary.
- Non-Point Source Emissions:
 - A workshop was held in Calgary on October 22 to explore the potential for CASA to have a role in NPS management in Alberta. From these discussions, three priority opportunities were identified:
 - Understanding the NPS issue: emissions inventory, data management, and modeling
 - Assessing options for action: templates and tools
 - Building awareness and support
 - The outcomes of the workshop were presented to the Board at their December meeting. At this time, GoA indicated an interest in championing the issue, and plans to present next steps to the Board at the March Board meeting.

3. Presentations

The task group heard two final presentations to gather information about current processes for handling complaints, with highlights as follows. The presenters were asked to speak to a list of questions developed by the task group in their presentations and there was also the opportunity for additional Q&A.

Environmental Public Health (Alberta Health Services):

- Public Health Inspectors and Public Health Officers draw their authority to conduct inspections from the Public Health Act (PHA) which has paramountcy over all enactments except for the Alberta Bill of Rights.
 - The PHA uses the definition of nuisance “a condition that is or that might become injurious or dangerous to the public health, or that might hinder in any manner the prevention of suppression of disease”. Different definitions of nuisance are used in other legislation.
 - The regulation is outcome-based.
- Environmental Public Health (EPH) receives a variety of complaints related to health. Examples of odour complaints include rural subdivisions affected by odours coming from manure storage and land application, chemical odours from auto paint and fiberglass shops, odours from well sites, smoke odours from fires, and exhaust from idling vehicles.
- There is an investigation protocol that is followed for all air quality complaints (which can include odour complaints). The complainant will be called to gather additional detail. The investigator could conduct air quality monitoring and may request an action to solve the issue. The complaint and investigation is fully documented.
- EPH does not track the specific number of odour complaints. Any air related complaint, including indoor and outdoor air quality, is tracked as “Air Quality”.
- EPH receives odour complaints from Health Link Alberta, telephone call, emails, letter of walk-ins received directly by EPH, or as a referral from another agency or municipality.
- Health Link Alberta has protocols that they use to gather information from callers.
- EPH receptionists are trained to answer calls. Callers will be referred to the correct agency or jurisdiction if EPH is not the appropriate agency to handle the complaint.
- A complaint is closed when the situation is resolved to the best of EPH’s ability. The timeframe will vary depending on the nature of the complaint and the situation.
- Alberta Health Services can conduct an investigation jointly with other agencies, such as AESRD.
- Alberta Health Services must be very careful about sharing personal information (Health Information Act). They focus on the issue rather than personal information during an investigation.

Action Item 5.1: Ludmilla will inquire if Health Link Alberta protocol scripts can be shared.

ESRD Compliance Officers:

- ESRD Compliance Officers get their authority to investigate odour complaints through the Environmental Protection and Enhancement Act (EPEA).
- Every complainant receives a call back but not every call is investigated. It depends on the location and character of the odour and whether it is possible to pinpoint the odour.
- As the regulator, ESRD must show that the conditions of Section 109 of EPEA have been met before action can be taken. This includes proving there has been a release and what substance has been released. This makes following up on odour complaints more complex. Evidence must be used to fulfill the burden of proof.
- Non-licensed facilities are regulated under the general release section of EPEA. It is much more difficult to prove the offence for non-licensed facilities and activities.
- A Director may issue an Environmental Protection Order under Section 116(1) of EPEA if something is causing an offensive odour without evidence that an offence has occurred, however, they do require evidence that there is an offensive odour.

- Evidence should point to a source, activity or facility as the source of odour. Evidence is gathered scientifically and considerations for gathering it include: proving what is in the air that is causing the odour, frequency, magnitude & duration, reasonable expectation that evidence can be found as well as cost, manpower and analysis.
- There are usually 3-5 ESRD environmental protection officers on call at any given time.
- Complaints are received through the CIC.

Action Item 5.2: Keith will follow-up with Michael about what sort of tools and recommendations would be helpful for ESRD compliance officers.

Action Item 5.3: Celeste will share the presentations from complaint handling agencies from meeting #5.

4. Action Item 3.8: Hydrocarbon Emissions Response Committee

Christine King, Senior Policy Analyst with Alberta Energy, is co-chair of the Hydrocarbon Emissions Response Committee (HERC). HERC was formed to engage with Three Creeks residents in response to concerns regarding odours from hydrocarbons. After discussions at task group meeting #3 around how to gather input from complainants, the task group felt it would be useful to hear about Christine's experiences gathering input from complainants and to discuss if there were any lessons learned from HERC that could be applied to the work of the task group. Highlights from the presentation and discussion include:

- Residents in the Three Creeks area have been complaining about odours from heavy oil development for a number of years.
- An odour protocol for the region was put in place to respond to hydrocarbon complaints. There is frustration with the protocol and a general perspective that it is not working.
- HERC is reviewing the current odour protocol and is focused on the expectations of both residents and industry once an odour event has been reported. There needs to be a process in place that is understood by all and meets the needs of stakeholders.
- Representatives on HERC include the Alberta Energy Regulator, government, industry and residents.
- HERC focuses on the question: When you become aware of an odour marker or odour marker complaint from hydrocarbon emissions, what would you like to see happen? (Note: an odour marker is considered smelling an odour).
- HERC has gathered information from residents on their expectations through roundtables at several in-person meetings. Residents were also provided with questions to think about in advance of and between meetings. Some residents were also responsible for discussing questions with other residents and bringing their responses to the HERC table. It's important to note that residents are not a homogeneous group.
- Relationships can quickly become toxic when issues are not dealt with promptly and can cause situations to escalate. Distrust makes it more difficult to resolve a situation. The task group noted the important of tone and approach to communications in these situations.
- Residents have said that they would like to see increased information sharing. However, attendance at industry open houses has been very low.
- It is difficult to know if the residents involved with HERC are representative of the 350 residents who live in the area. The task group also discussed the dynamic around responding

to odour complaints and spending resources when a small number of people are highly dissatisfied.

- The work of this task group could help prevent similar situations from occurring and escalating in the future.

The task group noted that it may be useful to have Christine attend a meeting again in the future.

Action Item 5.4: Celeste will share Christine King's presentation.

5. Update on Background Report Progress

The task group reviewed the preliminary draft of the background report. The task group discussed the format and found that it met the needs of the group. The task group decided that they would like Scott to write a short summary for each of the 12 questions. It was also noted that the task group's name is incorrect in the introduction. The task group also decided that each presenter should review the draft background report to ensure that their information has been accurately captured. For today's presenters (agenda item 3), Scott will incorporate their presentations ASAP so presenters can review their information. Celeste will be responsible for contacting presenters not present today with this action item.

Action Item 5.5: Each presenter will review their material in the draft background report for accuracy.

Action Item 5.6: Celeste will communicate the desired changes to the draft background report to Scott.

6. Next Steps to Implement Workplan

Once the background report is finalized, the task group will analyze the responses to each of the 12 questions in order to have a conversation about strengths and gaps in the current odour complaint landscape. At the next meeting the task group will develop analysis criteria. The criteria will be used to review the responses in order to inform the task group's upcoming discussion around strengths and gaps in the current odour complaint landscape in Alberta. Initial ideas for the criteria include common themes and unique approaches.

The task group will then break into small groups and divide the questions amongst the groups for analysis against the criteria. Once the analysis of each question is complete, the task group will use it to have a plenary discussion about strengths and gaps. This will likely take several meetings. This discussion will be used to inform Step 3 from the workplan (what tools should be developed). The cross-jurisdictional review (Step 2) will then be used to help inform tool development. At the end of this process the task group will have created a toolbox.

7. Budget Check-in

There are no updates at this time.

8. Meeting Wrap-up

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

The objectives for meeting #6:

- Develop criteria for analyzing the 12 questions.
- In small groups, analyze the 12 questions.

Action Item 5.7: Celeste will poll for dates for meeting #6 in April.

Action Item 5.8: Celeste will poll for dates for meeting #7 in May.

Action Item 5.9: Celeste will poll for dates for meeting #8 in June.

The meeting adjourned at 3:15pm.