



# City of Richmond

## Report to Committee

**To:** General Purposes Committee

**Date:** September 6, 2016

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

**File:** 10-6175-02-01/2016-  
Vol 01

**Re:** Harvest Power Draft Air Quality Permit Update

### Staff Recommendation

That a letter be sent to the Metro Vancouver Board of Directors highlighting the City's opposition to the issuance of a 10-year air quality permit to Harvest Power and that Metro Vancouver pursue all necessary compliance and enforcement measures as required to ensure full compliance with the air quality permit.

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REPORT CONCURRENCE	
CONCURRENCE OF GENERAL MANAGER 	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: DW
APPROVED BY CAO 	

## Staff Report

### Origin

The purpose of this report is to provide an update on the status of Harvest Fraser Richmond Organics' (Harvest Power) air quality permit application.

This report supports Council's 2014-2018 Term Goal #1 A Safe Community:

*Maintain emphasis on community safety to ensure Richmond continues to be a safe community.*

*1.1. Policy and service models that reflect Richmond-specific needs.*

### Background

At the July 11, 2016 Council meeting, Council received information regarding the status of Harvest Power's air quality permit renewal. Harvest Power's current Approval (a form of temporary permit) pertaining to emissions cannot be extended beyond September 30, 2016 (representing the end of the 15 month maximum Approval period) at which time Metro Vancouver and Harvest Power would need to agree to the terms of a new permit. Metro Vancouver's air quality permits can be in effect for a period of up to five years or longer in some cases. Metro Vancouver's permit renewal process is consultative in nature; Metro Vancouver identifies conditions of a permit and the proponent has the opportunity to comment and suggest revisions to the conditions, as needed. In this context, permit conditions can take time for both parties to resolve and come to mutually agreeable terms. Aside from issuing permits for air quality, Metro Vancouver also has the authority to enforce their regulations and permits.

On December 14, 2015, Council endorsed the staff recommendation to forward comments and concerns to Metro Vancouver as it pertained to Harvest Power's air quality permit renewal and on July 11, 2016, Council endorsed the staff recommendation to express concern about how long the process has taken to date. The July 11, 2016 report highlighted that a similar facility is currently under construction in Surrey and that the commitment made regarding odour management from organics recycling will set a new standard regionally. This new facility will not include open air composting operations as currently practiced at the Harvest Power facility; this will limit the applicability of certain odour and emissions management technologies at the Harvest Power facility. Odour management measures that are not currently in place at Harvest Power include a fully enclosed facility, a series of scrubbers and bioscrubbers and a 70m stack, potentially filtered, to support optimal natural air dispersion. Harvest Power currently manages organic materials through two different processes: open air, aerobic composting that uses leaf and yard waste as the primary feedstock with up to 10% food waste mixed in; and high-solids anaerobic digestion food scraps to produce biogas (also known as the Energy Garden).



## Analysis

### Odour Complaints and Recent Infrastructure Changes at Harvest Power

The number of odour complaints increased in the fall of 2015 prompting Harvest Power to make the following improvements to increase aeration in the compost piles to reduce the likelihood of anaerobic, odourous conditions:

- A new sand base under the compost piles to prevent pooling of water.
- 48 pipes for improved drainage and air flow.
- Enhanced maintenance and repair program to prevent recurrence of piping issues
- A commitment to cease the intake of organic materials known to cause significant odours and minimize the time new loads are sitting before being processed.
- Air that is moved through the piles then passes through biofilters and is dispersed in the atmosphere with fans. Media in the biofilters needs to be replaced regularly to ensure odourous compounds are removed.

Despite the above changes, odours from Harvest Power's operations are still detectable throughout the community and other communities as reported by Metro Vancouver. Metro Vancouver reported that from January 1 to September 1, 2016, 300 complaints were received identifying Harvest as the suspected source. This number does not include complaints with "unknown" suspects; Metro Vancouver experienced a large number of these types of complaints in August and once further investigated, it is expected that complaints attributed to Harvest Power will increase. Metro Vancouver also reported that in August alone, 98 complaints were received identifying Harvest as the source where 63 were from Richmond, 17 from Vancouver, with the remaining coming from New Westminster, Burnaby and Delta.

### Overview of New Air Quality Permit

Metro Vancouver issued a draft permit to Harvest Power on September 2, 2016 and met with them on September 7 and 9, 2016 to discuss draft permitted emissions and odour management requirements. Staff have not had access to the draft permit for review; the City will not be able to review the permit until a notification of the issuance of the permit has been announced. Staff do understand, however, that a 10-year permit has been requested from Harvest Power and is considered in the draft permit. Harvest Power's previous permit, that expired in 2015, was a three year permit and Harvest Power has been operating for 18 months under an approval that carries the same terms as the expired permit. A shorter term permit would allow greater public involvement in the permit review process and should be considered based on Harvest Power's track record. In addition, staff understand that Metro Vancouver's draft permit includes lower than requested permitted emissions. The lower permitted emissions positively responds to community concerns. The final permitted emissions and duration of the permit are still under consideration in consultation with Harvest Power and will be resolved by September 30, 2016 as part of the new permit.

Through discussion with both Harvest Power and Metro Vancouver, it is clear that while both parties are intent on reducing odour issues in Richmond and surrounding communities, results are not expected to be immediate and more piloting of technologies and/or operational procedures are being considered to find a long term solution. If this is reflected in the terms of

the new permit, it would include both new odour management requirements and provisions for Harvest Power to continue their operations while piloting new odour management measures.

As an extra measure, Metro Vancouver also has the ability to enforce the permit conditions, which will be an important contributor to reducing odour issues in the community. As such, the recommendation calls on Metro Vancouver to shift their focus to enforcement by fully utilizing their powers to ensure Harvest Power delivers on its permit requirements. More discussion regarding enforcement options are summarized below.

Once the Metro Vancouver District Director has made a decision on the permit, Metro Vancouver will notify those who have commented on Harvest Power's permit application.

### Appealing the Permit

The BC Environmental Management Act includes provisions for a person aggrieved by a decision of the District Director, including a decision to issue a permit or any requirement in a permit, to appeal that decision. Written notices of appeal must be received by the Environmental Appeal Board within 30 days of notification of the decision. Appeals are reviewed by the Environmental Appeal Board, a specialized quasi-judicial tribunal with statutory authority to hear appeals from administrative decisions made under various environmental statutes.

### Enforcement

Metro Vancouver also promotes compliance with its bylaws. As such, its regulatory program includes both administrative and compliance promotion and enforcement tools. Administrative tools create legal requirements, such as orders, permits, etc. to achieve environmental objectives. Compliance and enforcement tools are used to promote compliance with those legal requirements. Regarding compliance promotion and enforcement, Metro Vancouver employs proactive non-punitive (e.g. education, awareness), reactive non-punitive (e.g. advisories, notices) and reactive punitive (e.g. tickets, prosecution) tools.

Metro Vancouver guidelines indicate that for an issue warranting attention, the pathway to “prosecute” is long and complicated. In this context, their actions are predicated on the principle that bringing offenders into compliance, voluntarily if possible, is the goal, and that non-punitive actions should be taken in efforts to bring the permit holder into compliance without the need for enforcement. When enforcement is deemed necessary and appropriate, Metro Vancouver’s Regulation and Enforcement staff have the ability to issue an advisory (if conviction is not likely) or a notice (if evidence supports conviction, but alternative approaches are expected to work better) to a business. Tickets or prosecutions are managed through the courts.

Metro Vancouver advises that it has carried out many inspections, and has determined from time to time Harvest Power has been non-compliant with their permit. In most cases, verbal notification of violation was communicated. Metro Vancouver has also issued notices of violation but has not issued tickets or pursued prosecution to date. It is clear that Metro Vancouver has a variety of tools to support greater compliance and for this reason, the recommendation includes a request that Metro Vancouver more fully utilize compliance and



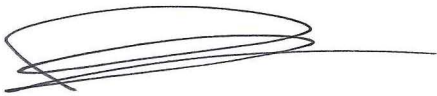
enforcement tools available to them as it pertains to future non-compliances of conditions in the new permit, should they arise.

**Financial Impact**

None.

**Conclusion**

Council has sent three letters to the Metro Vancouver Board of Directors to date expressing concerns and expectations for addressing odours from the Harvest Power facility in East Richmond. Harvest Power and Metro Vancouver are nearing the end of the process, started in 2015, to agree to the terms of a new air quality permit. The City has not reviewed the draft permit that is under review by both parties nor will it have the opportunity until it is issued. From what information has been gathered, a recommendation is included to send a letter to the Metro Vancouver Board of Directors expressing the City concerns and expectations for enforcement once the new permit has been issued.



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