

1. Who has jurisdiction over Coast Environmental Ltd.'s (Coast) operations?

Coast manages the following five operations at their property:

- a portable-toilet rental service;
- a waste water transfer station;
- a hydrocarbon contaminated soil treatment facility;
- a composting facility; and,
- a recycling facility.

Similar to other businesses in the Chemainus industrial park, all operations at Coast's property are permitted under the Municipality of North Cowichan (MNC) zoning bylaw. In addition, the contaminated soil treatment facility is licenced by the Ministry of Environment (MoE) and the Cowichan Valley Regional District (CVRD) licence the composting and recycling facility under [Bylaw No. 2570 - Waste Management Licensing Bylaw](#).

2. Who is responsible for managing air quality?

If odours are considered an "*air contaminant*" under the Act, it is the responsibility of the Ministry of Environment to enforce the relevant provisions of the Environmental Management Act and the Organic Matter Recycling Regulation. The Environmental Management Act authorizes the CVRD and other regional districts to enact bylaws to "*regulate the management of municipal solid waste or recyclable material*". Pursuant to the Act, the CVRD adopted [Bylaw No. 2570](#) which requires any person operating a facility where municipal solid waste or recyclable material is managed to hold a licence from the CVRD. The Bylaw addresses odours indirectly by requiring that every owner comply with operating conditions including producing and complying with an operating plan. The Bylaw requires the operating plan to include methods for odour control and prevention. If the owner is operating in compliance with their licence and operating plan, the CVRD has limited ability to address odour issues.

3. Why are odours challenging to regulate?

The regulation of odours has been, and continues to be, one of the most challenging elements of air quality to address. The primary reason for this is that these nuisances are subjective in nature, and are often based on the personal feelings, perceptions and memories of the observer. Also, people have differing sensitivities to different odours. An odour that is highly objectionable or noxious to one person may be barely noticeable by another. As a result, there is no universal threshold of exposure to odours that can be considered to be acceptable to all members of the population.

Another problem is that odours are typically viewed as a "nuisance", since exposure to them is disruptive to one's sense of personal well-being, but generally do not cause health effects (although many individuals experience health-based symptoms). Therefore, nuisance odours tend to be treated differently in regulation than are other air contaminants.

4. I've heard that the Capital Regional District suspended Foundation Organics licence "due to composting odours", why can't the CVRD suspend Coast Environmental Ltd.'s licence?

Foundation Organics (FO) was permitted to accept, make and apply compost onto their agricultural land. There was clear evidence that FO accepted more compostable material than what was permitted under their licence, which means that they were not complying with their licence. It is also clear that FO was not maturing (composting) the organic material long enough before applying it to their agricultural land. As a result, unfinished compost on their land was creating the very strong odours. In addition, FO was out of compliance on a number of other fronts e.g. compost temperatures did not meet the requirements set out in the provincial Organic Matter Recycling Regulation (OMRR). Independent expert reports tracking the odour and linking it to the non-compliance with the licence conditions were submitted. This evidence was the basis for the Capital Regional Districts' (CRD) suspension, and ultimately the court's decision to uphold that suspension. Prior to the suspension, Foundation Organics was issued a number of warnings but failed to take corrective action. FO's inability to compost their material as per their operating plan and licence, and expert evidence linking the non-compliance to the odour complaints, was the basis for suspension in that case, as well as the Court's decision to uphold the suspension. The number of complaints and the intensity of the odours were relevant, but were not sufficient in and of themselves to support the suspension.

5. What will happen now when the Chemainus odour survey is completed?

The goal with the odour survey in Chemainus was to identify the magnitude of a community odour problem in Chemainus by systematically collecting and recording information on important odour variables such as the frequency, intensity, duration, offensiveness and location at which the odours occurred.

As there is no standard definition of what constitutes a nuisance odour within the context of CVRD and MNC bylaws, or for any other municipal or provincial jurisdiction in British Columbia, the World Health Organization's (WHO) definition of a nuisance threshold level has been used as a benchmark (when more than 5% of the population experiences annoyance for more than 2% of the time) in the report. The survey found that Coast is not responsible for the odours observed in the Town of Chemainus, but that Coast's operations do pose a nuisance odour impact to some businesses on Smiley Road in the Chemainus industrial park. As a result of the report's findings, the CVRD and the MNC have requested Coast to voluntarily work to reduce the frequency of nuisance odours detectable beyond their property boundary. Coast has expressed their commitment to continue to reduce odours from their onsite operations and have planned a number of improvements to their facility operations, including amendments to the composting process, the ventilation and biofilter systems and the waste water pump out system. All systems upgrades are expected to be in place by the end of September, 2014.