Minutes of the Fisher Road Recycling Amendment Public Meeting held on Monday, March 31, 2014 in the Cobble Hill Hall, 175 Watson Avenue, Cobble Hill BC at 7:00 PM.

PRESENT:

Bob McDonald, Manager, Recycling & Waste Management
Ilse Sarady, Environmental Technologist
Emily Doyle-Yamaguchi, Environmental Analyst
David Laing, Owner, Fisher Road Recycling
Hubert Timmenga, PhD., P .Ag., CMC, Timmenga & Associates Inc.
Judith Cullington, Facilitator, Judith Cullington & Associates
Dawn Martin, Administrative Assistant
Lynda Lee, Recording Secretary

ALSO PRESENT:

Chair R. Hutchins
Director L. Duncan
Director G. Giles
Director I. Morrison
Director M. Dorey
Frank Raimondo, CVRD Administrator
Brian Dennison, P. Eng., General Manager, Engineering Services

PUBLIC PRESENT:

125 residents signed in and attended the public meeting.

FACILITATOR

The Facilitator called the meeting to order, welcomed participants, and invited the public to share their thoughts and concerns by using the flip charts located throughout the hall, the provided feedback forms, and by emailing es@cvrd.bc.ca before the April 18th deadline for comment.

CVRD (Bob)

Staff described the application process, the requirement for the applicant to use a qualified professional to either prepare or review the application, and the public notice required for a major amendment to Fisher Road Recycling's operating plan. The public notice is a 45-day process that ends April 18th. The amendment application is undergoing a technical review by an independent consultant retained by the CVRD, then a legal review, and finally a decision is made by the Manager. The decision may be appealed by the applicant to the CVRD Board. Board members stand aside from the decision process as they must hear any appeal. CVRD Bylaw 2570 is unique with special circumstances from the province such as no grandfathering and no exclusions, with intent to prevent pollution and reduce risk to environment.

HUBERT TIMMENGA, Qualified Professional

This Qualified Professional has worked with Fisher Road Recycling since 2006 when the current owner took over a dilapidated place and wanted to go to the next stage. Pictures of the historic and current site showing improvements are displayed in the adjoining information room. The compost operations process and facility are integrated. Fisher Road Recycling takes yard and garden material, food waste, bio-solids occasionally, and none for last four years. Bio-solids are defined as sewage from septic and sewer systems that is treated, then composted and is not Fisher Road Recycling's area of specialty. Fisher Road Recycling will not go after bio solids, only food waste. The big white dome has air collection system that goes to biofilters. Three cells are managed by computer to control oxygen levels. Less than five percent oxygen is not good and fifteen percent is better for food waste for up to ten days, then it is aerated, and then

	moved outside for curing and screening. No trucks are accessing Cobble Hill village from the Fisher Road Recycling site as there is a traffic sign posted on gate. Compost is moved to an impermeable surface and leachate is collected for reuse to keep compost damp. The compost heap thermometer measures temperature and oxygen content. The process is completed inside the building. Leachate ponds collect runoff. Fisher Road Recycling produces prime compost without contamination and all recycling is collected on an impermeable pad. Current licence amendment intends to accomplish efficient composting, accepting tar and gravel, and garbage reporting categories from four types to one type of garbage.
Don Herriott 1335 Hutchinson Road	I'm opposed to the amendment. FRR has not dealt with odours, nitrate contamination, and risk. FRR is maintaining that they are not taking biosolids, therefore why are biosolids in their operating plan?
Carolyn Bendall 1307 Hutchinson Road	This is a bad location that is bringing problems from Saanich. Will FRR's operating hours be seven days a week? My biggest concern is FRR's capacity and odour.
Robin Brett 1232 Fisher Road	Why can't the CVRD shut down FRR due to odours? In summary, FRR has had 17 non-compliance incidents.
Tom Harkins 1228 Braithwaite	Biosolids must be written into the operating plan. Where is stuff dumped when it arrives at FRR?
Ed Gallagher	Sewage sludge is a problem, yet permission to process is granted. Return to old bylaw with no biosolids.
Katherine Barwick 1322 Braithwaite	How much food waste?
Henry Van Der Meulen 3551 Verner	Why has FRR been allowed to operate over their licence capacity for 6 months? Why is FRR allowed to bring in material from Victoria? Trucks are spewing liquids coming and going to the FRR site. Should build site at Hartland. FRR still stinks and water quality is a concern.
Sarb Sangha 1191 Hutchinson Road	Why are we taking Saanich's material?
David Simmons 1439 Fairfield	The agreement with Saanich is for 10 years and Esquimalt is making an agreement too. I assume the CVRD will say yes.
Francis Hugo 3629 Panorama Ridge	FRR performance reports are not available to the public. Many changes have been made to improve the FRR site; is there any measurement showing changes? Do not approve until source of contamination is proven.
Al Garside	Local government is concerned about the health of the community. CVRD should use bylaws to protect the community from groundwater pollution.
Michelle Redfern 1251 Fisher	I am woken at night by the smell in summer and the smell is traced to Fisher Road. The awful smell also affects the local school. What is the buffer zone? Self-

Road	monitoring is a concern when complaints are dismissed and blamed on others. Water is also a concern.
Katherine Barwick 1332 Braithwaite	The Thurber report states that the level in the organic material affected well is rising.
Resident	The CRD solution was to shut down their facility, and the CVRD designs a new odour form?
Abe Lloyd Douglas Hill	Why does the decision rest on one person? Change the bylaw to become board decision.
Doug Lockhart	Since fourteen years ago there has been improvement somewhat. Reports have diminished because public is tired. Needs 24 hour monitoring. Rats are a problem now and there is not enough vector control. I don't want Victoria's material. Dogs must be kept inside due to rat poisoning, dust control is not working. The Manager makes decision but why one person?
Ms. Anthony 36211 Watson Avenue	The water tastes bad. Four kinds of garbage to one kind. What are these?
Francis Hugo 3629 Panarama Ridge	Is there a process for the community to appeal decision?
Resident	Why does the CVRD put hard weight on SIA but ignore Cobble Hill?
Michael Downes 3618 Garland Avenue	FRR is not wanted. Problems getting worse every year. We will go to government for answers.
Karen Herriott	I'm opposed. Saanich counsellor advised FRR has capacity for their material. Who from CVRD gave this information?
Resident	Pending court case, why?
Susanne Daviau 3662 Soren Avenue	The air quality and water quality is poor. Industry should move to a non-residential area. There is not enough water. FRR can't handle current capacity.
Chair, Cobble Hill Improvement District	FRR must answer to government about water quality; who answers us?
CVRD (Bob)	Why is this Manager decision only? Bylaw is written that way. The Board approved an amendment to transfer the decision making, but the ministry turned amendment down ; a legal review, consultation with stakeholders, etc. is required. We haven't got back to the process yet. Additional amendments for consideration. The community has currently no right to appeal. We want community input; issue for future bylaw amendment. Saanich cannot be controlled by CVRD. Over capacity – FRR operation within operating parameters. Must also meet provincial regulations. Processing more material now, FRR may be done their composting quota mid-year. The court case challenges CVRD's ability to set capacity. Performance reports can be made public if requested. The CVRD wrote bylaw –

worked with RDN. The Bylaw was introduced in 2005; also in Nanaimo. All waste and recycling facilities had to come into compliance by 2007. Bylaw amendments are being worked on. We just heard from ministry last year on their response to last bylaw amendment. That Saanich was told FRR could take material;FRR's capacity may have been misinterpreted. Best answered by FRR.

HUBERT TIMMENGA With biosolids, there are concerns around FRR's ability to accept. Processor does not want biosolids, but can with licence. Part of this negotiation. Odour - significant odours, we see complaints and are self-monitoring. Operating plans says FRR and CVRD are to investigate odour complaints. We have system to handle complaints during daytime. Logs are reviewed and checked to determine source of odour. Not always FRR. Can be coming from others in neighbourhood. Not only business that makes smell. We don't get complaints on timely basis. The best way to manage odours is to talk to residents directly to determine smell source. FRR can't help days later. Some compost odours come and go and should not be constant. People must be willing to contact FRR directly. Like to set up communication system to manage odour complaints. Garbage has four categories. By-products from compost, commercial, residential, mixed with recycling, all makes more paperwork. Increase in volume only if market there. Public wants to drop mixed loads off. Nitrate in groundwater known since 2002 in FRR well. All house wells tested but no nitrate found except on FRR site. Nitrate varies and depends on total rainfall. Something is going on. Monitoring since 2006 and no high levels leaving site.

CVRD (Emily) 4 wells were drilled. Levels of nitrate found in 2012 above guidelines, in the first three wells. More than one compost facility in area. Hard to trace source to a specific property or business. Neighbouring private property wells also sampled. Cannot disclose private property results but none had nitrates that exceed guidelines. Two different kinds of nitrate contamination found- organic (from decomposing organic material) and inorganic (from synthetic nitrate fertilizer). These are from different sources. Up gradient well established as well and much, much less nitrate. CVRD asked consultant if it's possible to identify trend as far as three wells. Answer was not at this time, however numbers do show decrease in nitrate in two wells and increase in third. Continued monitoring of the wells needed to determine trend. Will rarely if ever get definitive answers on sources. Groundwater contamination is difficult to trace and consultants will never provide report without some degree of uncertainty. Best approach is to encourage businesses to reduce risk by changing their practices. Under current Water Act, the CVRD does not have the power to protect groundwater quality through bylaws. Groundwater is generally unregulated at this time. Legislation changing however and may see local governments able to take on more oversight. MOE and health authority have ability to enforce protection through the Environmental Management Act, and the Drinking Water Protection Act, respectively.

Resident Effort appreciated but no one accuses FRR of contamination but potential is there and should be determined before amendment allowed.

9:15 pm Meeting resumes following break.

Resident If CVRD deny application who pays for breaking contract with Saanich?

CVRD (Bob)	Notice and activities are accurate and there are other contributors in area. Biosolids approval – CVRD is not clear as per application. Odour complaints – operator and CVRD needs to hear right away, and we will investigate. Working on better reporting system with all composting facilities. Well monitoring - ongoing. FRR garbage - may be mixed recyclables but reported as garbage.
Tom Harkins	One person cannot make decision, should be Board. No two way appeal available is ridiculous.
2662 Holland	2010 petition with same issues. Property values are lowered due to smell. No smell from Central Landscape. Why can CRD shut down facility but CVRD can't.
CVRD (Bob)	CRD facility shut down not due to number of complaints but due to violations and non-compliance, with same process of warnings and licence suspensions. Atrocious composting practices in CRD.
Resident	Could your business make it on Cobble Hill's material only?
FRR	A lot of business is from local area, but not sustainable.
Dan - Braithwaite Drive	Bylaw does not support citizens, investigation incomplete, operations questionable, and does not meet needs of community.
Karen	Are there numerous fines for infractions from this facility?
CVRD (Bob)	There are large legal fees due to noncompliance. Progressive enforcement then FRR gets back into compliance. Suspension when demonstrated evidence of non-compliance and no effort to comply. All operations on concrete pads. Disconnected from aquifer.
Don Herriot	How long do bio filters have to be disconnected for noncompliance? People are fed up and don't participate in complaint process. Same issues as before with people spending hours on this issue but your job (CVRD) is to protect us.
CVRD (Bob)	We need your complaints.
Doug Lockhart	Twelve years ago you promised we wouldn't have to deal with this anymore. Why don't we have a number for 24 hours from CVRD. Ilse says there is nothing we can do about odour. Facility better but CVRD has not dealt with issues. What do you suggest we do to live without smell and rats?
CVRD (Bob)	Bylaw came into effect in 2007 and improvements have been made. Not perfect but our effort is consuming staff at CVRD. We ask for patience and want to see change as well. This facility has disconnected from aquifer and reduced odours.
Doug Lockhart	Being busy does not get results. Smell is subjective. Is there any smell technology available? [Facility] should not exist in populated areas.
Resident	Bylaw 2570 - if approved after listening tonight then our patience is gone. Lost hope with process and lost equity in home and school too close to facility and rats and biosolids.

CVRD (Bob)	Manager will take into consideration efforts to manage vectors and that provincial regulations are being met. Provincial shortcoming. Process is supposed to eliminate problems. Is this adequate? We have asked province for increases to regulation to no avail.
Resident	How is garbage managed? Concerned about storing more garbage on site will attract rats and close to schools.
FRR	We can have professionals come in to help with rats. Traffic is reduced as larger trailers can be used instead of four trucks.
Resident	I am not in favour of amendment. What is causing contamination of aquifer? Doubt. At present should say no until source is found.
Resident	Two concerns - water and rats. History has effect on concerns and all properties must be investigated.
CVRD (Emily)	Please call me for explanation of Thurber reports or data, if clarification is needed.
Resident	Not in disagreement except for importation of out of area material. Storage of polluted materials should not occur on bare land.
FRR	Compost does not sit around. Once cooked and put on aerated floors, then tested, screened, and stored on concrete surface until distributed. Moves faster in summer. Quarterly testing of well, swale, and holding ponds. Limits actions. Do not blame FRR when data proves otherwise. Information submitted goes to Province who can enforce and close us down.
Resident	Is the CVRD making money here? I'm not being supported and not heard. FRR should share testing results.
FRR	We already have. Information is posted on boards here. If I was contaminanting MOE would shut me down. Why haven't they taken action? Where was protection prior to FRR?
Resident	Still some inorganic nitrates we don't know the source. CVRD should spend money to get answer. Maybe is not good enough. We want answers to groundwater problem.
CVRD (Emily)	Absolute certainty will never be possible where science and groundwater are concerned. Financial barrier is not the problem per se. We need to engage agencies to do due diligence and act on their regulatory powers, such as the health authority.
FACILITATOR	Sharing information?
CVRD (Emily)	There are two plumes- one that is of an organic type and one of an inorganic type. Contact me for explanation.
David Slade	Water entering property is worse than water leaving. We need time to determine trend and see nitrate value drop. FRR is doing a lot and we want a composting

facility that doesn't cause dust, odour, issues. Community not satisfied FRR is good neighbour. No noise. Material from Victoria is contaminated.

MEETING ENDED 10:10 pm.

L. Lee
Recording Secretary

Dated: April 22/14