



City of Richmond

Report to Committee

To: General Purposes Committee

Date: October 3, 2018

From: John Irving, P.Eng, MPA
Director, Engineering

File: 10-6175-02-01/2018-
Vol 01

Re: **Feedback on the Organic Matter Recycling Regulation (OMRR) Intentions Paper 2018**

Staff Recommendation

That the comments in the report titled "Feedback on the Organic Matter Recycling Regulation (OMRR) Intentions Paper 2018" from the Senior Manager, Sustainability and District Energy, dated October 3, 2018 be forwarded to the BC Minister of Environment and Climate Change Strategy.

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REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Environmental Programs	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:	APPROVED BY CAO

Staff Report

Origin

The BC Minister of Environment and Climate Change Strategy (the Ministry) will be revising the Organic Matter Recycling Regulation made under the *Environmental Management Act* and the *Public Health Act*. On September 7th, 2018, the Ministry released an Intentions Paper referred to as the “*Organic Matter Recycling Regulation Policy Intentions Paper*” detailing the Ministry’s objectives and the proposed changes to the current *Organic Matter Recycling Regulation* (OMRR). The Ministry is seeking feedback on items detailed in the Intentions Paper on the proposed revisions from all interested parties, including First Nations, local governments, stakeholders and the public. The Ministry expects to amend and implement the revised regulation in 2019.

This report summarizes staff comments on the Intentions Papers concerning key regulatory actions that can be undertaken to support the City’s objective to eliminate odours from composting facilities in Richmond and Metro Vancouver.

This report supports Council’s 2014-2018 Term Goal #6 Quality Infrastructure Networks:

Continue diligence towards the development of infrastructure networks that are safe, sustainable, and address the challenges associated with aging systems, population growth, and environmental impact.

6.1. Safe and sustainable infrastructure.

Background

As part of its active involvement in addressing odour issues from composting operations in Richmond, the City of Richmond wrote to the Ministry requesting that new or amended legislation be introduced regionally and provincially to address odours from composting facilities. The province has recognized that greater emphasis on sound operating protocols for composting facilities is needed, and has moved to make changes to OMRR.

British Columbia does not have a province-wide regulation specific to odour. Odorous air contaminants may be regulated under various regulations and codes or site-specific authorizations such as permits. Current provincial regulations include the *Environmental Management Act* (EMA), the OMRR and the *Waste Discharge Regulation* (WDR), which are the principal pieces of legislation for air quality in BC. Enacted in 2002, OMRR governs the construction and operation of composting facilities and the production, distribution, sale, storage, use, and land application of biosolids and compost. Currently, the OMRR sets conditions to facilitate the recycling of organic material, but does not include specific air quality criteria for waste management or composting facility operations.

The current OMRR does not include definitions of odour or air contaminants. In Part 5 of the OMRR “Composting Facility Requirements,” there are general requirements which include performance and emission criteria for composting facilities. OMRR section 24, paragraph 2.d states that plans and specifications must include “an odour management plan which stipulates how air contaminants from the composting facility will be discharged in a manner that does not cause pollution.” However, there are no specific outcome-based requirements or criteria for odour management as it relates to nuisance levels of odours that can negatively impact communities.

From 2005 through to 2017, the Province undertook reviews of the OMRR and issued Intentions Papers (2006, 2011, 2016) with the intention of amending the OMRR to include criteria for odour management. The amendments within OMRR have not included any standards or criteria for odour. To date the Province still has not directly regulated odour with clear criteria and standards.

On April 6th, 2018, Council endorsed a staff recommendation to send a letter to the Ministry requesting that:

- The definition of odour as an air contaminant be included in the *Environmental Management Act* and in the *Organic Matter Recycling Regulation*;
- The *Organic Matter Recycling Regulation* includes a specific Odour Management Regulation establishing criteria and standards with clear limits in terms of concentration and frequency for odorant emissions from composting facilities and defines performance criteria for composting facility operations;
- That specific standards for how odours shall be monitored, managed, treated, and discharged in a manner that minimizes the impacts associated with odorous air contaminants be included in the regulation.

On September 7th, 2018, the Ministry issued an Intentions Paper detailing the Ministry’s objectives, and proposed changes to the current OMRR. The amendments in the OMRR were reviewed in a webinar delivered by the Ministry on October 2, 2018. Comments regarding the proposed intentions of the Ministry will be considered in the development of the proposed amendments.

Analysis

An overview of the Intentions Paper including a summary of staff feedback is provided below.

1. Composting Threshold Feedstock

At present, requirements for composting facilities are set based on either design production capacity or annual production capacity, both being measures of the amount of finished compost produced (measured in dry weight) and corresponding facility size.

The Province proposes that composting facility authorization (registration instead of notification) and planning requirements would be set based on the total annual mass of wet tonnes of the intake feedstock per calendar year rather than the annual production capacity. Any facility receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock is proposed to be required to obtain a permit, approval or operational certificate. The new potential metric to categorize composting facilities will provide more clarity on the true plant capability to process organic

waste. This requirement expands the authorization of OMRR to focus on the operational process and facility performance.

2. Registration and Notification

The Ministry is proposing to support transparency of information under the regulation by introducing revisions that the requirement to “give notice of operation” would be replaced by a registration process for all composting facilities that do not currently require a permit, approval or operational certificate. The Ministry is proposing to require all plans, reports and specifications required under the OMRR, and any additional information requested by a Director be submitted as part of the registration process, including a sign off by a qualified professional.

To track biosolids growing medium (BGM) facilities, the Ministry is proposing to amend the definition of “discharger” in OMRR to include “an owner of a facility that produces BGM” to require a writing notice of operation be given by facilities using more than 5 m³ of biosolids at a site per calendar year”. The Ministry is also proposing to clarify in the regulation that BGM may only be derived from certain materials.

3. Composting Facility Requirements

The Ministry is intending to address standards, practices and expectations of composting facilities through broadened facility planning requirements. The Ministry aims to consolidate requirements into the Facility Environmental Management Plan (FEMP) with the proposal that all composting facilities would be required to prepare an odour management plan, operating plan, and leachate management plan. Composting facilities receiving a total annual mass of 15,000 tonnes or greater (wet weight) of feedstock would also require an environmental impact study which would combine an odour management plan including odour modelling, odour impact assessment, a monitoring and maintenance plan, and a process for tracking and addressing odour complaints. In addition, all new facilities that process food waste or biosolids and which receive 15,000 tonnes or greater (wet weight) of feedstock per year may be required to compost in-vessel or contain facilities and operations within fully enclosed structures, including receiving, processing and storage. Within 10 years, all existing composting facilities would be required to do the same.

The Ministry states in the paper that as composting operations have the potential to produce objectionable odours, it is important that odour is managed effectively. Ministry guidance would be updated to address the odour management plan and odour modelling studies requirements. The Province also aims to include requirements for tracking and addressing odour complaints, and the submission of an annual monitoring and maintenance report. The facility environmental management plan would be required to be prepared by a qualified professional(s); and composting facility operators would be required to comply with the facility environmental management plan.

4. Land Application

The Ministry is proposing that the requirement to give notice in writing would be replaced by a registration process for land application of managed organic matter. The registration would be in the name of both the generator of the managed organic matter as well as the registered owner of the land upon which the managed organic matter will be applied. Farm activities are not affected by this requirement.

Summary Comments

The proposed amendments represent positive progress toward improving overall operations of composting facilities while also helping to level the playing field for operators. The improvements are targeted at increasing accountability and odour mitigation. These changes will be beneficial to host communities as part of co-existing with composting facilities, which supports sound waste management practices. These higher performance standards would increase costs for managing composting materials but with overall community livability benefits.

The unique nature of odours and individual sensitivities are complicating factors when it comes to managing odours generated by facilities. Best practices for facility odour management are necessary. A complicating factor, however, relates to effective odour measurement techniques. The Intentions Paper does not include amendments to incorporate in the OMRR the definition of odour as an air contaminant, odour management criteria and standards with clear limits concerning concentration and frequency for composting odorant emissions. Further, OMRR does not define specific rules for how odours shall be monitored, managed, treated, and discharged in a manner that minimizes the impacts associated with odorous air contaminants. Guidelines in this regard are needed to remove the current subjectivity measures for operators as well as create acceptable public standards.

Suggested feedback to the Ministry on the proposed revisions includes:

- Addition of a definition of odour as an air contaminant be included in the Organic Matter Recycling Regulation;
- The Organic Matter Recycling Regulation include a specific criteria and standards for odour management plan establishing clear limits in terms of concentration and frequency for odorant emissions from composting facilities;
- The Organic Matter Recycling Regulation defines specific standards for how odours shall be monitored, managed, treated, and discharged in a manner that minimizes the impacts associated with odorous air contaminants.

With Council's endorsement the above comments will be sent to the Ministry.

Financial Impact

None.

Conclusion

Managing odours is a crucial priority for the City as the number of odour complaints from the public has increased in recent years. The amendments identified in the Intentions Papers consolidate the regulation of organic matter recycling and composting facility management. Staff have identified a number of recommendations for the Ministry which would support the City's objective to eliminate odours from composting facilities in Richmond and Metro Vancouver.



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