

THE CORPORATION OF DELTA

BYLAW NO. 7419

A Bylaw to amend the "Delta Zoning Bylaw No. 2750, 1977"

The Municipal Council of The Corporation of Delta in open meeting assembled,
ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as **"Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 – West Coast Farms Ltd. – LU007413) Bylaw No. 7419, 2015."**
2. "Delta Zoning Bylaw No. 2750, 1977", Part VIIIA, C.D. 416 Zone, as amended, is hereby further amended as follows:
 - (a) by deleting the words "source separated" from Section 2 Permitted Accessory Uses;
 - (b) by adding "1." to the beginning of the first sentence in Section 3 Other Regulations; and
 - (c) by adding the following to Section 3 Other Regulations immediately after the first sentence:
 - "2. All solid recyclable or waste packaging material must be stored in receptacles within an enclosed building or structure.
 3. Solid recyclable or waste packaging material may be stored on the property for no more than seven days. All solid recyclable or waste packaging material must be removed from the property and transported to a licenced recycling facility or a licenced landfill."

READ A FIRST time the 13th day of April, 2015.

READ A SECOND time the 13th day of April, 2015.

PUBLIC HEARING held the 28th day of April, 2015.

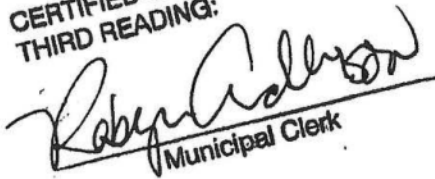
READ A THIRD time the 28th day of April, 2015.

APPROVED BY THE MINISTER OF AGRICULTURE AND LANDS
the day of 201 .

APPROVED BY THE MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE the day of 201 .

FINALLY CONSIDERED AND ADOPTED the day of , 201 .

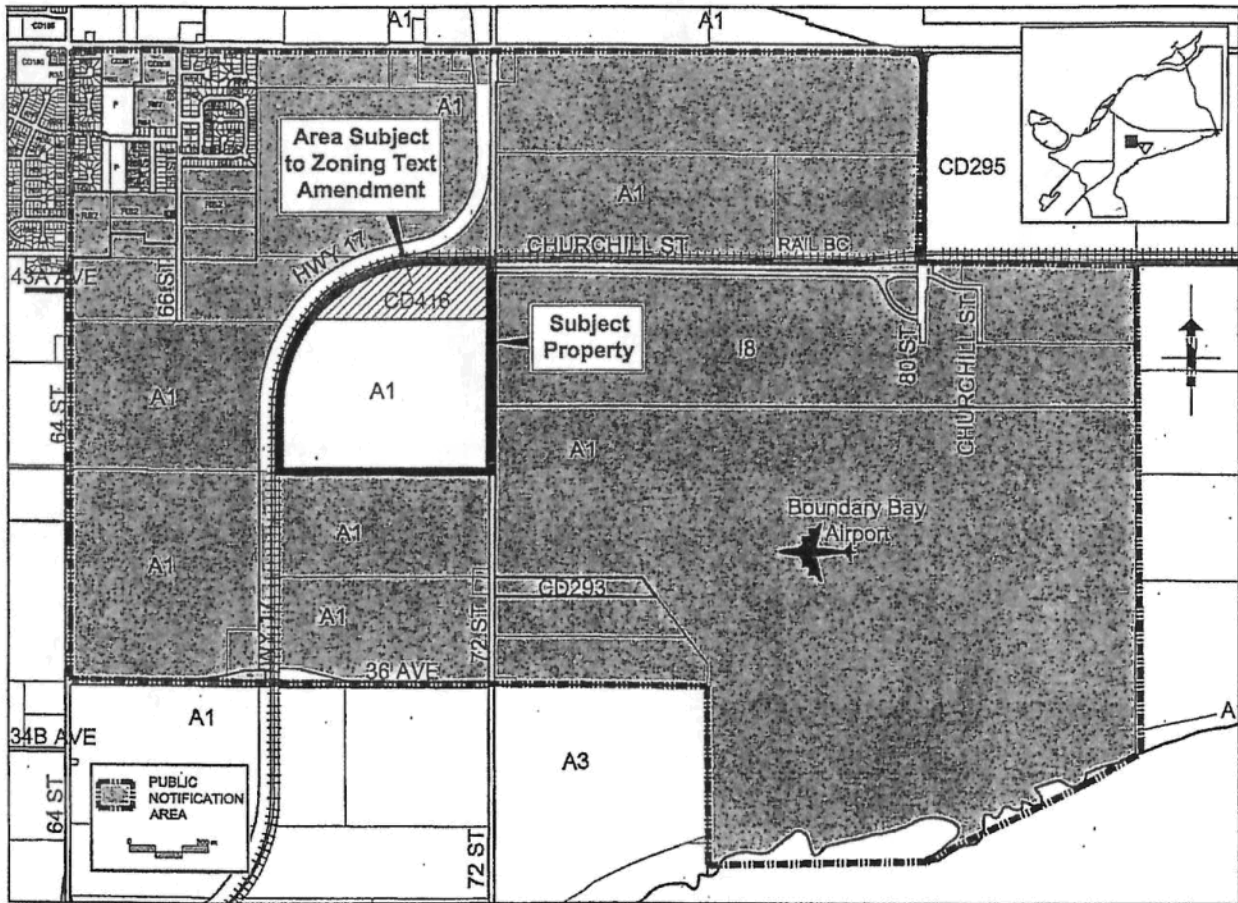
CERTIFIED CORRECT AS AT
THIRD READING:


Municipal Clerk

Lois E. Jackson
Mayor

Robyn Anderson
Municipal Clerk

Location Map



G:\Current Development\LU FILES\LU007\LU007413\Drawings\LU007413_Loc.dwg, 3/9/2015 9:39:42 AM, Chan



HWY 17

Use of existing
building for
de-packaging
operation

Compost
Building

Attachment D
Page 1 of 1

**Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR DECISION**

Ref: 182155

Date:xx

Issue: The Corporation of has submitted for Minister's approval Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D.416 – West Coast Farms Ltd. – LU7413) Bylaw No. 7419, 2015. The amendment enables an existing compost facility at 4295 72nd Street in Delta to separate food waste from its packaging on site.

Background: The composting facility is known as Enviro-Smart Organics Ltd..It shares the site with a turf farm known as West Coast Farms Ltd. under the same ownership. The 57.4-ha large site is located within the Agricultural Land Reserve.

Composting is a permitted use under the ALR regulation unless otherwise prohibited by a local government bylaw if at least 50% of the compost produced at the site is used on the farm. According to an Agrologist report, about 54% of the finished compost produced at the site is applied to the turf land. In 2011, the Corporation of Delta has permitted only agricultural solid waste, yard waste and source separated food waste from municipal for composting at the site (Temporary Use Permit, LU006211). Packaged food waste does not fall into any of those waste categories. However, a considerable portion of municipal food waste is still wrapped to some extent.

The amendment to the Bylaw would allow that packaged food waste is accepted at the site and allow the installation and use of a de-packaging equipment. At the same time, the amendment would regulate the handling of the waste packaging material. The de-packaging equipment is relatively small, approximately the size of a medium-size harvest combine. It would be located on the area zoned for the compost facility and would not increase the footprint of the compost operation.

Enviro-Smart has also applied to Metro Vancouver to amend its compost facility license (#C-016) to allow the increase of the maximum annual processing volume from currently 83,113 cubic meter to 124,685 cubic meter.

s.13,s.16

Approved / Not Approved

, Minister

Date Signed

Contact: Name, Title, Branch, Phone

DIR _____ ADM _____ DM _____

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR DECISION

Ref: 182155

Date: May 28, 2015

Issue: The Corporation of Delta has submitted for Minister's approval Amendment Bylaw No. 7419, 2015, which amends Delta Zoning Bylaw No. 2750, 1977 to allow an existing compost facility at 4295 72nd Street in Delta to separate food waste from its packaging on site.

Background: The composting facility is known as Enviro-Smart Organics Ltd. It shares a 57.4 ha Agricultural Land Reserve (ALR) parcel with a turf farm known as West Coast Farms Ltd. under the same ownership.

Composting is a permitted use under the ALR regulation unless otherwise prohibited by a local government bylaw, if at least 50% of the compost produced at the site is used on the farm. According to an Agrologist report, about 54% of the finished compost produced at the site is applied to the turf land.

In 2011, the Corporation of Delta permitted only agricultural solid waste, yard waste and source separated food waste from municipal sources for composting at the site (Temporary Use Permit, LU006211). Packaged food waste does not fall into any of those waste categories. However, a considerable portion of municipal food waste still contains some packaging. Amendment Bylaw No. 7419, 2015 would allow packaged food waste to be accepted at the site and allow the installation and use of de-packaging equipment. At the same time, the amendment would regulate the handling of the waste packaging material. The de-packaging equipment is relatively small, would be located on the area zoned for the compost facility and would not increase the footprint of the compost operation.

s.13,s.16

Approved / Not Approved

, Minister

Date Signed

Contact: Orlando Schmidt, Regional Manager, Coast, 604-556-3101

DIR _____ ADM _____ DM _____

Greene, Pauline AGRI:EX

From: Nimmo, Jeffrey AGRI:EX
Sent: Wednesday, October 10, 2018 2:59 PM
To: Minaker, Willow AGRI:EX
Subject: ALC letter - EnviroSmart Organics
Attachments: ALC LT Enviro Smart_Oct 2018_v3.docx

Hi Willow,

Mat advised me to run this by you.

ALC has been working on this issue for a while, and periodically asked for a 'informal input' from me on it. They are now at a stage where their legal advisor is recommending the attached letter be used, and potentially a supporting letter from AGRI.

Could you advise on any 'standard' process for us when we provide this type of input or documentation to ALC?

I've told them I would prefer not to provide a stand alone letter, as essentially it is opening AGRI/myself up to the technical challenge from the candidate (in this scenario a very likely outcome), as the ALC largely playing a administrative role in their letter.

If you need added context please let me know.

Thanks,

Jeff

Jeff Nimmo, MSc., PAg.
Nutrient Management Specialist
BC Ministry of Agriculture
tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca

Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR DECISION

Ref: 182155

Date: xx

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The amendment to the Bylaw would allow that packaged food waste is to be accepted at the site and allow the installation and use of a de-packaging equipment. At the same time, the amendment would regulate the handling of the waste packaging material. The de-packaging equipment is relatively small, approximately the size of a medium size harvest combine (SOA1). It would be located on the area zoned for the compost facility and would not increase the footprint of the compost operation.

Enviro-Smart has also applied to Metro Vancouver to amend its compost facility license (#C-016) to allow the increase of the maximum annual processing volume from currently 83,113 cubic meters to 124,685 cubic meters.

s.13,s.16

s.13,s.16

, Minister

Date Signed



Statutory Approval

Under the provisions of sections 903(5) and 917 of the *Local Government Act*, I approve The Corporation of Delta Zoning Bylaw No. 2750, 1977, Amendment (C.D. 416 – West Coast Farms Ltd. – LU007413) Bylaw No. 7419, 2015.

Dated this _____ day of _____, 2015.

Norm Letnick, Minister of Agriculture



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

October 3, 2018

Enviro-Smart
DELIVERED ELECTRONICALLY

Dear Mr. Goodwin:

Re: **ALC Compliance at the Green for Life Enviro-Smart Organics Ltd (Enviro-Smart) Composting Facility (the "Facility") - 4295 72nd Street Delta, BC**

ALC staff has reviewed the nutrient management plan documentation that was submitted to the ALC on February 28, 2018 for the Green for Life Enviro-Smart Organics Ltd (Enviro-Smart) composting facility (the "Facility") located at 4295 72nd Street Delta, BC. This nutrient management plan information was prepared with respect to a proposed increase in the volume of organic wastes received at the Facility. On September 14, 2017, ALC staff indicated that they were unable to support the proposed increase until such time that an updated nutrient management plan application rates were provided that confirmed that at least 50% of the compost, measured by volume, will be used on the farm. This is required to ensure compliance with the ALR Land Use, Subdivision and Procedure Regulation (the "ALC Regulation") and in particular section 3(1)(p) of the ALC Regulation. The ALC also conducted a thorough review of correspondence and documents received from Enviro-Smart and from regulatory agencies about the Facility dating back to 2010.

Compliance with the ALC Regulation is dependent on three main factors:

- the amount of finished Class A compost (output) that is produced from the organic wastes that are received (input);
- compliance with the Organic Matter Recycling Regulation ("OMRR"), including any permit under OMRR; and
- appropriate use, including land application and nutrient management, at West Coast Instant Lawns (the "Farm") located next to the Facility.

As the Director of Operations responsible for Compliance and Enforcement at the ALC, and an official under the *Agricultural Land Commission Act* (the "Act"), I have made a determination as to whether the Facility is compliant with the Act and ALC Regulation based on an ALC review made by ALC staff and BC AGRI staff.

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Comment [NJA1]: This is not specific enough. That I am aware, nutrient management is not specifically cited as a compliance piece in ALC regs.

Rather, the two 'sides' of nutrient management are referenced: agronomic production and environmental protection. IE. Following standard farm practice and compliance with environmental regulation.

Section 20 of the *Act* provides that a person must not use agricultural land for a non-farm use unless permitted under the *Act*. Certain non-farm uses

Input/Output

Enviro-Smart is permitted to receive 150,000 wet tonnes of organic wastes per year under a Ministry of Environment and Climate Change Strategy (MOE) Permit (No. 108476) and Metro Vancouver Solid Waste Licence (C016). The actual input received at the Facility in 2017 was 166,122 wet tonnes which is 16,122 wet tonnes over the permitted amount. The table below details the reported inputs and outputs that Enviro-Smart declared for the Facility between 2013 and 2017.

Year	Reported Input¹ (wet tonnes)	Reported Output² (dry tonnes)	Mass reduction (%)
2013	54,176	21,163	61
2016	135,722	33,001	76
2017	166,122	36,186	78
% increase between 2013 and 2017	206	70	
% increase between 2016 and 2017	22	10	

¹ Inputs – all feedstocks entering the Enviro-Smart facility for processing

² Outputs – assumed to be the as-is finished compost/other soil products reported to the ALC and Delta. The ALC understands this to include all material used at West Coast Instant Lawns and sold off site.

The table shows that the reported inputs to the Facility have increased by over 200% during the last five years while the reported outputs (finished compost) have increased by 70% over the same period. Information provided in the 2016 *Updated Design and Operating Plan* prepared by C&F Land Resource Consultants Ltd. ("C&F") indicates that "operating procedures have remained relatively unchanged" over the last nine years. Therefore, it is unclear as to why there is such a large difference in the output values reported between 2013 and 2017 and how mass reductions have increased so significantly over this time (i.e., from 61% to 78%). I also understand that Delta staff has reported that there is an additional 10,030 dry tonnes of stockpiled compost that may not be accounted for in the output values for 2017, although I make no finding about stockpiled compost at this time.

The ALC Regulation requires that finished compost is reported on a volume basis as opposed to mass. I note that volumes have not been provided to the ALC despite ALC staff requests. It is my understanding that the mass of finished compost can vary significantly depending on seasonal precipitation, particularly for material that is not covered, so using mass to determine compliance with the



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- appropriate use, including land application and nutrient management, at West Coast Instant Lawns (the "Farm") located next to the Facility.

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As the Director of Operations responsible for Compliance and Enforcement at the ALC, and an official under the *Agricultural Land Commission Act* (the "Act"), I have made a determination as to whether the Facility is compliant with the Act and ALC Regulation based on an ALC review made by ALC staff and BC AGRI staff.

Rather, the two 'sides' of nutrient management are referenced: agronomic production and environmental protection. IE. Following standard farm practice and compliance with environmental regulation.

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The ALC Regulation requires that finished compost is reported on a volume basis as opposed to mass. I note that volumes have not been provided to the ALC despite ALC staff requests. It is my understanding that the mass of finished compost can vary significantly depending on seasonal precipitation, particularly for material that is not covered, so using mass to determine compliance with the

ALC Regulation is not considered appropriate, and may result in inaccurate reporting.

As the Director of Operations responsible for Compliance and Enforcement at the ALC, I consider that further investigation is required to confirm the output values at the Facility. This may include a review of your records, surveys to determine stockpile volumes, and/or a determination of volumes based on daily/weekly/monthly averages made on-site by ALC Compliance and Enforcement staff or another designated ALC official.

Nutrient Management Application Rates

It is my understanding that a nutrient management plan is considered an appropriate method to ensure appropriate use of compost on a farm in compliance with the ALC Regulation because application rates are based on nutrient demand of the crop. Over application of any organic material in excess of the crop demand could potentially lead to contamination of surface water and/or ground water and could be detrimental to crop health.

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Comment [NJA2]: Similar issue here:

ALC asked EnviroSmart to provide several key pieces of information that should have been used to determine application rates, NOT a formal nutrient management plan.

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Comment [NJA3]: If there is concern that they are out of compliance with EMA and causing pollution, it is a separate issue.

The question is more about whether a sound agronomic approach was used to determine the application rate of compost.

In a letter dated September 14 2017, ALC staff requested a nutrient balance worksheet for phosphorus as the nitrogen levels of the finished compost were considered relatively low to justify the proposed compost application rate. ALC staff requested that the nutrient balance considered (among other items), soil test phosphorus values (with extraction methods identified), crop phosphorus requirements and lab analyses including the total and available phosphorus in the compost.

A final response was provided by C&F, a consultant for Enviro-Smart, on February 28, 2018. The report was forwarded to BC AGRI staff, who are responsible for overseeing nutrient management planning in the province, for review. They determined that the nutrient balance the suggested nutrient application rate did not include an appropriate methodology appropriate information to determine the crop's nutrient requirement based on soil test levels nor did it provide an application rate to meet that requirement based on an appropriately characterization characterize of the inputs which are used to supply nutrients to the crop. Specifically they determined that the:

Comment [NJA4]: We have no responsibility for oversight of this.

If any agency should be referenced as oversight, it would be ENV.

- soil test results were not converted to the correct extraction method;
- lab phosphorus contents were not converted to P_2O_5 (required in order to correctly use the laboratory data); and,
- the contribution of organic phosphorus was not accounted for which suggests an unrealistic availability of less than 1% of the total phosphorous in the compost.

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Comment [j5]: We should provide this determination as an enclosure to the letter. If it's not in a format you or they want to disclose, ask them to put it in a formal letter they are comfortable disclosing.

Comment [NJA6]: Do we need to say more than this?

I understand that ALC staff provided suggested guidelines to C&F to ensure that the proper information was submitted in an acceptable format; however, the information that was ultimately provided was not considered adequate by the

qualified staff at the ALC ~~and BC AGRI~~ who reviewed the response. Therefore, I am not satisfied that you have provided enough information to support your claims that 50% of the finished compost is used on the Farm.

The ALC review noted that the soil background levels at the Farm are within normal ranges, which suggests that compost is not being over-applied to the Farm. However, no determination can be made as to whether the required 50% of the finished compost was land applied to the Farm, stockpiled on-site or disposed of off-site.

OMRR Compliance

Section 3(1)(p) of the ALC Regulation states that certain composting activities at the Facility are a permitted non-farm use in the ALR, unless otherwise prohibited by local government bylaw, *if the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm.*

I make no determination regarding compliance with any local government bylaw; however, during the ALC review, staff confirmed that in 2017 the Facility received 16,122 wet tonnes organic matter in excess of the MOE permitted amount of 150,000 wet tonnes. An advisory letter (attached) from MOE indicates that the Facility admitted and was found by MOE staff to be out of compliance with the MOE permit in 2017. Section 3.1 of the OMRR requires the Facility to comply with the OMRR and the terms and conditions of the MOE permit. As noted above, section 3(1)(p) of the ALC Regulation only applies to make certain composting activities a permitted non-farm use if (among other requirements) they are in compliance with the OMRR. On this basis, I therefore determine that the Facility's non-compliance with the terms and conditions of the MOE permit placed the Facility in non-compliance with the OMRR and non-compliance with the ALC Regulation in 2017.

In addition to this, the ALC review discovered inconsistencies between the Metro Vancouver Solid Waste Licence and the MOE Permit with respect to permitted wastes. Soiled paper and waxed corrugated cardboard are listed as acceptable materials by Metro Vancouver, but are not listed as regulated wastes under Schedule 12 of OMRR or under the MOE Permit. It is my understanding that accepting these materials at the Facility may result in a compliance order with MOE; however, I make no determination in this matter. MOE has been notified of these inconsistencies.

Conclusions

Based on the ALC review, I have determined that the ALC does not currently have sufficient information to determine whether the Facility is using at least 50% of the finished compost measured by volume on the Farm. However, I have determined that the Facility was out of compliance with the ALC Regulation in

2017, due to the additional 16,122 wet tonnes that were discharged to the Facility. This violation is noted for potential enforcement action in future, and may be considered in conjunction with any future findings regarding the 50% use of finished compost issue.

In order to gather more information regarding the Facility's compliance with OMRR and the ALC Regulation, the MOE and ALC staff will be conducting a joint inspection of the Facility.

ALC and MOE staff will be in contact with you to set up a time for the joint MOE/ALC inspection. The ALC will also extend an invitation to Metro Vancouver staff and Delta Bylaw staff to ensure there is consistency with all regulatory authorities.

PROVINCIAL AGRICULTURAL LAND COMMISSION

Yours truly,

(INSERT SIGNATURE)

Avtar Sundher, Director of Operations

Cc:
MOE
Delta
Metro Vancouver

Greene, Pauline AGRI:EX

From: Minaker, Willow AGRI:EX
Sent: Friday, November 2, 2018 1:47 PM
To: Bailey, Reed ALC:EX
Subject: FW: *ALERT: Incoming Assignment - eApprovals item 3295
Attachments: FW: Extreme frustration over composting facility in Ladner; 189284 Blatz Composting Facility Odour RESPONSE RECORD.docx

From: Poon, David AGRI:EX
Sent: Friday, November 2, 2018 1:23 PM
To: Minaker, Willow AGRI:EX
Subject: FW: *ALERT: Incoming Assignment - eApprovals item 3295

Hi Willow,

Staff to reply direct via email. Once complete please fill out response record and send via eApproval back to Carole. Thanks

We're asked to reply directly to the person who sent the attached message.

Dave 604-836-4918

From: AGRI eApprovals <DoNotReply@SP2010.gov.bc.ca>
Sent: Thursday, November 1, 2018 10:13 AM
To: Poon, David AGRI:EX <David.Poon@gov.bc.ca>
Subject: *ALERT: Incoming Assignment - eApprovals item 3295

You have been sent an eApprovals Item by Cavanaugh, Carole AGRI:EX.

Cliff Number: 189284

Other Number:

TRIM Number:

Topic: Colleen's email is regarding the stench wafting into her neighbourhood from an industrial composting facility that is operating on ALR land. She has filed five complaints, but feels her needs are not being addressed.

Date Final Due: 11/8/2018 12:00:00 AM

Last Action: Item Sent To

Comments:

Staff to reply direct via email. Once complete please fill out response record and send via eApproval back to Carole. Thanks

eApprovals Link:

<https://agrieapprovals.gov.bc.ca/prod/SitePages/activeItems.aspx>

Super User Link:

<https://agrieapprovals.gov.bc.ca/prod/SitePages/superUser.aspx>

Cliff Link:

Greene, Pauline AGRI:EX

From: Parmar, Ravi LASS:EX
Sent: Wednesday, October 24, 2018 12:02 PM
To: Minister, AGRI AGRI:EX
Subject: FW: Extreme frustration over composting facility in Ladner

From: s.22
Sent: Wednesday, October 24, 2018 10:04 AM
To: Popham.MLA, Lana
Subject: Extreme frustration over composting facility in Ladner

Good morning,

As I write this, I am overwhelmed by the horrible stench wafting into my neighbourhood from an industrial composting facility that is operating on ALR land. After filing three complaints on Friday and two again yesterday, I have to say that I feel the current way that this situation is regulated is simply not working. Many of my neighbours and I feel like our needs are not being addressed.

There has been so much finger pointing that has gone on with this situation. Every time I contact someone, they tell me to contact someone else. In the meantime, nothing seems to be done to protect residents while the company is allowed to continue and even potentially expand their business.

I have been to so many meetings that I am physically exhausted. The amount of stress caused by this situation impacts me on an almost daily basis. When will something be done to fix this?

I have so many questions about this particular situation. Why is the company allowed to continue operating when by all accounts they are in violation of using 50% of the compost at the turf "farm?" Most of the time when businesses are not abiding by laws, they are shut down. Why is the possibility of expansion even an issue? Clearly they are not adhering to how they should be operating and it seems that they are trying to manipulate the situation so that they will consider enclosing the facility if they can expand their operation. How does this even make sense? They cannot deal with the stench as it is and cannot use 50% of the compost as it is.

Why does the province not regulate these facilities directly? I believe this is happening in Ontario. It holds the companies to a much higher standard and if they are not complying, they cannot operate. Metro Vancouver's Ray Robb has stated at several meetings that they are understaffed. They simply are not equipped to follow through on so many complaints. Where does that leave the residents? There are companies that see what is going on with the bureaucracy and no real consequences and they take advantage of the situation. Once again, where does that leave residents?

Delta's municipal government is in uncharted territory. It was documented that prior to the election a meeting had taken place between EnviroSmart Organics and Metro Vancouver and the (at the time) municipality of Delta. Delta's CAO at the time George Harvie was the sole person representing the municipality. According to Ray Robb's email Harvie said Delta opposed the Air Quality Permit and was against public consultation. Imagine how residents felt when they heard this. The meeting was in 2013! Could this issue have been resolved 5 years ago? That would have meant 5 more years where we could have used our yards and been able to open our windows instead of being forced indoors- which, by the way, doesn't completely help due to the air that still

enters our home even with the windows closed. We literally are held hostage in our homes by this industrial facility.

Allowing the now City of Delta to deal with the situation is quite concerning. The man who represented Delta at the meeting in 2013 is now mayor and it seems he has connections to the property owner, Darryl Goodwin. How can we expect this to be dealt with in a neutral way? My understanding is that there have been complaints filed in regards to the company contributing \$10,000 to the now mayor's campaign. Again, how can we expect this to be dealt with in a neutral way?

Why would the system be set up to allow a facility such as this to monitor themselves essentially. They are able to hire their own agrologist. As far as I am concerned, the monitoring should be done by a neutral party not someone that is on the payroll of the company. The way it is now, other stakeholders, like the province then have to pay to review that agrologists report. I believe that this lengthy process can take a long time. Why not eliminate that and have it checked by your own experts to start? The City of Delta waited for months for the ALC review. The results seem to show a violation but again, nothing is done. Who is protecting the residents of East Ladner?

To me the issue seems quite clear cut. I do not understand why it is taking so long to deal with the issue. Years go by and I am concerned about the air that I am breathing from this facility, which by the way is not monitored. Yesterday I ran from my vehicle to my home and it took everything for me not to vomit. Clearly the system needs to be fixed. There are loopholes being used by "green" companies. In theory the idea is a good one, however, at what cost? The health of me and my family? I don't think so. I have lived in this community my entire life and am a law abiding, taxpaying citizen who loves to give back to my community. I do not understand how this is right. I implore you to do something to fix this situation.

s.22



MINISTRY OF AGRICULTURE

EMAIL RESPONSE RECORD

Reference # (CLIFF or DMO): 189284

Date: [Click here to enter a date.](#)

Client Name: s.22

Location [Location required.](#)

Email: s.22

Subject:

EMAIL DETAILS:

(Please include a brief synopsis of what was discussed, tone of discussion, and satisfaction of individual involved)

BRANCH CONTACT NAME: [Insert name here](#)

CONTACT EMAIL: [Insert contact number](#)

Greene, Pauline AGRI:EX

From: Bailey, Reed ALC:EX
Sent: Friday, January 11, 2019 12:54 PM
To: Minaker, Willow AGRI:EX
Subject: FW: Extreme frustration over composting facility in Ladner

FYI – EnviroSmart email

From: Bailey, Reed ALC:EX
Sent: Tuesday, November 6, 2018 12:28 PM
To: s.22
Subject: RE: Extreme frustration over composting facility in Ladner

Hello s.22

Thank you for your email of October 24, 2018, regarding odour issues associated with the Enviro-Smart Organics Composting Facility in East Ladner that is located within the Agricultural Land Reserve (ALR).

s.22

s.22 I understand that you have contacted numerous agencies with respect to this issue and that you are often re-directed to another agency for a response. Unfortunately, there is very little recourse for the Ministry of Agriculture in this situation. While the Ministry is aware of the ongoing odour issues arising from the Enviro-Smart Organics Composting Facility, it is the Agricultural Land Commission (ALC) that administers the *Agricultural Land Commission Act* and *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. As such, I suggest you contact the ALC directly with regards to your concerns associated with Enviro-Smart Organics' operation including, but not limited to, the requirement for composting facilities to use 50% of the compost produced at the facility on the subject property itself.

If you have any questions, please contact the ALC's Director of Policy and Planning, Martin Collins, at martin.collins@gov.bc.ca or at 604-660-7000.

Lastly, be advised that the BC Farm Industry Review Board (BCFIRB) is an administrative tribunal responsible for hearing complaints from persons aggrieved by odour, noise, dust or other disturbances arising from agriculture and certain aquaculture operations. Complaints related to farm operations should be submitted to BCFIRB.

Thank you again for your email.

Best regards,

Reed Bailey, Land Use Planner
Strengthening Farming Program
BC Ministry of Agriculture
New 778 698 3455

From: s.22
Sent: Wednesday, October 24, 2018 10:04 AM
To: Popham.MLA, Lana
Subject: Extreme frustration over composting facility in Ladner

Good morning,

As I write this, I am overwhelmed by the horrible stench wafting into my neighbourhood from an industrial composting facility that is operating on ALR land. After filing three complaints on Friday and two again yesterday, I have to say that I feel the current way that this situation is regulated is simply not working. Many of my neighbours and I feel like our needs are not being addressed.

There has been so much finger pointing that has gone on with this situation. Every time I contact someone, they tell me to contact someone else. In the meantime, nothing seems to be done to protect residents while the company is allowed to continue and even potentially expand their business.

I have been to so many meetings that I am physically exhausted. The amount of stress caused by this situation impacts me on an almost daily basis. When will something be done to fix this?

I have so many questions about this particular situation. Why is the company allowed to continue operating when by all accounts they are in violation of using 50% of the compost at the turf "farm?" Most of the time when businesses are not abiding by laws, they are shut down. Why is the possibility of expansion even an issue? Clearly they are not adhering to how they should be operating and it seems that they are trying to manipulate the situation so that they will consider enclosing the facility if they can expand their operation. How does this even make sense? They cannot deal with the stench as it is and cannot use 50% of the compost as it is.

Why does the province not regulate these facilities directly? I believe this is happening in Ontario. It holds the companies to a much higher standard and if they are not complying, they cannot operate. Metro Vancouver's Ray Robb has stated at several meetings that they are understaffed. They simply are not equipped to follow through on so many complaints. Where does that leave the residents? There are companies that see what is going on with the bureaucracy and no real consequences and they take advantage of the situation. Once again, where does that leave residents?

Delta's municipal government is in uncharted territory. It was documented that prior to the election a meeting had taken place between EnviroSmart Organics and Metro Vancouver and the (at the time) municipality of Delta. Delta's CAO at the time George Harvie was the sole person representing the municipality. According to Ray Robb's email Harvie said Delta opposed the Air Quality Permit and was against public consultation. Imagine how residents felt when they heard this. The meeting was in 2013! Could this issue have been resolved 5 years ago? That would have meant 5 more years where we could have used our yards and been able to open our windows instead of being forced indoors- which, by the way, doesn't completely help due to the air that still enters our home even with the windows closed. We literally are held hostage in our homes by this industrial facility.

Allowing the now City of Delta to deal with the situation is quite concerning. The man who represented Delta at the meeting in 2013 is now mayor and it seems he has connections to the property owner, Darryl Goodwin. How can we expect this to be dealt with in a neutral way? My understanding is that there have been complaints filed in regards to the company contributing \$10,000 to the now mayor's campaign. Again, how can we expect this to be dealt with in a neutral way?

Why would the system be set up to allow a facility such as this to monitor themselves essentially. They are able to hire their own agrologist. As far as I am concerned, the monitoring should be done by a neutral party not someone that is on the payroll of the company. The way it is now, other stakeholders, like the province then have to pay to review that agrologist's report. I believe that this lengthy process can take a long time. Why not eliminate that and have it checked by your own experts to start? The City of Delta waited for months for the ALC review. The results seem to show a violation but again, nothing is done. Who is protecting the residents of East Ladner?

To me the issue seems quite clear cut. I do not understand why it is taking so long to deal with the issue. Years go by and I am concerned about the air that I am breathing from this facility, which by the way is not monitored. Yesterday I ran from my vehicle to my home and it took everything for me not to vomit. Clearly the system needs to be fixed. There are loopholes being used by "green" companies. In theory the idea is a good one, however, at what cost? The health of me and my family? I don't think so. I have lived in this community my entire life and am a law abiding, taxpaying citizen

who loves to give back to my community. I do not understand how this is right. I implore you to do something to fix this situation.

s.22

Greene, Pauline AGRI:EX

From: Minaker, Willow AGRI:EX
Sent: Thursday, October 11, 2018 9:55 AM
To: Nimmo, Jeffrey AGRI:EX
Subject: RE: ALC letter - Envirosmart Organics

Sorry, I should have clarified that – yes please provide her your comments. I will chat with Martin about the separate letter idea (and veto it unless they have clear examples of this being done in the past and/or direction from MO to do so).

Thanks,
w.

From: Nimmo, Jeffrey AGRI:EX
Sent: Thursday, October 11, 2018 9:54 AM
To: Minaker, Willow AGRI:EX
Subject: RE: ALC letter - Envirosmart Organics

Hi Willow,

Sorry to rush, but apparently the ALC committed to the Minister to have their work don on this by the end of the week.

I was thinking of providing Katarina (ALC) with my comments on their letter in the meantime. Any major concern with that?

Jeff

From: Minaker, Willow AGRI:EX
Sent: Wednesday, October 10, 2018 4:44 PM
To: Nimmo, Jeffrey AGRI:EX <Jeffrey.Nimmo@gov.bc.ca>
Subject: RE: ALC letter - Envirosmart Organics

Hi Jeff,

I don't think it is appropriate for AGRI to be involved in any way other than as technical support. As an independent administrative tribunal, the decisions rest solely with them and while we can provide input, we shouldn't be speaking to a decision. I am talking to Martin tomorrow anyway though, so let me chat with him and I will get back to you.
w.

From: Nimmo, Jeffrey AGRI:EX
Sent: Wednesday, October 10, 2018 2:59 PM
To: Minaker, Willow AGRI:EX <Willow.Minaker@gov.bc.ca>
Subject: ALC letter - Envirosmart Organics

Hi Willow,

Mat advised me to run this by you.

ALC has been working on this issue for a while, and periodically asked for a 'informal input' from me on it. They are now at a stage where their legal advisor is recommending the attached letter be used, and potentially a supporting letter from AGRI.

Could you advise on any 'standard' process for us when we provide this type of input or documentation to ALC?

I've told them I would prefer not to provide a stand alone letter, as essentially it is opening AGRI/myself up to the technical challenge from the candidate (in this scenario a very likely outcome), as the ALC largely playing a administrative role in their letter.

If you need added context please let me know.

Thanks,

Jeff

Jeff Nimmo, MSc., PAg.
Nutrient Management Specialist
BC Ministry of Agriculture
tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca

Greene, Pauline AGRI:EX

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Jeff

Jeff Nimmo, MSc., PAg.
Nutrient Management Specialist
BC Ministry of Agriculture
tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca

Greene, Pauline AGRI:EX

From: Margerison, Elizabeth AGRI:EX
Sent: Monday, June 15, 2015 9:33 AM
To: Geesing, Dieter AGRI:EX
Cc: Fox, Alison AGRI:EX
Subject: Scans for Delta Bylaw 7419-2015
Attachments: 182155 MN ltr signed.pdf; 182155 Statutory Approval signed.pdf; certified copy Delta Bylaw 2015 No. 7419.pdf

Here they are.

Elizabeth Margerison
Ministry of Agriculture, 1767 Angus Campbell Road, Abbotsford, BC V3G 2M3
Phone: 604.556.3050 | Fax: 604.556.3030 | Toll-free: 1-888-221-7141 | AgriServiceBC@gov.bc.ca

*** Agriculture not only gives riches to a nation, but the only riches she can call her own - Samuel Johnson ***



June 10, 2015
File: 0280-30
Ref: 182155

Her Worship Lois E. Jackson
and Councillors
Corporation of Delta
4500 Clarence Taylor Crescent
Delta, BC V4K 3E2

Dear Mayor Jackson and Council:

**Re: Request for Minister's approval of Delta Zoning Bylaw No. 2750-2015, 1977
Amendment Bylaw No. 7419, 2015**

Please find enclosed the certificate indicating my approval of the above noted bylaw under sections 903(5) and 917 of the *Local Government Act*.

The bylaw has not been reviewed for the purpose of determining if it is valid or lawful. My approval does not represent or guarantee the legal certainty of the bylaw, nor the process under which it may be adopted, and does not otherwise validate or make legal any provision of the bylaw.

It is noted that there is a concurrent licence amendment application to Metro Vancouver to increase the maximum annual material input volume by approximately 50 percent, and reiterate the earlier comment that the minimum of 50 percent volume of finished compost applied to the land should not be achieved through excess nutrient application on the land. If the applicant finds themselves in a position where they are applying excess nutrients in order to meet this provision, then they should be encouraged to apply to the Agricultural Land Commission for a non-farm use.

Thank you for submitting the bylaw for Minister's approval. Please advise me of the date when the bylaw is adopted.

Sincerely,

Norm Letnick
Minister

Enclosure



Statutory Approval

Under the provisions of sections 903(5) and 917 of the *Local Government Act*, I approve The Corporation of Delta Zoning Bylaw No. 2750, 1977, Amendment (C.D. 416 – West Coast Farms Ltd. – LU007413) Bylaw No. 7419, 2015.

Dated this 10 day of June, 2015.

A handwritten signature in black ink, appearing to be "Norm Letnick", written over a horizontal line.

Norm Letnick, Minister of Agriculture

THE CORPORATION OF DELTA

BYLAW NO. 7419

A Bylaw to amend the "Delta Zoning Bylaw No. 2750, 1977"

The Municipal Council of The Corporation of Delta in open meeting assembled,
ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as **"Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 – West Coast Farms Ltd. – LU007413) Bylaw No. 7419, 2015."**
2. "Delta Zoning Bylaw No. 2750, 1977", Part VIIIA, C.D. 416 Zone, as amended, is hereby further amended as follows:
 - (a) by deleting the words "source separated" from Section 2 Permitted Accessory Uses;
 - (b) by adding "1." to the beginning of the first sentence in Section 3 Other Regulations; and
 - (c) by adding the following to Section 3 Other Regulations immediately after the first sentence:
 - "2. All solid recyclable or waste packaging material must be stored in receptacles within an enclosed building or structure.
 3. Solid recyclable or waste packaging material may be stored on the property for no more than seven days. All solid recyclable or waste packaging material must be removed from the property and transported to a licenced recycling facility or a licenced landfill."

READ A FIRST time the 13th day of April, 2015.

READ A SECOND time the 13th day of April, 2015.

PUBLIC HEARING held the 28th day of April, 2015.

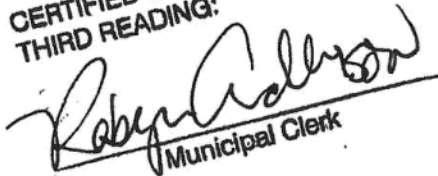
READ A THIRD time the 28th day of April, 2015.

APPROVED BY THE MINISTER OF AGRICULTURE AND LANDS
the day of 201 .

APPROVED BY THE MINISTRY OF TRANSPORTATION AND
INFRASTRUCTURE the day of 201 .

FINALLY CONSIDERED AND ADOPTED the day of , 201 .

CERTIFIED CORRECT AS AT
THIRD READING:


Municipal Clerk

Lois E. Jackson
Mayor

Robyn Anderson
Municipal Clerk

Greene, Pauline AGRI:EX

From: Nimmo, Jeffrey AGRI:EX
Sent: Thursday, August 9, 2018 5:27 PM
To: Raymond, Mark AGRI:EX
Subject: what about this - for ALC

Hello Katarina,

In the letter dated Sept 14 2017, the ALC requested that the applicant prepare a nutrient balance worksheet for phosphorus that considered (among other items):

- Soil test phosphorus values (with appropriate extraction methods)
- Crop phosphorus requirements as recommended by an OMAFRA publication
- Lab analyses including the total and available phosphorus in the compost

For cropping systems, such as sod production, which do not fit a simple agronomic and crop removal nutrient balance models used for annual crops or perennial forages, the excel NMP calculator is not suitable. However, an agronomic nutrient balance is a simple comparison of a crop's nutrient requirement with available nutrients provided by inputs and other significant nutrient sources.

To respond to the ALC's request, BC AGRI would expect the applicant to include:

1. a determination of the crop's nutrient requirement based on soil test levels, and
2. an application rate to meet that requirement based appropriate characterization of the inputs which are used to supply nutrients to the crop

The applicant's response to the ALC on February 28, 2018 does not include appropriate information to address either of the points above.

1. To correctly use the reference for crop requirements, the soil test results for the fields should have been converted to be comparable with the Olsen extraction method used by OMAFRA. As noted by the applicant in item 2.3 in the letter, direct comparison of soil test phosphorous results from different extraction methods is not recommended. If necessary, the expectation is that a conversion is applied the results, as recommended in the BC AGRI factsheet "[Understanding Different Soil Test Methods](#)".
2. There were two issues in determining application rates for the compost to meet crop requirements
 - o Phosphorus contents from the lab analyses are expressed as a concentration of P, whereas the crop requirement is expressed in P_2O_5 . To appropriately determine if the amount of phosphorus supplied by the compost meets the crop requirement, it must be converted to a unit based on P_2O_5 .
 - o The applicant has based their determination of the contribution of available phosphorus solely on an available P value from the lab report. Use of the available nutrient values from a soil test extraction performed on the compost, as outlined in item 2.3, provides an underestimation the potentially available nutrients in the compost. Although difficult to quantify precisely, gradual mineralization of the organic nutrient content in composts is expected. To determine an application rate for the compost, a conservative mineralization factor should be applied to the total nutrient concentration in order to calculate the expected supply of available nutrients from the compost. The applicant's methodology suggests an unrealistic availability of less than 1% of the total P in the compost.

Jeff Nimmo, MSc., PAg.
Nutrient Management Specialist
BC Ministry of Agriculture

tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca



Understanding Different Soil Test Methods

Nutrient Management Factsheet – No. 3 in Series

September 2010 – Order Reference No. 631.500-9

Soil test results from different laboratories can be quite different for what seems to be the same soil sample, like when a sample is split to be analyzed by more than one lab. One explanation is that the labs actually received different samples. This can happen if the original soil sample is not mixed thoroughly before it is split and if the subsamples are not preserved well before they reach the lab(s). See the *Sample handling* section of Factsheet 2, *Soil Sampling for Nutrient Management*, for more information. Nonetheless, two labs that are 'doing everything right' can provide different values for the same nutrient of interest because of differences in the soil test methods between the labs.

This factsheet provides information to compare soil test results of different methods. Simple conversion factors are provided to help compare results of common phosphorus (P) and potassium (K) methods or 'extractants' to be more specific. These conversions are built into the Nutrient Management Planning (NMP) software produced for the Canada-BC Environmental Farm Plan program.

Because various factors of test methods can influence results, this factsheet first outlines some of the key factors behind conventional soil test P and K methods and notes for understanding the simple conversion factors.

Key Factors of Soil Test Methods

A conventional soil nutrient test method has the following factors:

- the extractant
- weighing versus scooping (by volume) soil
- soil to extractant ratio
- soil extraction time
- extraction temperature
- the quantification method

The extractant

An extractant is a chemical solution that is added to a soil sample to 'dissolve, desorb or exchange' a portion of the total amount of a given nutrient(s) in the soil sample. This portion should provide a crude but useful index of the portion of a nutrient in soil that will be available to a crop through soil processes. In contrast, a measure of the total amount of an element is in a sense, a more crude measurement because it is not meant to distinguish between portions of a nutrient, some of which are plant-available and some of which are not.

Some extractants were developed for a single nutrient or element; others for multiple nutrients or elements. For any particular nutrient (e.g. phosphorus), different extractants may remove different portions of the nutrient, because each extractant was originally developed for a different soil type or purpose.

The extractant is the main factor considered in the NMP software and in the conversion factors between common extractants provided below (Tables 1 and 2).

The quantification method

A quantification method determines the amount of a nutrient(s) in the extraction solution after the nutrient(s) has been extracted from a soil.

Some quantification methods are non-selective and measure the total amount of a nutrient element(s), *i.e. inorganic + organic*

- e.g. Inductively Coupled Plasma (ICP)

Others are selective and measure a fraction of the total amount of a nutrient in a specific molecular form, *i.e. inorganic*

- e.g. colorimetry
- e.g. ion chromatography

Relationships between Extractants for Soil Phosphorus and Potassium

A recent study compared results of common soil test extractants for soil P and K. Highlights are presented below. Please refer to the full report³ for more information.

Methods

The extractants in **Table 1** were used to determine soil test P and K contents of a total of 990 soil samples collected during the Fraser Valley (2005)⁴ and Okanagan-Similkameen (2007)⁵ soil studies representing a broad range of soil types and nutrient levels in the two regions. Soil to extractant ratio (1:10 w/w) and soil extraction time (5 minutes) were standardized for all extractants except bicarbonate (1:20 w/w and 30 minutes instead), and quantification was by ICP for all extractants.

In British Columbia, the Kelowna extraction method was the last provincial standard publicly developed for soil phosphorus and potassium testing for agronomic purposes⁶. Thus, the relationships in Tables 1 and 2 are comparisons between the Kelowna extractant and other extractants.

Some colorimetric methods have unavoidable interference problems that can result in under- or over-estimates of the true values, and the error varies between soils^{1,2}. This interference means that measurements are only 'sometimes right.' This affects P (and sulphur) measurements in particular. It should not affect soil K measurements (since organic K compounds do not occur).

To use the NMP software, soil test results should be treated as roughly equivalent at this time for all quantification methods unless otherwise indicated. In other words, there is no need to know the laboratory's specific quantification method: just be aware that it is one other factor of the soil test besides the extractant that can explain differences in soil test (phosphorus) results.

Results

Disclaimers:

- The relationships in **Table 1** may not apply exactly to commercial laboratories' results because the relationships are effectively a comparison of *extractants'* abilities to extract P. They are not a comparison of specific laboratories' methods, which are difficult to compare since they vary in the factors of a soil test method (soil-to-extractant ratios, extraction times, and quantification methods) for the same extractant.
- The relationships in **Table 2** are expected to produce reliable estimates for soil test potassium.
- The relationships indicate how well the Kelowna extractant compares with other extractants. However, the study was limited in the sense that it was not designed to indicate how well different extractants reflect the response of crops to additional fertilizer.

Example calculation:

A result of 86 ppm P (Bray-1 method) in a soil of pH 5.3 is approximately equivalent to 64 ppm P (Kelowna method) according to **Table 1**, which is approximately equivalent to 51 ppm P (Modified Kelowna-95 method)⁷.

Table 1. Relationships between soil test P extractants and the Kelowna extractant for British Columbia soils.

Kelowna-P = 0.74 * Bray-1 P	pH < 7.2	r ² = 0.96
Kelowna-P = 1.00 * Bray-1 P	pH ≥ 7.2	r ² = 0.85
Kelowna-P = 0.99 * Bicarbonate (Olsen) P	pH < 7.2	r ² = 0.99
Kelowna-P = 1.21 * Bicarbonate (Olsen) P	pH ≥ 7.2	r ² = 0.96
Kelowna-P = 0.72 * Mehlich-3 P	all pH values	r ² = 0.98
Kelowna-P = 1.24 * Modified Kelowna-95 P ⁷	all pH values	r ² = 0.96

⁷ Ashworth and Mrazek 1995.

At the time of writing, the Exova laboratory in Edmonton, AB (formerly Bodycote) used this soil test P extractant.

An alternative relationship between Kelowna-P and bicarbonate-P is recommended to be used by the default (i.e. unless the laboratory is known to use ICP for the bicarbonate-phosphorus measurements, use the following):

$$\text{Kelowna P} = 2 * \text{Bicarbonate (Olsen) P-colorimetry}$$

Rationale: Most commercial laboratories use colorimetry instead of ICP to quantify phosphorus for bicarbonate extractions, which in turn is a common extraction for calcareous soils. The alternative relationship does not come from the study that produced results in Table 1. It is based loosely on results of previous studies^{8,9} that cannot be directly compared because of differences in methods, particularly the use of interference-prone colorimetry. The colorimetry distinction is made only for bicarbonate because compared to the other extractants in Table 1, it is in its own 'family' of chemical solutions and has been found to extract more organic P³.

What do the r² values mean?

Greater r² values indicate a 'stronger' relationship. Values can range from 0 (no relationship) to 1 (perfect relationship). The bicarbonate-Kelowna P relationship (Figure 1) is 'weaker' than the Mehlich 3-Kelowna P relationship (Figure 2) for most soils, as shown by a greater spread of data points around the line for the 'bicarbonate' graph compared to the 'Mehlich 3' graph.

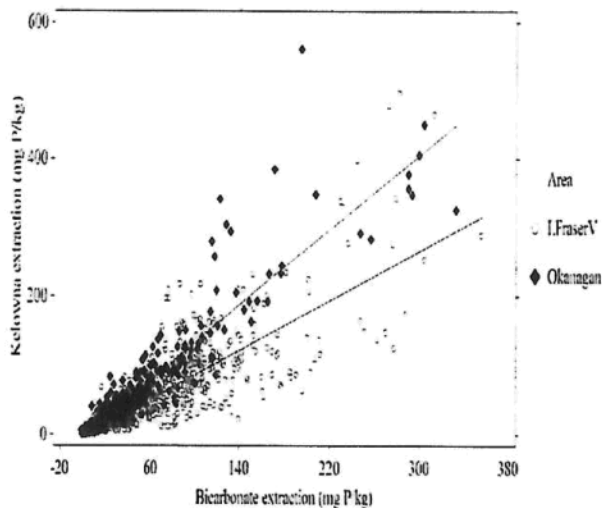


Figure 1. Bicarbonate P vs. Kelowna P for soil samples from the Lower Fraser Valley and Okanagan-Similkameen of BC.

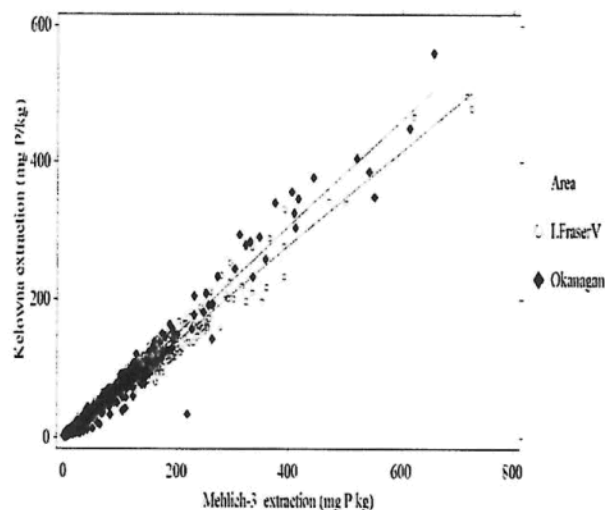


Figure 2. Mehlich3-P vs. Kelowna P for soil samples from the Lower Fraser Valley and Okanagan-Similkameen of BC.

Table 2. Relationships between soil test K extractants and the Kelowna extractant for British Columbia soils.

Kelowna-K = 0.80 * Ammonium Acetate K	all pH values	$r^2 = 0.98$
Kelowna-K = 0.75 * Mehlich-3 K	all pH values	$r^2 = 0.99$
Kelowna-P = 0.76 * Modified Kelowna-95 K ⁷	all pH values	$r^2 = 0.97$

⁷ Ashworth and Mrazek 1995.

At the time of writing, the Exova laboratory in Edmonton, AB (formerly Bodycote) used this soil test K extractant.

Converting between ppm and kg/ha

To convert between "parts per million" (ppm) and "kilograms per hectare" (kg/ha) requires values for the soil bulk density (in kg/m³) and the depth of the soil layer sampled (in metres). The following are rules of thumb for mineral soils that assume soil bulk density is 1000 kg/m³.

1) Converting ppm to kg/ha

If sample depth was 0.15 m (15 cm or 6 inches),

then Value in kg/ha = Value in ppm x 1.5

Rationale: Value in kg/ha = Value in ppm x (1 kg/10⁶ mg) x (1000 kg/m³, bulk density) x (0.15 m x 10⁴ m²/ha)

Example: 50 ppm P = approx. 75 kg P/ha

2) Converting kg/ha to ppm

If sample depth was 0.30 m (30 cm or 1 foot),

then Value in ppm = Value in kg/ha ÷ 3.0

Rationale: Value in ppm = Value in kg/ha ÷ (1 kg/10⁶ mg) ÷ (1000 kg/m³, bulk density) ÷ (0.30 m x 10⁴ m²/ha)

Example: 200 kg N/ha = approx. 67 ppm N

You may choose to use a different value than 1000 kg/m³ to convert your values. Average soil bulk densities for mineral soils are as follows:

Well structured high organic loam soil	900 kg/m ³
Silt loam	1100 kg/m ³
Medium to fine texture loam	1300 kg/m ³
Sand	1500 kg/m ³
Compacted soil or clay subsoil	1300-1600 kg/m ³

For mineral soils, a soil test value on a weight basis (mg/kg or µg/g) is roughly the same as on a volume basis (mg/L or µg/mL). Because bulk densities for Organic soils vary widely (e.g. 100-700 kg/m³), this assumption should not be made for Organic soils, and thus the rules of thumb described for converting between ppm and kg/ha should not be used.

References

1. Kowalenko, C.G. and Babuin, D. 2007. Interference problems with phosphoantimonylmolybdenum colorimetric measurement of phosphorus in soil and plant materials. *Communications in soil science and plant analysis* 38: 1299-1316.
2. Kowalenko, C.G. 2008. Extraction times and analysis methods influence soil test measurements of phosphorus and sulphur. *Canadian Journal of Soil Science* 88: 733 – 747.
3. Kowalenko, C.G. 2010. Relationships between extraction methods for soil nutrient testing in British Columbia. Report for Ministry of Agriculture and Lands.
4. Kowalenko, C.G., Schmidt, O. and Hughes-Games, G.A. 2007. Fraser Valley soil nutrient study 2005. A survey of the nitrogen, phosphorus and potassium contents of the Lower Fraser Valley agricultural soils in relation to environmental and agronomic concerns.
5. Kowalenko, C.G., Schmidt, O., Kenney, E., Neilsen, D. and Poon, D. 2009. Okanagan Agricultural Soil Study 2007. A survey of the chemical and physical properties of agricultural soils of the Okanagan and Similkameen Valleys in relation to agronomic and environmental concerns.
6. Gough, N.A. 1991. (Republished in 1996.) Soil and plant tissue testing methods and interpretations of their results for British Columbia agricultural soils. Final draft report.
7. Ashworth, J. and Mrazek, K. 1995. "Modified Kelowna" test for available phosphorus and potassium in soil. *Communications in Soil Science and Plant Analysis* 26: 731-739.
8. van Lierop, W. 1988. Determination of available phosphorus in acid and calcareous soils with the Kelowna multiple-element extractant. *Soil Science* 148: 284-291.
9. Ige, D.V., Akinremi, O.O., Flaten, D., Haluschak, P. and Eilers, B. 2005. Comparison of agronomic soil test P methods for Manitoba soils. Poster presentation.

Greene, Pauline AGRI:EX

From: Nimmo, Jeffrey AGRI:EX
Sent: Thursday, October 11, 2018 9:54 AM
To: Minaker, Willow AGRI:EX
Subject: RE: ALC letter - Envirosmart Organics

Hi Willow,

Sorry to rush, but apparently the ALC committed to the Minister to have their work don on this by the end of the week.

I was thinking of providing Katarina (ALC) with my comments on their letter in the meantime. Any major concern with that?

Jeff

From: Minaker, Willow AGRI:EX
Sent: Wednesday, October 10, 2018 4:44 PM
To: Nimmo, Jeffrey AGRI:EX
Subject: RE: ALC letter - Envirosmart Organics

Hi Jeff,

I don't think it is appropriate for AGRI to be involved in any way other than as technical support. As an independent administrative tribunal, the decisions rest solely with them and while we can provide input, we shouldn't be speaking to a decision. I am talking to Martin tomorrow anyway though, so let me chat with him and I will get back to you. w.

From: Nimmo, Jeffrey AGRI:EX
Sent: Wednesday, October 10, 2018 2:59 PM
To: Minaker, Willow AGRI:EX <Willow.Minaker@gov.bc.ca>
Subject: ALC letter - Envirosmart Organics

Hi Willow,

Mat advised me to run this by you.

ALC has been working on this issue for a while, and periodically asked for a 'informal input' from me on it. They are now at a stage where their legal advisor is recommending the attached letter be used, and potentially a supporting letter from AGRI.

Could you advise on any 'standard' process for us when we provide this type of input or documentation to ALC?

I've told them I would prefer not to provide a stand alone letter, as essentially it is opening AGRI/myself up to the technical challenge from the candidate (in this scenario a very likely outcome), as the ALC largely playing a administrative role in their letter.

If you need added context please let me know.

Thanks,

Jeff

Jeff Nimmo, MSc., PAg.
Nutrient Management Specialist
BC Ministry of Agriculture
tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca

Greene, Pauline AGRI:EX

From: Nimmo, Jeffrey AGRI:EX
Sent: Tuesday, August 21, 2018 12:07 PM
To: Glavas, Katarina ALC:EX
Subject: RE: ALC letter

Hi Katarina,

Yes, this report was considered in my review.

Jeff

From: Glavas, Katarina ALC:EX
Sent: Tuesday, August 21, 2018 11:22 AM
To: Nimmo, Jeffrey AGRI:EX
Subject: FW: ALC letter

Hi Jeff,

I am still working on the Enviro-Smart letter. Unfortunately, we didn't manage to get it out before the Land Use Planner who is overseeing went on vacation. Also, it will probably have to be reviewed by our lawyers. I just wanted to double check that your review considered the attached report. I'm pretty sure you did, but wanted to be sure. Let me know.

Thanks,
Katarina

From: Mark, Kamelli ALC:EX
Sent: Thursday, March 1, 2018 8:48 AM
To: Glavas, Katarina ALC:EX
Subject: FW: ALC letter

My understanding of this is that they have refused to supply the requested information. Can you take a look at it and let me know if we still need to proceed with the information order?

Thanks!

Kamelli Mark | Regional Planner | Agricultural Land Commission
133 - 4940 Canada Way, Burnaby, BC, V5G 4K6 | T 604.660.7005 | F 604.660.7033

NOTE: Our address is changing as of April 3, 2018 – we are moving upstairs to #201, 4940 Canada Way, Burnaby, BC, V5G 4K6

kamelli.mark@gov.bc.ca | www.alc.gov.bc.ca

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From: Daryl Goodwin [<mailto:dgoodwin@gflenv.com>]
Sent: Thursday, March 1, 2018 8:17 AM
To: Mark, Kamelli ALC:EX
Cc: David Sun; 'Brian French'
Subject: FW: ALC letter

Hi Kamelli, I hope this report meet your request, Let me know if you may require anything further.

Daryl Goodwin | District Manager

GFL Environmental Inc.

4295 72nd Street, Delta, BC, V4K 3N2

T (604) 946-0201 | F (604) 946-0221 | C (604) 968-5260 | dgoodwin@gflenv.com | www.gflenv.com

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Greene, Pauline AGRI:EX

From: Nimmo, Jeffrey AGRI:EX
Sent: Thursday, December 21, 2017 1:32 PM
To: Glavas, Katarina ALC:EX
Subject: RE: Compost facility and land application
Attachments: cjs2012-032.pdf; Compost on turf.docx

Hi Katarina,

I discussed this with the Exova lab operations manager and it sounds like there is a bit of a communication problem with their Surrey location that deals mostly with environmental monitoring, and the Edmonton lab where their agronomic work is done. As we previously noted, this wasn't really the appropriate analysis to have done on the compost given its intended use as an amendment.

I've attached what I could tease out from the response.

I noted 3 issues:

- Use of STP Mod Kelowna values rather than converting to bicarb (Olsen) to reference the OMAFRA recommendations
- Lack of conversion of P2O5 to P (or vice versa) to match recommendation with inputs
- Assumption that the P value obtained by extraction from the compost analysis is the total available P

The first two bullets in a way nullify each other, as they both boil down roughly to factors of 2. In the attached word doc I've tried to correct for these and re-calculated the agronomic balance.

The last point is likely where the real issue is. P availability from composts is a tricky subject as there is no perfect number that we can reference that will apply for all composts on all soils. However, the soil extraction method used in this case likely isn't a true reflection of plant available P. Soil extraction tests are a snapshot, the value used as total available P should be an estimate of what will potentially be available to the crop throughout the growing period. If you need more detail on that, I've attached a reference.

Hope this helps,

Jeff Nimmo, PAg.
Nutrient Management Specialist
BC Ministry of Agriculture
tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca

From: Glavas, Katarina ALC:EX
Sent: Wednesday, December 20, 2017 2:19 PM
To: Nimmo, Jeffrey AGRI:EX
Subject: RE: Compost facility and land application

I forgot to include the lab results.

Katarina

From: Glavas, Katarina ALC:EX
Sent: Wednesday, December 20, 2017 10:58 AM
To: Nimmo, Jeffrey AGRI:EX
Subject: RE: Compost facility and land application

Hi Jeff,

I would appreciate it if you could take a look at the response from West Coast instant lawns regarding the phosphorus application rate. It's a bit all over the place and overly wordy, so I'm having trouble teasing out what is relevant. Please take a look at call me when you get a chance.

Regards,
Katarina

Katarina Glavas, P.Ag. | Agrologist | Agricultural Land Commission
133 - 4940 Canada Way, Burnaby, BC, V5G 4K6
T 604-660-7020 | F 604-660-7033 www.alc.gov.bc.ca

From: Nimmo, Jeffrey AGRI:EX
Sent: Wednesday, September 13, 2017 1:18 PM
To: Glavas, Katarina ALC:EX
Cc: Poon, David AGRI:EX
Subject: RE: Compost facility and land application

Hi Katarina,

I've attached a document for you to consider.

I haven't been able to find a solid reference for sod Phosphorus removal numbers. However if they want to follow a similar approach that they used for OM, they could potentially estimate a removal amount provided an appropriate analysis of the compost is done.

If I've missed any major concerns, or you'd like to go over any of this let me know.

Jeff (604-621-4124)

From: Glavas, Katarina ALC:EX
Sent: Wednesday, September 13, 2017 9:55 AM
To: Nimmo, Jeffrey AGRI:EX <Jeffrey.Nimmo@gov.bc.ca>
Subject: RE: Compost facility and land application

Hi Jeff,

I'm just wondering if you have anything you can send me. I need to get this out to Metro Vancouver today.

Thanks,
Katarina

Katarina Glavas, P.Ag. | Agrologist | Agricultural Land Commission
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T 604-660-7020 | F 604-660-7033 www.alc.gov.bc.ca

From: Glavas, Katarina ALC:EX
Sent: Monday, September 11, 2017 11:22 AM
To: Nimmo, Jeffrey AGRI:EX; Poon, David AGRI:EX
Subject: RE: Compost facility and land application

Thanks Jeff! Simple is probably best, so if you can't include a worksheet that is fine. We can probably just list some requirements. For example:

- Total phosphorus of compost
- Actual available phosphorus in compost and soil (**note:** Exova Laboratories only reports the maximum detection limit if the phosphorus concentrations exceed the detection limit).
- As-is bulk density of finished compost
- Estimated bulk density of soil
- Turfgrass phosphorus requirement reference values
- Phosphorus mineralization rate of the compost
- Phosphorus extraction method used

Let me know if you have any questions.

Regards,
Katarina

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133 - 4940 Canada Way, Burnaby, BC, V5G 4K6
T 604-660-7020 | F 604-660-7033 www.alc.gov.bc.ca

From: Nimmo, Jeffrey AGRI:EX
Sent: Friday, September 8, 2017 5:00 PM
To: Glavas, Katarina ALC:EX; Poon, David AGRI:EX
Subject: RE: Compost facility and land application

Hi Katarina,

Thanks for the documents, I'll get back to you as soon as possible next week. Including a portion of the soil as a crop removal is novel to our current nutrient balance calculator worksheets, so I'll have to put some thought towards how that will fit in. As is, the worksheets probably won't provide the information required without added guidance or instruction.

Thanks,

Jeff Nimmo, PAg.
Nutrient Management Specialist
BC Ministry of Agriculture
tel: 604-556-3109
Jeffrey.nimmo@gov.bc.ca

From: Glavas, Katarina ALC:EX
Sent: Friday, September 8, 2017 9:04 AM
To: Poon, David AGRI:EX
Cc: Nimmo, Jeffrey AGRI:EX
Subject: Compost facility and land application

Hi David,

Please find attached a copy of the Nutrient Management Plan related to the land application of compost at a local composting facility. For your reference, the laboratory results for compost are provided on Page 5 and soil sample results are provided on the following pages. As discussed, we need to come up with a way to determine whether the facility is able to land apply at least 50% (by volume) of their finished compost to 200 acres of turfgrass on an annual basis. They are proposing to import around 200,000 as-is tonnes of organics, so there is a concern that they cannot land apply at least 50% of the finished compost to their land. If they are unable to meet this requirement, then they are out of compliance with the ALC regulations and would likely need to apply for a non-farm use.

We had discussed the idea of requesting the compost operator to determine the phosphorus nutrient balance. Based on the results, they would then provide the maximum application rate and maximum volume of compost that can be land applied to the 200 acres per year. If you could provide me with some detail as to how they should do this balance by early next week, it would be appreciated. We need to be very clear with them, so if there is a worksheet available through the NMP calculator I would like to send that to them. Let me know if you have any questions.

Please ensure that you keep this information confidential.

Regards,
Katarina

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Forms of phosphorus in composts and in compost-amended soils following incubation

Bernard Gagnon¹, Isabelle Demers^{1,2}, Noura Ziadi¹, Martin H. Chantigny¹, Léon-Étienne Parent², Tom A. Forge³, Francis J. Larney⁴, and Katherine E. Buckley⁵

¹Soils and Crops Research and Development Centre, Agriculture and Agri-Food Canada, 2560 Hochelaga Blvd, Québec City, Québec, Canada G1V 2J3 (e-mail: bernard.gagnon@agr.gc.ca); ²Département des Sols et de Génie agroalimentaire, Pavillon Paul-Comtois, Université Laval, Québec City, Québec, Canada G1V 0A6; ³Pacific Agri-Food Research Centre, Agriculture and Agri-Food Canada, Agassiz, British Columbia, Canada V0M 1A0; ⁴Lethbridge Research Centre, Agriculture and Agri-Food Canada, 5403 1st Avenue South, Lethbridge, Alberta, Canada T1J 4B1; and ⁵Brandon Research Centre, Agriculture and Agri-Food Canada, 2701 Grand Valley Road, Brandon, Manitoba, Canada R7A 5Y3. Received 2 April 2012, accepted 11 June 2012.

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Page 62 to/à Page 71

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Caveat: Usually we decide to address P accumulation if field runoff or erosion will enter a P sensitive environment (essentially watersheds that drain into lakes), or watercourses that have defined P water quality standards. The accumulation question would be addressed by a crop removal balance (Total P input less total P removed by harvest).

Is the compost being applied at an agronomic rate for P?

From Exova Labs:

Manager of their Agronomy Lab in Edmonton noted that this isn't the correct type of analysis for a compost to be used as a soil amendment. The Surrey location is less familiar with Ag clients, and likely lumped the compost in with the other soil samples. Total P is likely an order of magnitude larger than the available P reported by the extraction method (should be verified).

- They noted that they actually did measure total phosphorus on the sample, but it wasn't reported back to the client due to the format of their "Farm soil analysis" report (they have the information on file)

Results shown in App B and used to assess compost P availability are from a modified Kelowna extraction, and reported on a DM basis.

The methodology used on pg 6 assumes that the 200ppm of P obtained by the extraction is the total available P from the compost. We would need to know the total P of the material to verify, but based on typical ranges of compost total P, this likely assumes P availability of only 10-20%. The attached reference is a good read on compost P availability, and indicates that the assumed P availability would be low.

Avg Modified Kelowna STP (from pg 6)	Kelowna Equivalent	Olsen Equivalent	Sod P2O5 recommendation from OMAFRA (Table 6.4)
70 ppm	87 ppm	~43.5 ppm	70 kg P2O5 / ha (30 kg P / ha)

Compost Application (DM)	Extracted P from lab report	Input of available P / ha
13,263 tonnes/65 ha = 204 tonne /ha	200 ppm	40 kg P / ha

Agronomic Balance:

Sod recommendation	30 kg P / ha	70 kg P2O5 / ha
Input of available P from compost*	40 kg P / ha	92 kg P2O5 / ha
Balance	10 kg P /ha	22 kg P2O5 / ha
*Based on the extraction method, which is likely an underestimate of P availability		

Geesing, Dieter AGRI:EX

From: Pellett, Tony ALC:EX
Sent: Thursday, April 16, 2015 10:05 AM
To: Geesing, Dieter AGRI:EX
Subject: FW: compost facilities on ALR land

Dieter, I had hoped to be able to get back to you sooner.

As written in 2002, our regulations do not require a nutrient management plan for compost facilities in the ALR. We hope that omission may soon be rectified when our regulations are next amended.

In practice, the Commission can suggest that a nutrient management plan be provided. Where problems are suspected the Commission can request that a nutrient management plan be provided. Where matters are clearly getting out of hand (e.g. the recent Merritt example), the Commission can require that a nutrient management plan be provided. Also see sections 50, 52 and 54 of the *Agricultural Land Commission Act* and section 37 of the Regulation.

Tony

From: Geesing, Dieter AGRI:EX
Sent: Wednesday, April 15, 2015 12:56 PM
To: Pellett, Tony ALC:EX
Subject: RE: compost facilities on ALR land

Hello Tony,

I hope you are doing fine. I just wanted to follow up on my question whether ALC requests routinely a nutrient management plan for compost facilities in the ALR. Or with other words, other than the assurance by the applicant that > 50% will be applied on the property whether some evidence has to be provided that the amount of nutrients applied per year is reasonable and within normal farm practices.

If it is easier, just give me a call at your convenience.

Regards,

Dieter

Dieter Geesing,
Regional Agrologist, Fraser West
BC Ministry of Agriculture
1767 Angus Campbell Road, Abbotsford BC V3G 2M3
Ph: 604-556-3048

Email: dieter.geesing@gov.bc.ca



AgriServiceBC

Ph: 1-888-221-7141
Email: Agri.South.Coast@gov.bc.ca

From: Pellett, Tony ALC:EX
Sent: Wednesday, March 25, 2015 2:01 PM

To: Geesing, Dieter AGRI:EX
Subject: RE: compost facilities on ALR land

Dieter, I may need more time, as the Commissioners are meeting for most of this week and the person(s) with whom I need to speak may not be available until sometime this Friday or even Monday of next week.

Tony

From: Geesing, Dieter AGRI:EX
Sent: Wednesday, March 25, 2015 1:52 PM
To: Pellett, Tony ALC:EX
Subject: RE: compost facilities on ALR land

Hello Tony,

Thanks for the prompt reply.

It is a general question that I have but, yes, it came up in regards to the facility at 72 Street.

Regardless the location of a commercial compost facility in or outside ALR land, a licence from Metro Vancouver to operate a composting facilities is still necessary. Of course, if the facility is on ALR land, pertinent regulations need to be respected, too. I wonder, however, how the 50% rule is reflected in those licences, or in amendments to those licences.

In the present case, for example, the facility has a licence from Metro Vancouver to process 100,000 tonnes of organic waste. The total land surface on which the finished compost is applied to is 220 acres. An Agrologist report says that 54% of the finished product is applied to land. The Agrologist report also states that at that application rate, soil quality has improved over the last years.

I do not know what the initial Agrologist report said, ie. when the owner had applied for the operation of the facility many years ago. A rough nutrient balance that I did indicates, however, that at the current rate, about 2 x as much P is available from the compost alone than the turf actually needs. But, ok, there are a lot of assumptions I made (although my estimation is very conservative), I do not have the background and so, I do not want to question that rate.

Now, the owner is applying to Metro Vancouver to further increase production by 50%. If granted, this would require an additional about 50% of finished compost to be applied to the land otherwise it would not be in compliance with the 50% ALR rule. But, if the current application rate is already sufficient to not only sustain but even to improve soil quality, this begs the question how an increased application rate is justified. Besides, if the owner was in need of some extra compost to further increase soil quality, it would appear more obvious to use the finished product that is currently sold off the farm first before processing more material.

Don't get me wrong. I think that the facility is important in terms of regional waste and nutrient management. I want that the operation to succeed. I am also confident that the owner wishes to follow the rules. I am also quite happy of the model combining compost production with turf production as other turf producers are often strongly mining soil quality.

However, considering my observations, I see there are some clarifications necessary. Hence, my question whether, in your experience, Metro Vancouver consult with the ALC in particular when they determine the maximum volume that can be processed in compost facility in the ALR.

Regards,

Dieter

From: Pellett, Tony ALC:EX
Sent: Wednesday, March 25, 2015 11:41 AM
To: Geesing, Dieter AGRI:EX
Subject: RE: compost facilities on ALR land

Dieter, I'm not sure I understand your question.

Section 3(1)(p) of the ALR Regulation allows the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002, if at least 50% of the compost measured by volume is used on the farm. Nothing in the regulation prevents a farmer from selling compost off the farm.

An application for an increase in the size of a compost facility on ALR land beyond the 50% rule of section 3(1)(p) is directed to the ALC by means of an application under section 25 of the *ALC Act*. That section states that such an application may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application applies to land that is zoned by bylaw to permit agricultural or farm use, or requires, in order to proceed, an amendment to an OCP...or zoning bylaw. For Commission purposes Metro Vancouver is the local government only in relation to Barnston Island. Was your enquiry related to Barnston Island?

The only other time Metro Vancouver would be involved would be in the case of pollution or where the compost facility is licensed to accept yard waste and food scraps from local governments within Metro Vancouver.

When members of the Commission's Compliance and Enforcement staff become aware of a compost facility that appears to be beyond the 50% limit, they normally investigate the facility and determine the facts. Sometimes the facts are not obvious! For example, when a former member of our C&E worked for Delta, he investigated a compost facility and quickly reached the conclusion that it was not in compliance. On his advice Delta tried to shut down the facility. FIRB (under Richard Bullock who is now the Commission Chair) determined that some key facts had been overlooked, and upheld the farm. For example, former Commission General Manager [CEO] Gary Runka had advised the owner of the turf farm on that site that he needed to add organic matter to the soil to make up for the loss of soil from turf harvesting. In other words, the turf farming and the application of Class A compost should be integral to each other. The owner took that advice and has been building up the soil such that it is now one of the only turf farms in the Lower Mainland not mining the soil. Commission C&E staff periodically visit the site and have always found it to be in compliance. It is the poster child for how to carry out turf farming without mining the soil. So far, the owner has not needed to make an application to go beyond the 50% rule but that option is always there in case it is needed.

If you have not yet visited that facility, I would encourage you to do so. It is on 72 Street right across the road from the Boundary Bay Airport. I live in Burnaby so this morning my yard waste and food scraps were collected and will shortly be arriving at that facility.

I don't know whether I answered your question. If not, please elaborate.

Tony

From: Geesing, Dieter AGRI:EX
Sent: Wednesday, March 25, 2015 9:23 AM
To: Pellett, Tony ALC:EX
Subject: compost facilities on ALR land

Hello Tony,

As you may know already, I am the new Regional Agrologist for Fraser West.

I have a general question: if Metro Vancouver is receiving applications for the increase in size of compost facilities on ALR land, do they usually consult the ALC whether there are concerns, in particular whether the "> 50% land application rule" is still met or even achievable?

Thank you.

Regards,

Dieter

Dieter Geesing,
Regional Agrologist, Fraser West
BC Ministry of Agriculture
1767 Angus Campbell Road, Abbotsford BC V3G 2M3
Ph: 604-556-3048

Email: dieter.geesing@gov.bc.ca



AgriServiceBC

Ph: 1-888-221-7141

Email: Agri.South.Coast@gov.bc.ca

Geesing, Dieter AGRI:EX

From: Geesing, Dieter AGRI:EX
Sent: Tuesday, March 24, 2015 11:30 AM
To: 'Tanya Mitchner'
Subject: RE: Zoning Text Amendment Application at 4295 72 Street

Hi Tanya,

Thank you for your email.

In terms of the request to permit packaged organics, I will agree in principle with the proposed zoning text amendment that permits the use of a depacking equipment, and the storage and handling of the non-organic packaging material. Personally, I would recommend to cap the volume of non-organic waste that can be stored on site at any given time but my support will, of course, not depend on the implementation of my recommendation.

I am well aware that the proposed amendment will not regulate size or the expansion of the compost operation in CD Zone 416.

Just for your information, I talked to the Agrologist but he was unable to provide any evidence that the increase of land-applied compost is justified.

Perhaps also interesting for you to know is that under OMRR, an Environmental Impact Study is required if the expansion of a compost facility beyond an existing annual production capacity of 20 000 tonnes or more results in an increase in production capacity of more than 10 percent.

Regards,

Dieter

From: Tanya Mitchner [mailto:TMitchner@delta.ca]
Sent: Tuesday, March 24, 2015 10:05 AM
To: Geesing, Dieter AGRI:EX
Subject: RE: Zoning Text Amendment Application at 4295 72 Street

Hi Dieter,

Hopefully the applicant's agrologist will respond to your March 13 email with respect to the ability of the farm to accommodate the additional compost.

Just to clarify, the proposed zoning amendment only pertains to the request to permit packaged organics to be processed on site. Delta does not regulate the volume as this is handled under the Metro Vancouver licence. We do acknowledge that the applicant must abide by the ALC regulations with respect to the percentage of compost required to be utilized on the subject farm.

Could you advise if MAL agrees in principle with the proposed zoning text amendment?

Thanks,
Tanya

From: Geesing, Dieter AGRI:EX [<mailto:Dieter.Geesing@gov.bc.ca>]
Sent: Friday, March 20, 2015 4:10 PM
To: Tanya Mitchner
Cc: Fox, Alison AGRI:EX
Subject: Zoning Text Amendment Application at 4295 72 Street

Dear Ms. Mitchner:

Thank you for inviting me to comment on the proposed zoning text amendment application at 4295 72 Street in Delta (West Coast Instant Lawns/Enviro-smart Organics).

In the letter to the Corporation of Delta, dated February 26, 2015, the applicant is applying for an amendment to the current Zone No 416 for the purpose of the installation of a depacking equipment and an increase in production of the current compost operation.

Firstly, I wish to acknowledge the important contribution that the applicant is making to the recycling of nutrients within the region.

I do not see any concerns in regards to the proposed installation and use of a de-packing equipment in Zone No. 416. I have, however, some concerns in regards to the increase of the compost production and the resulting increase in the application of compost to the land.

In the Agrologist reports dated February 26, 2015, and January 28, 2015 (C&F Land Resource Consultants) attached to the application, the Agrologist states a current ratio of 54% land applied compost to 46% finished compost sold off the farm. The reports explain that the application of compost on the land has allowed the owner not only to achieve a sustainable turf production but even to improve soil conditions. Furthermore, the reports estimate that the increase of production would result in the application of an additional 6,600 tonnes to the land. On the other hand, if that material was not applied to land but sold, it would violate the 50% rule.

The report does, however, not provide any evidence for the need of the increased application rate. In fact, based on the reports, one would assume that the current rate is sufficient to sustain and even improve soil quality. Besides, if for reasons of sustainable soil management more compost was needed, I would think that the more obvious solution would be to use some of the finished product that is currently sold off the property.

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation allows the production of class A compost on agricultural land under two scenarios: (a) all feedstock used for the compost operation is agricultural waste generated on the farm, (b) if feedstock is sourced off-farm, at least 50% of the finished product is applied on the farm.

Those rules are meant to ensure that the compost operation remains a predominantly agricultural activity, i.e. the compost feedstock is the result of crop or animal production and/or the finished compost is predominantly used by the farmer for crop and animal production. In all other cases, the compost operation is rather an industrial activity and would need to be located outside ALR land.

The 50% rule does not mean, of course, that the finished product should be applied to the land only for the sake of the rule. It should be interpreted under the assumption of an environmentally sound use of the product. The Agricultural Waste Control Regulation Land helps to interpret what this means. That latter regulation states that agricultural waste should be applied to soil (a) only as a fertilizer or a soil conditioner and (b) at rates that do not pollute water courses or groundwater. Nutrient management plans, for example as part of Environmental farm plans, and numerous nutrient management guidelines, for example those made available by the Ministry and many other agencies, help producers to define normal and environmentally sustainable farm practices in that regard.

As mentioned earlier in this email, the Agrologist report has not provided any evidence that an increase in the application rate is warranted and if so, why this can be achieved only by an increase in the production rate rather than by using existing resources. In fact, a quick estimation of the nutrient load currently applied to the fields indicates that even at the current rate, phosphorus is applied at more than 2x the rate that crop will remove. I do, however, recognize that this estimate is, albeit conservative, based on general numbers and various assumptions.

The application of compost on agricultural land should not be used as a means of waste management but limited to its use as soil amender within the limits of sound agricultural and environmental practices. Therefore, I recommend to decline the proposed expansion of the compost production unless evidence is provided that supports the need for higher compost application rates.

Regards,

Dieter

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Geesing, Dieter AGRI:EX

From: Geesing, Dieter AGRI:EX
Sent: Friday, March 20, 2015 4:10 PM
To: 'Tanya Mitchner'
Cc: Fox, Alison AGRI:EX
Subject: Zoning Text Amendment Application at 4295 72 Street

Dear Ms. Mitchner:

Thank you for inviting me to comment on the proposed zoning text amendment application at 4295 72 Street in Delta (West Coast Instant Lawns/Enviro-smart Organics).

In the letter to the Corporation of Delta, dated February 26, 2015, the applicant is applying for an amendment to the current Zone No 416 for the purpose of the installation of a depacking equipment and an increase in production of the current compost operation.

Firstly, I wish to acknowledge the important contribution that the applicant is making to the recycling of nutrients within the region.

I do not see any concerns in regards to the proposed installation and use of a de-packing equipment in Zone No. 416. I have, however, some concerns in regards to the increase of the compost production and the resulting increase in the application of compost to the land.

In the Agrologist reports dated February 26, 2015, and January 28, 2015 (C&F Land Resource Consultants) attached to the application, the Agrologist states a current ratio of 54% land applied compost to 46% finished compost sold off the farm. The reports explains that the application of compost on the land has allowed the owner not only to achieve a sustainable turf production but even to improve soil conditions. Furthermore, the reports estimate that the increase of production would result in the application of an additional 6,600 tonnes to the land. On the other hand, if that material was not applied to land but sold, it would violate the 50% rule.

The report does, however, not provide any evidence for the need of the increased application rate. In fact, based on the reports, one would assume that the current rate is sufficient to sustain and even improve soil quality. Besides, if for reasons of sustainable soil management more compost was needed, I would think that the more obvious solution would be to use some of the finished product that is currently sold off the property.

The Agricultural Land Reserve Use, Subdivision and Procedure Regulation allows the production of class A compost on agricultural land under two scenarios: (a) all feedstock used for the compost operation is agricultural waste generated on the farm, (b) if feedstock is sourced off-farm, at least 50% of the finished product is applied on the farm.

Those rules are meant to ensure that the compost operation remains a predominantly agricultural activity, i.e. the compost feedstock is the result of crop or animal production and/or the finished compost is predominantly used by the farmer for crop and animal production. In all other cases, the compost operation is rather an industrial activity and would need to be located outside ALR land.

The 50% rule does not mean, of course, that the finished product should be applied to the land only for the sake of the rule. It should be interpreted under the assumption of an environmentally sound use of the product. The Agricultural Waste Control Regulation Land helps to interpret what this means. That latter regulation states that agricultural waste should be applied to soil (a) only as a fertilizer or a soil conditioner and (b) at rates that do no pollute water courses or groundwater. Nutrient management plans, for example as part of Environmental farm plans, and numerous nutrient

management guidelines, for example those made available by the Ministry and many other agencies, help producers to define normal and environmentally sustainable farm practices in that regard.

As mentioned earlier in this email, the Agrologist report has not provided any evidence that an increase in the application rate is warranted and if so, why this can be achieved only by an increase in the production rate rather than by using existing resources. In fact, a quick estimation of the nutrient load currently applied to the fields indicates that even at the current rate, phosphorus is applied at more than 2x the rate that crop will remove. I do, however, recognize that this estimate is, albeit conservative, based on general numbers and various assumptions.

The application of compost on agricultural land should not be used as a means of waste management but limited to its use as soil amender within the limits of sound agricultural and environmental practices. Therefore, I recommend to decline the proposed expansion of the compost production unless evidence is provided that supports the need for higher compost application rates.

Regards,

Dieter

Dieter Geesing,
Regional Agrologist, Fraser West
BC Ministry of Agriculture
1767 Angus Campbell Road, Abbotsford BC V3G 2M3
Ph: 604-556-3048

Email: dieter.geesing@gov.bc.ca



AgriServiceBC

Ph: 1-888-221-7141

Email: Agri.South.Coast@gov.bc.ca

MEMO

FROM: Dieter
DATE: 2015-03-16
RE: West Coast Instant Lawn, Expansion, Conversation with Brian French

Telephone Conversation with Brian French, approximately 16.00 to 16.45

Background:

I was asked by Delta to comment on West Coast's proposed expansion of the production of more than 50% of the current production. Currently, the ratio of compost sold to compost applied on the approx.. 220 acres of the farm is approximately 46/54.

In the application, an Agrologist report confirms that the turf operation has so far benefited from the applied compost and soil quality has improved. In an email sent on March 13 to Brian French, the Agrologist, cc to Daryl Goodwin and Tanya Mitchner, I asked for clarifications.

I asked in particular why the soil needs more compost now considering that the amount of compost applied has been sufficient so far. If more compost had been needed, the more logic conclusion would be to use the compost that is currently sold.

Conversation:

Brian French called and explained that the current operation of the combination of soil and turf is unique and that West Coast Instant Lawn has many loyal customers. He also said that the owner has a competitive disadvantage compared to competitors in the Valley as those do not follow certain regulations (not sure which ones Brian was referring to).

He also said that the owner needs the current business to survive in his business. After some discussion, Brian also said that ALR regulation does not say anything about how much material a producer can apply to his land and as long as the owner applies more than 50% of the compost, the regulation is met. Furthermore, he referred to other producers (Enterra etc.) who do not meet the 50% rule.

My position was that he is correct that the regulation does not specify what the farmer should do in order to meet this goal, but there is something like a normal farm practice. Although I am not an expert in turf farming, I would be quite surprised if a farmer can heap up endlessly organic material on his land. There is something like normal farm practice and besides, it is also a nutrient load issue. From my rough estimation, I feel that currently already, the nutrient load is very high, in particular in terms of phosphorus, and the extra load will further push the envelope. Regardless, I may still be convinced with some reasonable science-supported evidence that during harvest of the turf or by expansion of the land base, the extra compost is justified. Brian mentioned briefly something like that there is some sandy parcel and some land leased to an organic farmer that may benefit from extra organic.

For a while, the discussion digressed to Brian talking about people inside and outside the ALC that do not follow the rules themselves. I mentioned that the political aspect of the matter is the less pleasant part of my job and I am simply asking question because, based on the information I have, the increase of compost production has not any agricultural rationale.

Brian mentioned that he wishes to stop the conversation at this point as I seem not to move in my position. He will consult with the owner but expect that the matter will move on to the ALC with my comments and that ultimately to the Minister and even to Christy Clark for decision. He also mentioned something like that there is a point when he puts down his foot and gets what he wants.

I repeated that it would be helpful for me if he can provide the owner with some guidance how the additional organic matter load can be used on the land.

Geesing, Dieter AGRI:EX

From: Geesing, Dieter AGRI:EX
Sent: Friday, March 13, 2015 5:13 PM
To: 'cflrc@shaw.ca'
Cc: 'TMitchner@delta.ca'; 'daryl@westcoastlawn.com'
Subject: Enviro-Smart - expansion

Hello Brian,

As the Regional Agrologist for Delta, the application including your report in regards to the Enviro-Smart Organics production expansion landed on my desk. Would you mind clarifying some points for me?

I am fully supportive of the use of compost for the turf operation because, as you observed correctly, many turf farm operators remove excessive amounts of organic material and thus, degrade soil.

It appears from your report that, at the current ratio of sold/land applied compost (46/54), your client was able to maintain soil quality. In fact, he has successfully improved soil conditions if I understand your report correctly (btw the ALR regulation refers to volume, not weight but as it is only a factor, it won't change the ratio).

With other words, had your client been in need for more compost to achieve that goal, I would assume that he would have used more of the compost produced on his farm. However, it appears that the needs of his soil for organic matter has been met so far and your client was able to sell off the extra compost which amounts to almost ½ of his produced compost.

In a nutshell, I am trying to understand why 13,300 + 6,600 tonnes are required to improve soil quality now while the same goal was achieved with only 13,300 until the end of last year. Furthermore, in terms of nutrients, will there be any adjustment to the nutrient management plan? I do not know the exact nutrient analysis of your client's compost, but my rough estimate is that the additional 6,600 tonnes will supply an additional 6 tonnes of N and 15 tonnes of P in the first year after compost application.

Thank you a lot and I am looking forward to working with you.

Regards,

Dieter

Dieter Geesing,
Regional Agrologist, Fraser West
BC Ministry of Agriculture
1767 Angus Campbell Road, Abbotsford BC V3G 2M3
Ph: 604-556-3048
Email: dieter.geesing@gov.bc.ca



AgriServiceBC

Ph: 1-888-221-7141
Email: Agri.South.Coast@gov.bc.ca



Community Planning & Development

File: LU007413

March 10, 2015

Ministry of Agriculture and Lands, Coast Region
1767 Angus Campbell Road
Abbotsford, B.C. V3G 2M3

HAND DELIVERED

Attn: Dieter Geesing, Regional Agrologist, Fraser Valley West

Dear Mr. Geesing:

Re: Proposed Zoning Text Amendment Application at 4295 72 Street, Delta BC

The Community Planning and Development Department is currently processing an application with respect to the above noted property. The northern portion of the subject property is zoned Comprehensive Development Zone No. 416 which permits composting of agricultural waste, yard waste, and source separated food waste that is diverted from residential, commercial or institutional sources. Packaged organic products, such as solid or liquid food in plastic or cans, are not currently permitted to be processed at the existing composting facility. The application is to amend Comprehensive Development Zone No. 416 to permit the composting facility to separate organic materials from their packaging on site. Storage and handling regulations for the non-organic packaging material are also proposed. Note that the southern portion of the property is zoned A1 Agriculture under Delta Zoning Bylaw No. 2750 where the owner operates a turf farm.

There have been previous applications on this property which were circulated to the Ministry of Agriculture and Lands for comment. In 2011, the owner applied for a Temporary Use Permit which permitted the owner to accept food waste from municipal sources for the composting facility. The Temporary Use Permit was extended in early 2012. In June 2012, the owner applied to rezone the northern portion of the property from A1 Agriculture to Comprehensive Development Zone No. 416 to permit receipt of source separated food waste at the composting facility. The Ministry had no concerns with the proposed waste streams to be used under previous applications provided the operation complied with the Provincial Agricultural Land Commission requirement that a minimum volume of 50% of the finished compost be used on the farm. The Ministry approved the zoning amendment Bylaw No. 7121 on November 16, 2012.



The Corporation of Delta
4500 Clarence Taylor Crescent
Delta, BC V4K 3E2
604.946.4141
www.delta.ca

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Community Planning & Development
Subject: 4295 72 Street (West Coast Farms Ltd.)
File No: LU007413

Page 2 of 2

Delta staff also consulted with Provincial Agricultural Land Commission staff regarding the composting facility. Commission staff advised that the use was permitted subject to compliance with Agricultural Land Reserve (ALR) Regulation 3(1)(p) which permits the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation BC Reg 18/2002, if at least 50% of compost measured by volume is used on the farm. The use must also comply with municipal zoning.

Delta staff recently confirmed with Commission staff Tony Pellett, Regional Planner, that de-packaging of organic material would be permitted at the facility provided the operation complied with municipal zoning and ALR Regulation 3(1)(p). Staff also noted that the packaging must be separated from the organic matter and not mixed into the compost material. The owner's agrologist has confirmed, based on current operations, the quantity of finished compost applied to the turf fields is 54%.

The compost facility currently operates under Metro Vancouver Composting Facility Licence #C-016. The owners have also submitted a licence amendment application to Metro Vancouver to permit on-site de-packaging of packaged organic material and to increase the maximum annual material volume from 100,000 tonnes to 150,000 tonnes.

Should the proposed zoning text amendment bylaw be given third reading, a copy of the bylaw would be sent to the Ministry for approval. To ensure that staff have no concerns with the proposed bylaw amendment, I would appreciate receiving your comments by March 25, 2015. Should you require any further information, please call me at 604.952.3472.

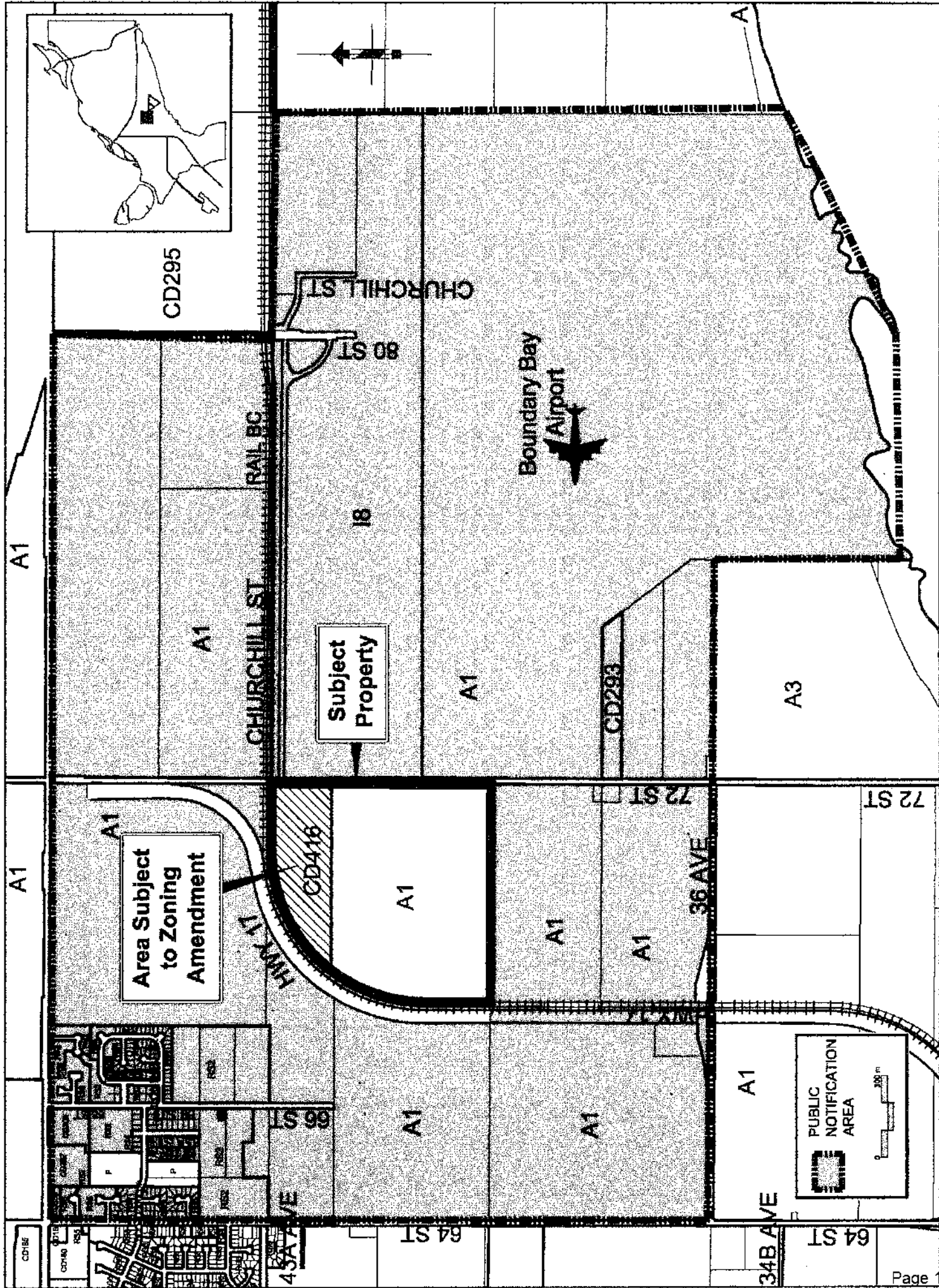
Yours truly,

A handwritten signature in black ink, appearing to read "T. Mitchner".

Tanya Mitchner
Planner
TM/ml

Attachment:

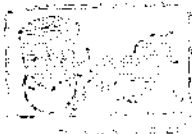
1. Circulation Package



Page 19

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Willow Bay Helicopter LTD.
Willow Bay Aviation LTD.
C-GDJG Mustang Holdings

westcoast
INSTANT
LAWNS

Enviro-smart Organics Ltd.
a full cycle company

February 26, 2015

Community Planning & Development
Corporation of Delta
4500 Clarence Taylor Crescent
Delta, BC V4K 3E2

RECEIVED

FEB 27 2015

Community Planning &
Development Dept.

RE: Application for a Zoning Text Amendment to Comprehensive Development Zone No. 416 of Bylaw No. 7121 & Composting Licence Annual Volume Increase

Dear Corporation of Delta,

We are applying for a Zoning Text Amendment to the Comprehensive Development Zone No. 416 of Bylaw No. 7121 adopted on December 31, 2012.

Zone No. 416 permits the subject property (see **Attachment A** for the sketch) at 4295 72 Street the composting of agriculture waste, yard waste, and source separated food waste that is diverted from residential, commercial, or institutional sources since December 31, 2012.

Since then, the regional authority, Metro Vancouver, which oversees waste management plans in the lower mainland (Corporation of Delta included), has initiated numerous plans and policies to reduce, recycle, and reuse wastes generated from the region. One of the most significant initiatives is banning organics going into landfills from January 1st, 2015.

Packaged organics, like solid or liquid food wastes packaged in plastic or tin cans (see **Attachment B: Photos of Sample Packaged Organics**), are one of important organic waste streams in the region, which are banned going into landfills and have to be de-packaged so as to separate organics from their packages. Separated organics shall be composted and recycled back into the environment; for the recyclables that will be removed from the organics, they will be diverted to appropriate recycling facilities to further recycling.

The subject property currently runs a composting facility (see **Attachment C: Facility Site Layout**), which would like to introduce de-packaging equipment (see **Attachment D: Layout of De-packaging Equipment**) and capacity to tackle those packaged organics from the region to help with our regional waste management mandate.

The current Zone No. 416 text does not specifically include in packaged organic waste yet and we request for a text amendment to have packaged organic waste clearly included in the zoning. That will facilitate the composting facility on the subject property to fulfill its organic recycling mandate along with Metro Vancouver's waste management plans.

4295 72 Street Delta, BC V4K 3E2
Phone: 604.944.0201 Fax: 604.944.0201

The composting facility is planning to have the de-packing equipment installed within a fully covered, enclosed building that currently exists (see **Attachment E: De-packaging Building Location**). The organic waste de-packing practice has been around for some time and there are de-packing practices in the region (Richmond, Langley (on farm land), for example). It basically takes those packaged organic wastes, like tin cans, milk cartons, plastic wrapped meats, and separate solid organic waste, liquid organic waste, and plastic and tin metal residual into different streams.

The de-packaging process itself does not create odours or smells and it will not affect communities nearby. The de-packaging does not necessarily increase truck traffic either as the packaged organics processed will be within the current permitted annual volumes by the composting facility.

We are also applying for an amendment for our composting licence (see **attachment F: Metro Vancouver Composting licence#: C-016**) to reflect the packaged organics in our composting licence. You can find a copy of the compost licence amendment application as **Attachment G**.

Our composting licence amendment application to Metro Vancouver also applies for a 50% annual volume increase. The volume increase is also based on increased organic waste recycling demand from our region. As said earlier, Metro Vancouver's banning on organics going into landfills introduces additional volumes from the region to be recycled and we believe a 50% volume increase is needed for processing those additional organics.

Our composting facility located within Agriculture Land Reserve (ALR) and we need to follow Agriculture Land Committee (ALC) requirement that our farm accepts the minimum 50% of finished compost based on the increased volumes. Our Agrologist has prepared a report (see **Attachment H**).

There will be an increase in truck traffic. The community shall expect minimal truck traffic in the urban area as the truck traffic will use Highway 99 Exit at 80 Street, and continue to Churchill Street.

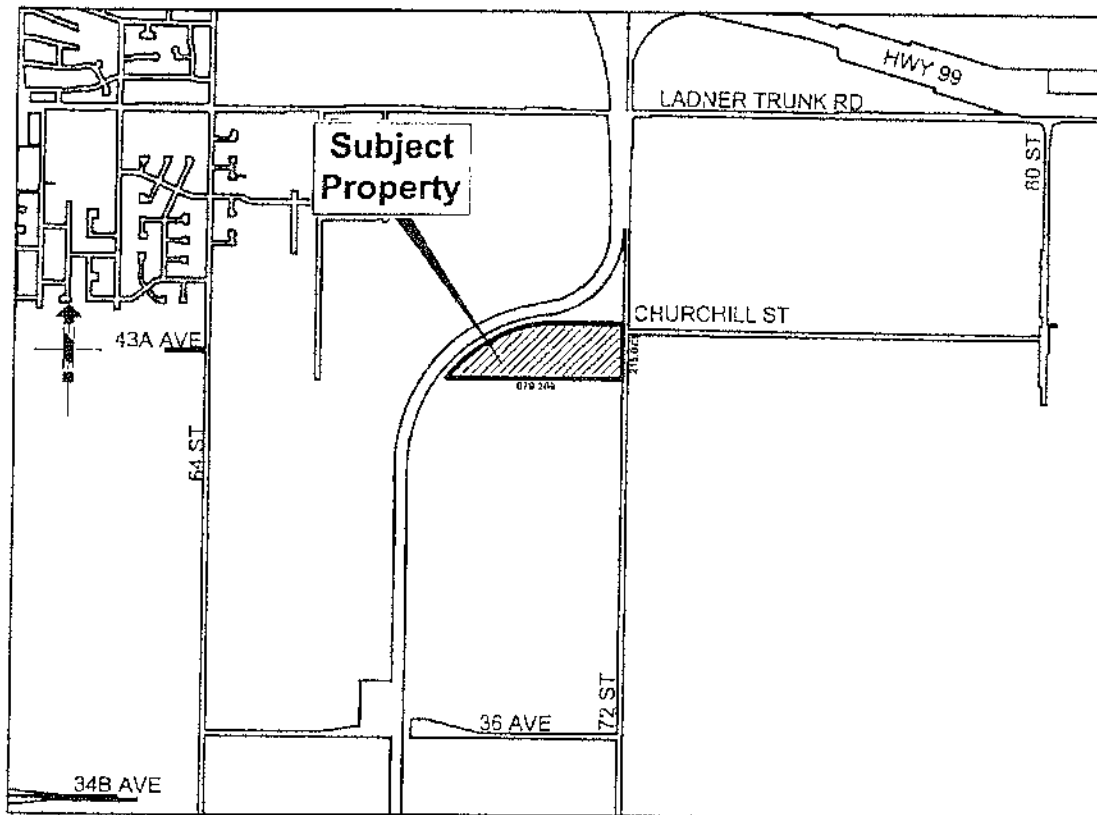
If you have any questions or concerns, please do not hesitate to contact us.

Sincerely



Daryl Goodwin
President
West Coast Farms Ltd.

Attachment A: Subject Property -- 20 acres of land at 4295 72 Street, Delta.



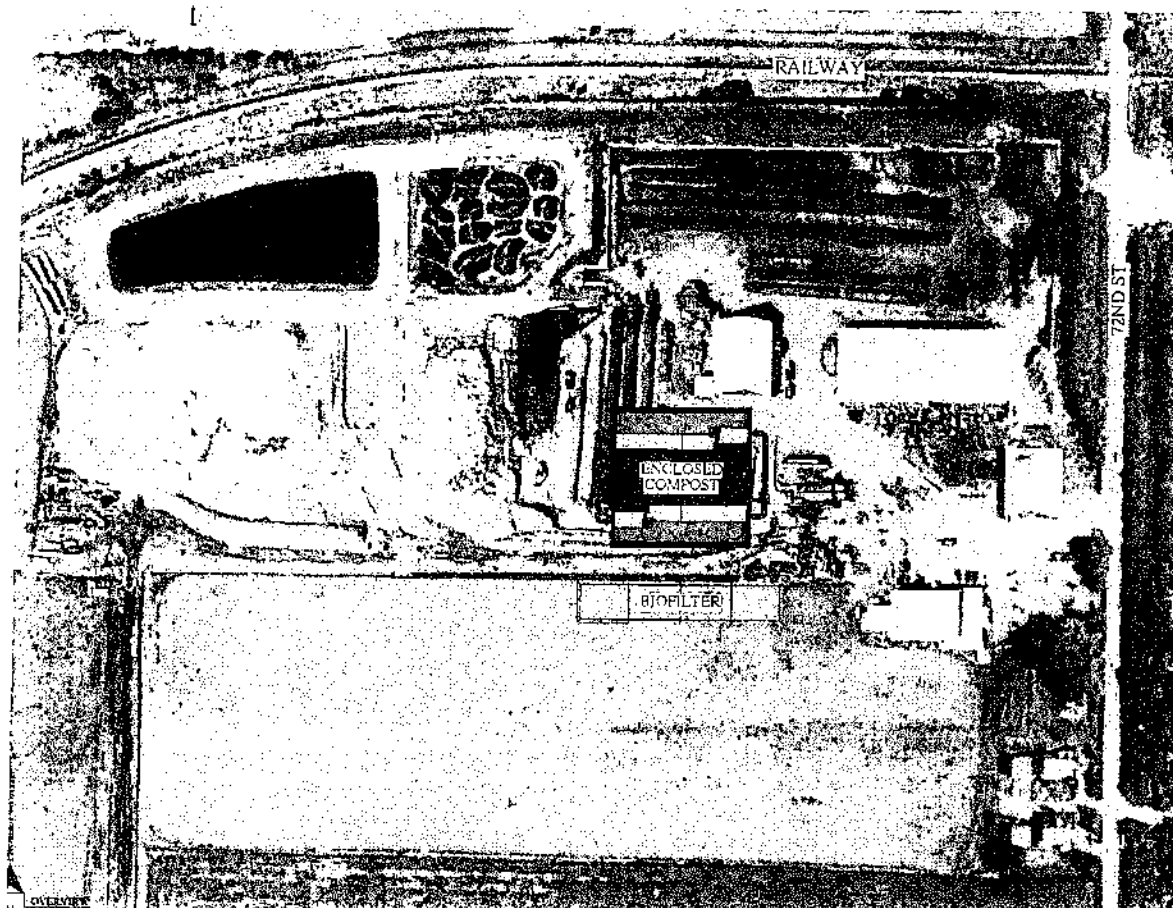
This is Schedule 7121-1 to "Delta Zoning Bylaw No. 2750, 1977 Amendment
(C.D. 416 – West Coast Farms – LU006589)
Bylaw No. 7121, 2012"

Legal: P.I.D. 024-632-091
Portion of Lot 1, District Lot 179 and 180, Group 2
New Westminster District Plan LMP43954

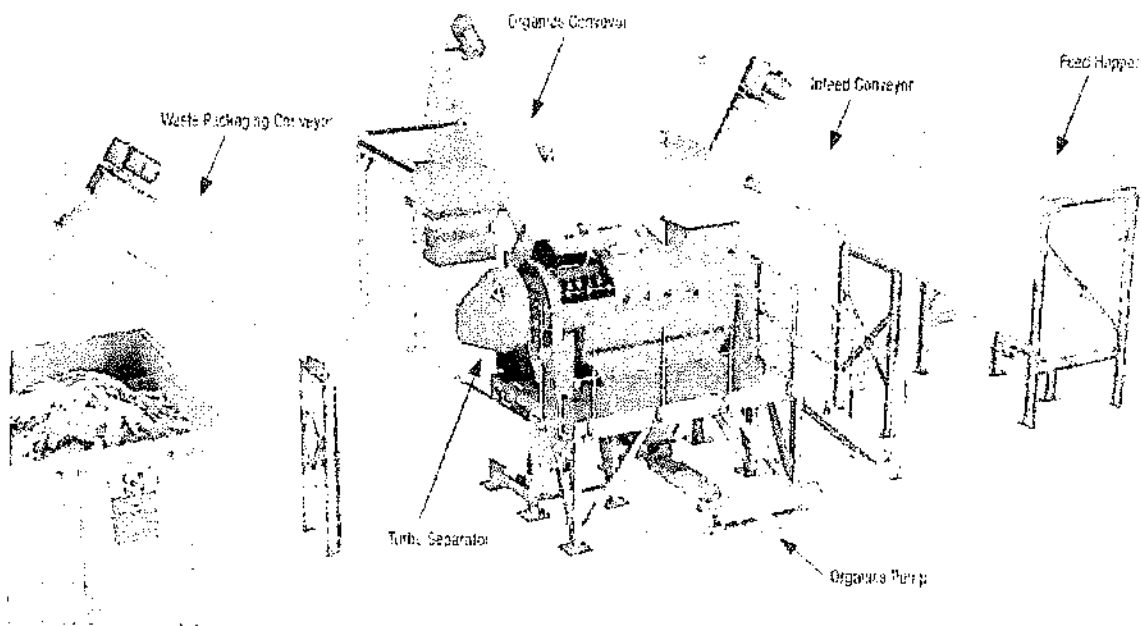
Attachment B: Photos of Sample Packaged Organics



Attachment C: Facility Site Layout

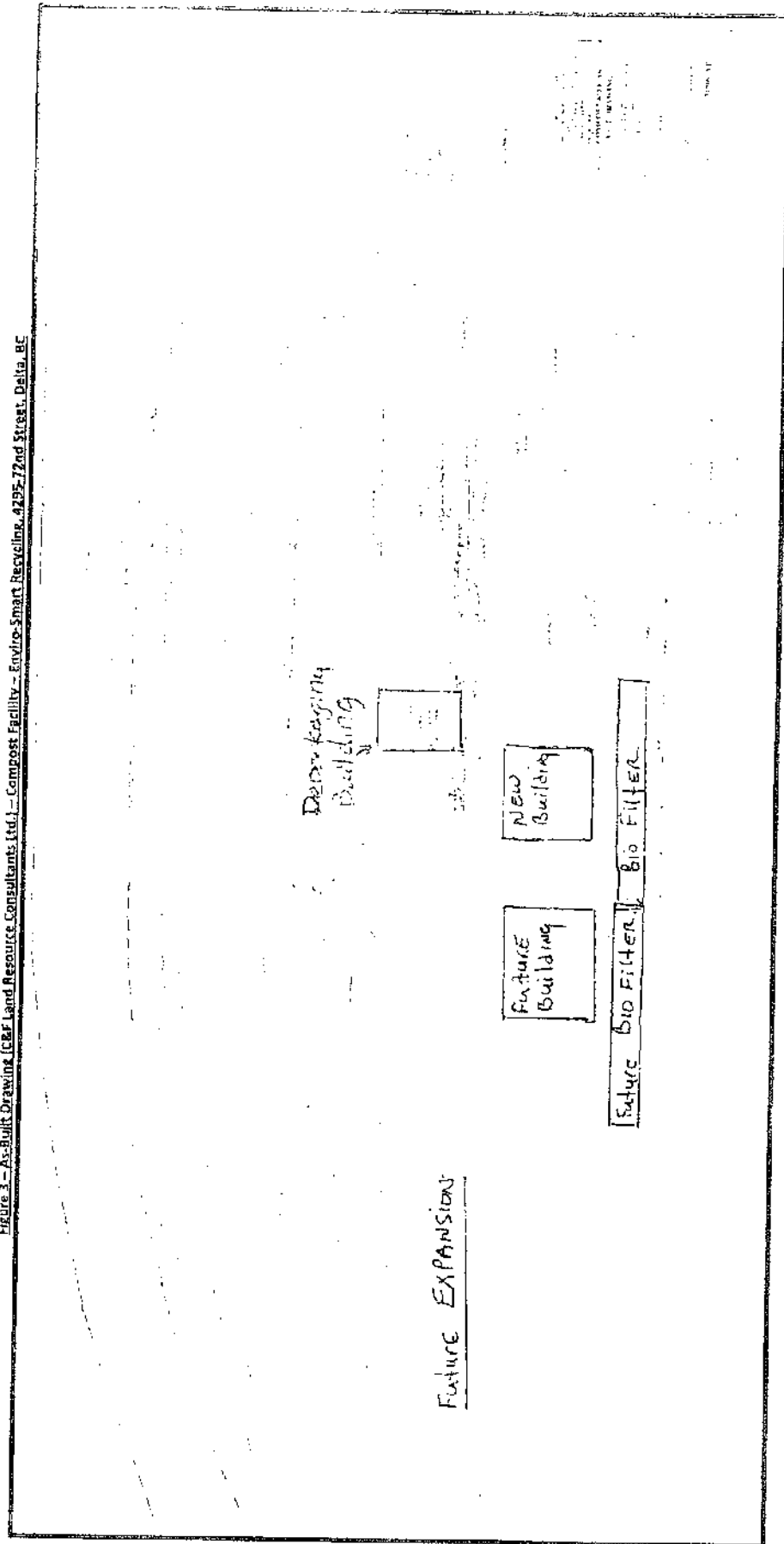


Attachment D: Layout of De-packaging Equipment



Attachment E: De-packaging Building Location

Figure 3 - As-Built Drawing (C&F Land Resource Consultants Ltd.) - Compost Facility - Enviro-Smart Recycling, 4295-72nd Street, Delta, BC




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Greater Vancouver Regional District • Greater Vancouver Water District • Greater Vancouver Sewerage and Drainage District • Metro Vancouver Housing Corporation

 Corporate Services Department
 Tel. 604 432-6200 Fax 604 436-6707

MAR 18 2014

 File: SW-06-01-C016
 LOTS-2

 Enviro-smart Organics Ltd.
 4295 72nd Street
 Delta, BC V4K 3N2
Attention: Daryl Goodwin, President
Re: Issuance of Amendment to Composting Facility Licence C-016

Dear Mr. Goodwin:

Enclosed is the amended Composting Facility Licence C016 issued under the provisions of Greater Vancouver Sewerage and Drainage District *Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996*, as amended by *Bylaw No. 183, a Bylaw to Amend Greater Vancouver Sewerage and Drainage District Bylaw No. 181* (collectively known as the "Bylaw") to Enviro-smart Organics Ltd. Your attention is directed to the terms and conditions in the Licence. Note that all requirements of the Licence are effective on the date of issuance.

It is the responsibility of the Licensee to operate the Facility in compliance with the terms and conditions of the Licence as they pertain to the Facility. This Licence does not authorize entry upon, crossing over, or use for any purpose of private or Crown lands or works, unless and except as authorized by the owner of such lands or works and the enclosed Licence. No increases to facility capacity shall be initiated without the prior approval from the Solid Waste Manager.

Except as GVS&DD may specifically provide in the *Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996* or otherwise, nothing in the *Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996* including, *inter alia*, this Licence issued thereunder, excuses you from complying with all other applicable enactments and laws.

The exercise by the District of any power to cure any default or failure by the Licensee under this Licence shall not create any obligation or liability on the District to complete the curing of any default or failure. Consequently, the Facility operator and/or the land owner may be responsible for fulfilling the Site Closure requirement of the Licence.

This Licence Amendment may be appealed by a person who considers themselves aggrieved by this decision in accordance with Article 16 of the Bylaw. To commence an appeal, notice of intention must be given in writing to the Solid Waste Manager within 21 days of the decision.

Information and documentation regarding Metro Vancouver's solid waste regulatory program and the Bylaw is available online at: <http://www.metrovancouver.org>

The administration of this Licence will be carried out by staff from Metro Vancouver, Corporate Services Department, 4330 Kingsway, Burnaby, B.C., V5H 4G8. If you have any questions, please contact me by phone at Michelle Jones or by email at michelle.jones@metrovancouver.org.

Yours truly,



Michelle Jones

Officer

Environmental Regulation and Enforcement Division

MJ/RR/inj

Attachments: - Enviro-smart Organics Ltd. Licence C-016

cc via email: Mike Brotherston, Manager of Climate Action and Environment, Corporation of Delta, - Letter, Licence
Trevor Hamelin, Environmental Protection Officer, Government & Compliance Unit, Ministry of Environment -
Licence

GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
CORPORATE SERVICES

LICENCE

C-016

In accordance with the Integrated Solid Waste and Resource Management Plan for Metro Vancouver and the Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996, as amended by Bylaw No. 183, A Bylaw to Amend Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181 (collectively the "Bylaw").

Enviro-Smart Organics Ltd.

Suite 270, 10711 Cambie Road
Richmond, British Columbia
V6X 3G5

(the "Licensee") is authorized to operate a

COMPOSTING FACILITY

at

4295 72nd Street
Delta, B.C.
V4K 3N2


This Licence has been issued under the terms and conditions prescribed in the Bylaw and consist of 13 pages. All previous versions of this Licence are hereby rescinded and rendered null and void.

Date Issued: March 17, 2011

Date Amended:

Page 1 of 13

MAR 18 2014



R.H. Robb, Solid Waste Manager
Licence: C-016

1. DEFINITIONS

1.1 Definitions

In this Licence terms defined in the Bylaw shall have the same meaning for the purpose of this Licence unless otherwise defined in this Licence and,

"co-composting" means the composting of municipal solid waste with agricultural and/or industrial waste,

"composting" means the biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and safe use in land applications,

"Compostable Material" means any organic material, substances, or objects that can be used for composting, and does not include Finished Compost,

"Finished Compost" means compost that has biologically decomposed to a sufficient degree that the product has beneficial value to plant growth, and can be stored, handled and used without giving rise to odour or self-heating problems, even if it should become wet. "Finished Compost" must be highly stabilized indicated by the following:

- (1) the product will not reheat upon standing to greater than 20 degrees Celsius above ambient temperature, or
- (2) the product has shown a reduction of organic matter of greater than 60% by weight,

"Fish Waste" means fish carcasses and parts from harvested wild stocks of aquatic animals, commercial aquaculture operations and fish processing facilities,

"Food Waste" means recyclable food for humans such as, but not limited to, meat, fish, fat, dairy products, bread, baking products, fruits, and vegetables, whether cooked or uncooked that has been diverted from residential, commercial and institutional sources but does not include liquids such as fruit drinks, milk, soft drinks, etc.,

"municipal solid waste" shall have the same meaning as defined in the *Environmental Management Act*, ("(a) refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources, or (b) refuse specified by a director to be included in a waste management plan"),

"Residual Waste" means solid waste produced as a result of reduction, reuse, recycling, recovery, or other activities conducted at a facility, for which disposal is required,

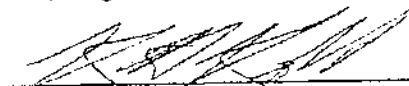
"Soiled Paper" means manufactured thin sheets of wood pulp or other fibrous substances that may be converted into reusable materials such as newspapers and inserts, magazines, telephone directories,

Date Issued: March 17, 2011

Date Amended:

Page 2 of 13

MAR 18 2014


R.H. Robb, Solid Waste Manager
Licence: C-016

catalogues, office papers, envelopes, boxboard, paper bags, carbon paper, tissue paper, paper napkins or towels, gable top paper containers such as milk cartons and paper that is covered or infused with wax, that is soiled by or commingled with Food Waste. Soiled Paper does not include photographic paper, paper that is adhered to plastic or metal or composite paper products such as tetrapak containers, and

"Yard Waste" means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operations, including materials such as tree and shrub trimmings, plant remains, grass clippings, trees and stumps, but does not include demolition waste, contaminated organic matter or significant amounts of animal feces.

"Waxed Corrugated Cardboard" means sheets of multilayered wood pulp or other fibrous substances that are covered or infused with wax.

2. MATERIAL BANS

Disposal of the following materials are banned or restricted. They are either recyclable or hazardous. Consequently, these materials must be diverted from the waste stream and forwarded to an appropriate facility for the purpose of recycling or treatment.

- | | |
|---|--|
| ➤ Yard Waste | ➤ Medications/Pharmaceuticals |
| ➤ Newspapers | ➤ Blue Box Recyclable Material |
| ➤ Corrugated Cardboard | ➤ Beverage Containers (all except milk) |
| ➤ Office Paper | ➤ Tires |
| ➤ Gypsum Waste | ➤ Oil Filters and Empty Oil Containers |
| ➤ Lead Acid Batteries | ➤ Electronic Waste |
| ➤ Paints Solvents and Flammable Liquids | ➤ Pesticides, Solvents and other Household Hazardous Waste |

All reasonable efforts shall be made to recover the following material, from municipal solid waste accepted at the facility, for the purpose of recycling.

- Clean Wood Waste
- Metal
- Mattresses

3. FACILITY

3.1 Location of Authorized Facility

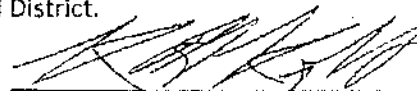
The operation of the Facility to which this Licence applies shall be restricted to the northern third of the land described as Parcel Identifier No. 024-632-091 and legal address Lot 1, Plan LMP43954, District Lot 179 & 180, Group 2, New Westminster District Land District.

Date Issued: March 17, 2011

Date Amended:

Page 3 of 13

MAR 18 2014



R.H. Robb, Solid Waste Manager

Licence: C-016

The civic address of the site is 4295 72nd Street, Delta, BC.

3.2 Access

The Licensee shall provide locking gates on all access roads to prevent unauthorized access and ensure that they are locked at all times the Facility is unattended. An on-site attendant shall be available when the facility is closed to the public; video surveillance is to be available 24 hours a day. Access routes to and through the Facility shall be constructed from suitable material satisfactory to the Solid Waste Manager and capable of providing all weather access for all emergency vehicles. The Licensee may be required by the Solid Waste Manager to provide fencing, trees, shrubbery, or natural features so as to limit access to the Facility.

3.3 Signage

The Licensee shall ensure that at all times the Facility has a sign posted at the entrance clearly identifying the name and address of the Facility, owner and operator, contact phone number, emergency phone number, hours of operation, and information on acceptable and unacceptable materials. This sign shall be of a size and have print that is easily readable from the Facility entrance. The Licensee may be required by the Solid Waste Manager to provide additional signs for purposes such as indicating the directions to the active tipping and Compostable Material separation areas.

3.4 Communications

The Licensee shall ensure that at all times the Facility is operating; telephone or other communication equipment is available to immediately summon fire, police or emergency service personnel in the event of an emergency.

3.5 Facility Works

The works pertaining to this Licence include, but are not limited to:

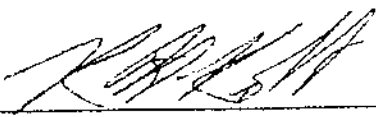
- partially enclosed receiving building
- mechanically aerated, partially enclosed primary fermentation building
- grading of paved site to direct surface water to catch basins and leachate sump.
- a leachate collection system and aerated clay lined pond. Leachate and storm water from the paved portion of the site is directed to catch basins and a leachate sump in the paved windrow area. All combined leachate and storm water is pumped into the aerated clay lined pond.
- existing treed earth berms along the north and east perimeters
- on-site weather station
- on-site windsock
- weigh scale
- mechanical windrow turner

Date Issued: March 17, 2011

Date Amended:

Page 4 of 13

MAR 18 2014


R.H. Robb, Solid Waste Manager
Licence: C-016

4. OPERATING REQUIREMENTS

4.1 Acceptable Materials

The Facility may accept for composting purposes the following types of Compostable Material which are considered municipal solid waste:

- (1) Food Waste,
- (2) Yard Waste,
- (3) Soiled Paper,
- (4) Waxed Corrugated Cardboard,
- (5) clean wood waste that has not been treated with anti-sapstain or other wood preserving chemicals, and
- (6) other materials specifically authorized in writing by the Solid Waste Manager. Such authorization shall be deemed to form part of this Licence.

For co-composting purposes, the Facility may accept the following types of Compostable Material which are not considered municipal solid waste:

- (1) industrial organic waste, other than that specifically excluded in Section 4.2
- (2) agricultural organic waste, other than that specifically excluded in Section 4.2 and
- (3) other materials specifically authorized in writing by the Solid Waste Manager. Such authorization shall be deemed to form part of this Licence.

The Facility shall not accept any materials authorized under 4.1 while the Facility's primary fermentation aeration system is non-functional.

4.2 Unacceptable Material

The Facility shall not accept:

- (1) Any other materials not authorized in Section 4.1 of this Licence, and specifically not:
- (2) Hazardous Waste as defined by the *Environmental Management Act Hazardous Waste Regulation*,
- (3) dead animals, abattoir waste, hatchery waste, Fish Waste and chicken manure,
- (4) wood other than clean wood waste that has not been treated with anti-sapstain or other wood preserving chemicals, and
- (5) biosolids, wastewater treatment plant sludge, grit, and screenings.


Unacceptable material must be removed from the Facility immediately.

Date Issued: March 17, 2011

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R.H. Robb, Solid Waste Manager

Licence: C-016

4.3 Quantities

For the purpose of this section, the term quantity includes any gases, liquids, or solids intermingled with Compostable Material. These quantities shall apply regardless of the state, condition, or form of the Compostable Material.

The maximum weight of Compostable Material that may be accepted at the Facility shall not exceed **865 tonnes per day**.

The annual average weight of Compostable Material that may be accepted at the Facility shall not exceed **274 tonnes per day**.

The total volume of Compostable Material that may be at the Facility at any given time shall not exceed **83,123 cubic metres**.

The Solid Waste Manager may require the Licensee to retain a British Columbia Land Surveyor (or other qualified professional satisfactory to the Solid Waste Manager) to carry out a survey of the quantities of municipal solid waste at the Facility, and submit the results of the survey to the Solid Waste Manager. If the survey results indicate that the quantity of municipal solid waste at the Facility exceeds **83,123 cubic metres**, the Licensee shall refrain from accepting municipal solid waste until such time as the quantity is less than **83,123 cubic metres**.

4.4 Hours of Operation

Subject to municipal bylaws, zoning requirements, or the notification provided for below, the Facility shall only operate or allow access to vehicles delivering municipal solid waste or Compostable Material on to the site as follows:

Operator & Deliveries:	Monday to Sunday	24 hours per day
Public:	Monday to Friday	7:00 a.m. - 6:00 p.m.
	Saturday	7:00 a.m. - 5:00 p.m.

The Licensee shall notify the Solid Waste Manager (facsimile number: 604-436-6707) in writing during regular business hours at least **24 hours** in advance of operating outside of these specified times. Notices received outside of regular business hours will be deemed to have arrived at the beginning of the next business day. This notice shall include the specific date and times that the activity will occur outside of these hours. The Licensee shall also notify the Corporation of Delta of any changes to these specified times.

4.5 Weigh Scale

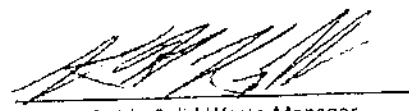
The Licensee shall operate and maintain a weigh scale that records in 10 kg increments and is approved by Consumer and Corporate Affairs - Weights and Measures Section. All loads of municipal

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solid waste and Recyclable Material, received and removed from the Facility, shall be weighed and recorded.

4.6 Supervision and Load Inspection

An attendant employed by the Licensee shall be available at all times that the Facility is accepting waste. Every load received at the Facility shall be inspected before mixing it with any other loads. Customers discharging municipal solid waste or Recyclable Material at the Facility, after the Facility is closed to the public, shall be pre-approved by the Facility Operator. Unacceptable materials entering the site shall be refused and removed by the hauler. A record shall be maintained of rejected loads including date, time, type of material, hauler's name, and vehicle Licence number.

4.7 Material Handling and Storage

All incoming municipal solid waste and Recyclable Material shall be weighed and recorded indicating the quantity of materials received at the site. After the weights of the materials are recorded, all materials are to be tipped and managed in the designated areas on site. All storage of materials to be used as feedstock, primary composting, secondary curing and storage of finished compost shall be contained to paved surface area within the Facility.

Highly volatile or odourous organic wastes are to be mixed with high carbon content Compostable Materials within four hours and put onto mechanically aerated cells in the primary fermentation building within 24 hours of receipt.

Between August 1 and September 30, loads with mixed Food Waste and Yard Waste are to be put onto mechanically aerated cells in the primary fermentation building within 4 days of receipt.

Between October 1 and July 31, loads with mixed Food Waste and Yard Waste are to be put onto mechanically aerated cells in the primary fermentation building within 7 days of receipt.

Any loads containing Food Waste that have not been put onto mechanically aerated cells in the primary fermentation building by the end of the business day shall be capped with a cover of cured compost, sawdust, chipped wood waste or other suitable organic matter.

Primary fermentation is to be carried out by aerobic static pile aeration method within a covered building. Optimum moisture, temperature and oxygen levels are to be maintained at all times. A cover of cured compost, sawdust, chipped wood waste or other suitable organic matter shall be used to cap the piles in the primary fermentation building.

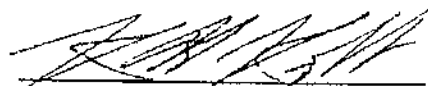
Once primary fermentation has been completed, composting materials are to be formed into windrows in the secondary curing area on the open, paved surfaces within the Facility. Secondary windrows are to be cured for a minimum of 21 days. Curing windrows are to be turned on a regular basis to ensure optimum oxygen levels in the piles. A cover of cured compost, sawdust, chipped wood waste or other suitable

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R.H. Robb, Solid Waste Manager

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organic matter shall be used to cap curing windrows, depending on active stage, age and odour of the windrow.

All Compostable Materials and unfinished compost shall be stored on paved surfaces within the Composting Facility.

All materials in the facility shall be managed in a manner to minimize vector attraction. Compostable Material listed in Section 4.2 of this Licence that is not suitable for composting, sale, or use, must be segregated from the Composting Facility and removed immediately.

4.8 Operating Practices

Operating practices such as, but not limited to the following, shall be employed:

- (1) in the receiving building; odourous feedstocks shall be covered with a layer of sawdust within 4 hours of receipt,
- (2) maintaining optimum C:N ratios in composting mixes,
- (3) maintaining appropriate oxygen, temperature, moisture and porosity levels in composting materials,
- (4) maintaining a cover of cured compost, sawdust, chipped wood waste or other suitable organic matter on piles of composting materials in the primary fermentation building,
- (5) limiting the turning of windrows to times when the winds are favourable,
- (6) in the secondary curing area, windrows shall be capped with cover of cured compost, sawdust, chipped wood waste or other suitable organic matter depending on the active stage of the windrow,
- (7) on an as needed basis; clean sawdust, chipped wood waste or other suitable organic matter shall be used to soak up standing pools of leachate on the paved surfaces,
- (8) maintaining the leachate pond aeration system to ensure it remains functional, and
- (9) in the primary fermentation building; the programming of the air blower on/off cycles shall be controlled to maximize the efficient processing of organic matter.

This Licence does not authorize the discharge of air contaminants, including odourous substances, from the Facility.

4.9 Drainage


The Licensee shall ensure that all storm water and other runoff from the composting operation buildings and paved open surface areas of the windrow and finished compost storage areas are collected and directed to the on-site leachate collection system. Leachate generated in the receiving building shall be directed to the leachate collection system. Leachate generated in the primary fermentation building shall be collected in channels cast in place on the building floor that are covered with stainless steel plates and then directed to the leachate sump. Stormwater, runoff and leachate generated in the paved secondary curing area shall be directed to a collection system consisting of

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three catch basins and a leachate sump and then pumped into the mechanically aerated, clay lined leachate pond. The Licensee shall maintain all collection channels, catch basins and the sump area to ensure proper drainage. The sump pump shall be maintained in good working condition. The Licensee may be required by the Solid Waste Manager to provide groundwater and surface water monitoring information.

4.10 Area Maintenance and Litter Control

The Licensee shall maintain public and private roadways within 100 metres of the Facility free from litter, mud or debris which may be directly attributed to the Facility, its customers, or its suppliers. The Licensee shall control litter by way of litter control fences, litter pickup, or any other measures deemed necessary by the Solid Waste Manager.

4.11 Burning Prohibited

Burning of any material at the Facility is prohibited.

4.12 Fire Protection

The Licensee shall provide and maintain an adequate water supply or equivalent on site for extinguishing any fires, should they occur.

In the event of a fire, the Licensee shall immediately notify the local fire department and the Solid Waste Manager (telephone number 7:30 AM - 11:30 PM: 604-436-6777, 11:30 PM - 7:30 AM 604-643-8488, facsimile number: 604-436-6707) and take all measures necessary to extinguish the fire.

4.13 Emergency Conditions

In the event of an emergency which prevents compliance with a requirement of this Licence, that requirement may be suspended for such time as the emergency exists or until otherwise directed by the Solid Waste Manager provided that:

- (1) due diligence was exercised by the Licensee in relation to the operation or event which caused the emergency and that the emergency has occurred notwithstanding this exercise of due diligence
- (2) the Solid Waste Manager (telephone number: 7:30 AM - 11:30 PM: 604-436-6777, 11:30 PM - 7:30 AM 604-643-8488, facsimile number: 604-436-6707) is immediately notified, and
- (3) the emergency condition is being corrected with due diligence.

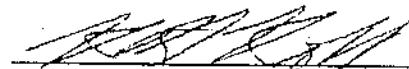
4.14 Closure Plan

The Licensee shall notify the Solid Waste Manager of plans and dates regarding site closure. This notification is to occur at least 30 days prior to the closure of the facility. The Licensee shall provide all haulers 30 days notice to find alternative municipal solid waste facilities, prior to closure of the Facility. All equipment shall be dismantled and removed from the site, materials ready for market shall be shipped, and any residual municipal solid waste shall be disposed of at an authorized facility.

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R.H. Robb, Solid Waste Manager

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5. INSPECTIONS

5.1 Inspections

The Licensee shall conduct inspections of the site each day. The Licensee shall conduct inspections of all operational equipment and control works each day. The Licensee shall ensure all operational equipment is maintained in good working order. The results of the inspections are to be recorded. Any required maintenance and repairs are to be scheduled and completed as soon as is reasonably practicable.

6. REPORTING

6.1 Quarterly Reporting of Quantities

The Licensee shall record the quantity, in tonnes, and type of Compostable Material received at the Facility, the quantity of Finished Compost and residual waste for disposal, in tonnes, shipped from the Facility each day. Records of monthly quantities of Compostable Material received, Finished Compost shipped and Residual Waste disposed from the Facility shall be suitably tabulated and submitted to the Solid Waste Manager on a quarterly basis by the end of January, April, July, and October of each year for the preceding calendar quarter of operation.

The report shall be submitted (by the dates specified above) by

E-mail to: **regulationenforcement@metrovanancouver.org**

Fax to: **604-436-6707**

Mail to: **Metro Vancouver
Environmental Regulation and Enforcement Division
Corporate Services
4330 Kingsway
Burnaby, BC V5H 4G8**

6.2 Record Keeping

The Licensee shall retain the following at 4295 72nd Street, Delta and shall produce the same for examination if required by the Solid Waste Manager or an Officer:

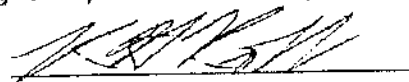
- (1) copy of this Licence,
- (2) copies in electronic or hard-copy form of records and other evidence for the previous year of operation relating to the quantity and type of
 - (i) Compostable Material accepted at the Facility,
 - (ii) residues or rejected material from the composting Facility delivered to a disposal facility,

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- (iii) Finished Compost shipped from the Facility,
- (3) records of rejected loads including date, time, type of material, hauler's name, and vehicle licence number for the previous year of operation, and
- (4) records of inspections conducted by the Licensee and regulatory agencies for the previous year of operation.

7. TERMS

7.1 Notification

The Licensee shall notify the Solid Waste Manager of a change in the ownership or control of the Facility, or any change in control of the Licensee. This notification shall be provided at least one month prior to the change. A transfer or assignment of the Licence requires written approval by the Solid Waste Manager.

7.2 Notice

Any notice required to be delivered to the Licensee under this Licence shall be delivered or deemed to have been delivered if such notice is:

- (1) mailed by registered mail to the registered or records office of the Licensee or to the address the Licensee is authorized to operate,
- (2) delivered to the registered or records office of the Licensee,
- (3) delivered to an adult individual at the Facility who appears to be an employee of the Licensee or appears to be in control of the Facility,
- (4) delivered to a director, officer, liquidator, trustee in bankruptcy or receiver manager of the Licensee, or
- (5) posted on the door or gate of the Facility, where no one is present at the Facility or the Facility appears to be abandoned.

7.3 Suspension and Cancellation

This Licence may be suspended or cancelled in accordance with the Bylaw.

8. SECURITY AND PERFORMANCE

As a condition of this Licence, the Licensee shall provide and maintain security as described in this Article 8. The security shall remain in place until the Licensee has completed the site closure to the satisfaction of the Solid Waste Manager.

8.1 Purpose of Security

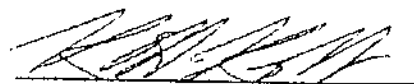
The purpose of the security is to indemnify the District for any expenses arising out of a default by the Licensee under this Licence. The security may be utilized by the District at the discretion of the Solid

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R.H. Robb, Solid Waste Manager

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Waste Manager at any time during the term of this Licence to conduct remedial work which may be necessary to rectify a continuing default by the Licensee under this Licence.

8.2 Nature of Security

The security shall be in the amount of \$109,142 or adjusted pursuant to Section 8.3, and shall be provided and maintained as follows:

- (1) the first five thousand dollars (\$5,000) shall be provided in the form of cash or an irrevocable Letter of Credit provided by a Canadian Chartered Bank. The Letter of Credit shall be irrevocable and may be drawn upon only by written demand of the Solid Waste Manager. The Letter of Credit shall be issued in favour of the Greater Vancouver Sewerage and Drainage District and shall be in a form satisfactory to the Solid Waste Manager; and
- (2) the balance of the security shall be provided and maintained in any of the following forms:
 - (i) cash
 - (ii) an increase in the value of any Letter of Credit provided under subsection (1) to the full amount of the security
 - (iii) a trust fund
 - (iv) a surety bond
 - (v) any other form satisfactory to the Solid Waste Manager.

The instrument referred to in (ii), (iii), and (iv) shall be provided in a form satisfactory to the Solid Waste Manager.

8.3 Review of Security

The amount of security required under this Licence may be reviewed and adjusted periodically at the sole discretion of the Solid Waste Manager at any time during the term of this Licence.

8.4 Conditions for Drawing on Security

If the Licensee defaults under or fails to comply with any provision of this Licence, and does not cure the default or failure within the time specified by the Solid Waste Manager, in a written notice delivered to the Licensee informing the Licensee of such default or failure, the security may be drawn upon and used at the discretion of the Solid Waste Manager, acting reasonably, for the following purposes, without limitation:

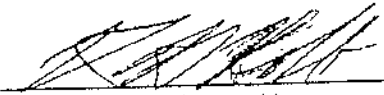
- (1) to remove, process, treat, or utilize municipal solid waste, Compostable Material, or any other materials abandoned at the Facility,
- (2) to control or stop the escape of leachate or contaminated run-off from the Facility,
- (3) to remediate the site following a fire at the Facility,
- (4) to cover expenses, including legal expenses, incurred by the District in
 - (i) carrying out the activities described in this Section 8.4, and

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- (ii) enforcing or complying with any laws or enactments of the District,
- (5) to pay outstanding fees required under the Bylaw, and
- (6) to complete site closure.

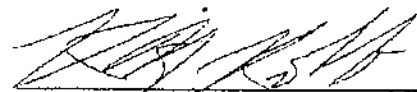
8.5 Conditions for Returning Security

The security, or any balance remaining after it may have been drawn upon in accordance with the terms of this Licence, will be returned to the Licensee upon the Licensee completing the site closure to the satisfaction of the Solid Waste Manager.

Nothing in this Licence shall obligate the District to draw on any security provided under this Licence or undertake any action to cure any default or failure of the Licensee. The exercise by the District of any power to cure any default or failure by the Licensee under this Licence shall not create any obligation or liability on the District to complete the curing of any default or failure.

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R.H. Robb, Solid Waste Manager
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Metro Vancouver

4330 Kingsway, Burnaby, British Columbia, Canada, V5H 4G8
Policy and Planning Department - Tel (604) 432-6200, Fax (604) 436-6707

Application for Licence Amendment - Existing Solid Waste Facility

This Application is to be filed with the Solid Waste Manager, Metro Vancouver, Policy and Planning Department, 4330 Kingsway, Burnaby, B.C., V5H 4G8.

1. I / We ENVIRO-SMART ORGANICS LTD.
(Full name, or if a company, British Columbia registered name)
of 4295 72ND STREET, DELTA, BC, V4K 3N2
(Address, or if a company, British Columbia registered address)
give notice and hereby apply for an amendment to licence C016 to handle the following
materials fruit and vegetable waste, yard waste, soiled paper, clean wood waste, food waste
(list types of material, i.e. yard waste, woodwaste, etc.)
2. Mailing address of company (if different from above) n/a
3. The Solid Waste Facility of approximately 40,468 M2 is located at 4295 72ND STREET, DELTA, BC V4K 3N2
(Square metres)
(Municipal Site address)
and is described legally as PARCEL IDENTIFIER: 024-632-091
LOT 1 DISTRICT LOT 179 AND 180 GROUP 2 NEW WESTMINSTER DISTRICT PLAN LMP 43954
(Legal address)
4. Date operation started at this site APRIL 19, 2011
5. Hours of operation are 7am - 5 pm Monday to Friday, 8 am - 1 pm Saturday
6. The requested amendment changes to the existing Solid Waste Licence are (additional requested amendments included in the Cover Letter for the application):

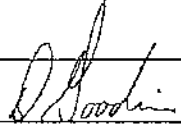
Before	After
MAX VOLUME ON SITE 83,123 M3	MAX VOLUME ON SITE 124,685 M3
ANNUAL AVE. WT. 274 TONNES/DAY	ANNUAL AVE. WT. 411 TONNES/DAY
MAX WT. 865 TONNES/DAY	MAX WT. 1,298 TONNES/DAY

$\times 365$
 $= 150,000$
annual

The additional daily tonnage requested is to reflect the upswing in product availability throughout the year.

7. State if the amendment request will require an amendment to the existing approved Operating Plan (check appropriate box):

xxxxxx Amendment request does not require amendment to existing Operating Plan.

8. Applicant: <u>DARYL GOODWIN</u> (PRINT)	 (SIGNATURE)
Tel. No: <u>604-946-0201</u>	Fax No: <u>604-946-0221</u>
Date: <u>February 26, 2015</u>	

9. A copy of this application was posted at the site on FEB 27 2015
(Date posted)

Additional Information

In support of the application the following information is submitted:

10. Site ownership and approval of amendment request (check appropriate box):

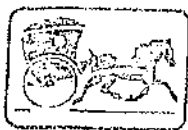
XXXX ☐ Owned by applicant (provide proof of ownership)

11. Describe briefly the nature of your operation. _____

COMPOSTING OF ORGANIC WASTE, RECEIVED FROM WITHIN THE LOWER MAINLAND
OF BRITISH COLUMBIA

12. A site plan indicating site location and layout of works must accompany this application if the amendment reflects significant changes to the site layout.

Anyone that considers themselves adversely affected by this application may provide comments in writing to the Solid Waste Manager, Metro Vancouver, 4330 Kingsway, Burnaby, B.C. V5H 4G8.
Telephone (604) 432-6200, Fax (604) 436-6707.



Westcoast Farms LTD.
Willow Bay Farms LTD.
Willow Bay Helicopter LTD.
Willow Bay Aviation LTD.
C-GDJG Mustang Holdings

westcoast
INSTANT
LAWNS

Enviro-smart Organics Ltd.
a full cycle company

February 26, 2015

Environmental Regulation and Enforcement Division
Policy and Planning Department, Metro Vancouver
4330 Kingsway, Burnaby, BC V5H 4G8

Attn: Michelle Jones, Officer

RE: Application for Licence Amendment – Licence# C-016

Dear Ms. Michelle Jones:

As per attached application, Enviro-Smart Organics Ltd. is applying for amendments to our Licence number C-016 to allow for packaged food waste, solid or liquid, as accepted materials and a fifty percent volume increase for municipal solid waste under the Greater Vancouver Sewerage and Drainage District Municipal bylaw No. 181, 1996 as amended Bylaw No. 183.

The amendments and the volume increase will allow Enviro-Smart Organics to fulfill our current contractual obligations, as well as provide us with the opportunity to accept new contracts, and provide expanded services to both municipal governments and private businesses in our region.

Our latest Licence# C-016 version was dated on March 18, 2014 and from there, we request the following amendments:

1. Add in a new section as "Depackaging Practice" after the current section 4.8
 - (1) A Depackaging separator will be located in the existing Receiving Building;
 - (2) Packaged organic materials will be tipped in the Receiving Building, sorted manually to remove card board, etc., then loaded into the mechanical separator to separate organics from any packaging material;
 - (3) Non-organic residuals, if there is the potential to recover recyclable materials, will be sent to the appropriate licenced recycling facilities, otherwise will be removed from the property and disposed at a licenced landfill. Unaccepted materials entering the facility shall be refused and removed by hauler as per Section 4.6;

4295 - 72nd St. Delta, BC V4K 3N2
Phone: 604.946.0201 Fax: 604.946.0221

- (4) Source separated organics will be used in compost operations as per Section 4.8 of the Operating Practices, or trucked offsite for animal feed or anaerobic digestion by other operators;
- (5) Receiving Building has water that will be used to flush the floor into catch basins to contain and capture leachate which is collected and pumped into the Leachate Pond for processing and reuse in the compost process.

2. Add in a new sub-section after Sub-section 4.1(5) as following:

"Packaged organics, including but not limited to liquids or solids, packaged or unpackaged, such as, fruit drinks, soft drinks, alcoholic beverages, energy drinks, and other food stuffs including but not limited to vegetables, meats, fruits, bakery, dairy, sea foods".

3. Section 3.5 may need to reflect our second fermentation building and its specifications are as following:

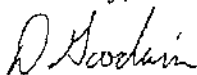
- 40,000 square foot fully covered and partially enclosed building with a fully operational negative and positive aerated floor, that is controlled by a computer program;
- Under negative pressure, air is dispersed into a 14,000 square foot biofilter, that has two probes that monitors activity of biofilter through computer programs;
- Organic product will be put on aerated floor in negative air flows with no requirement for a biofilter cover of overs, sawdust, or finished compost;
- Leachate from piles within the building is drained through sparge floor air holes to 3 large cement sumps and leachate is pumped to original underground leachate collection system and pumped to existing aerated pond.

In the future, if West Coast Farms Ltd. and Enviro-Smart Organics Ltd. plans to expand their facility, the technology and design will be similar to the current infrastructure designed for further expansion.

We also have plans to upgrade the original composting building's electrical system and manifold system in the spring of 2015.

If you have any questions to our amendment request, please kindly contact us.

Yours Truly,



Daryl Goodwin

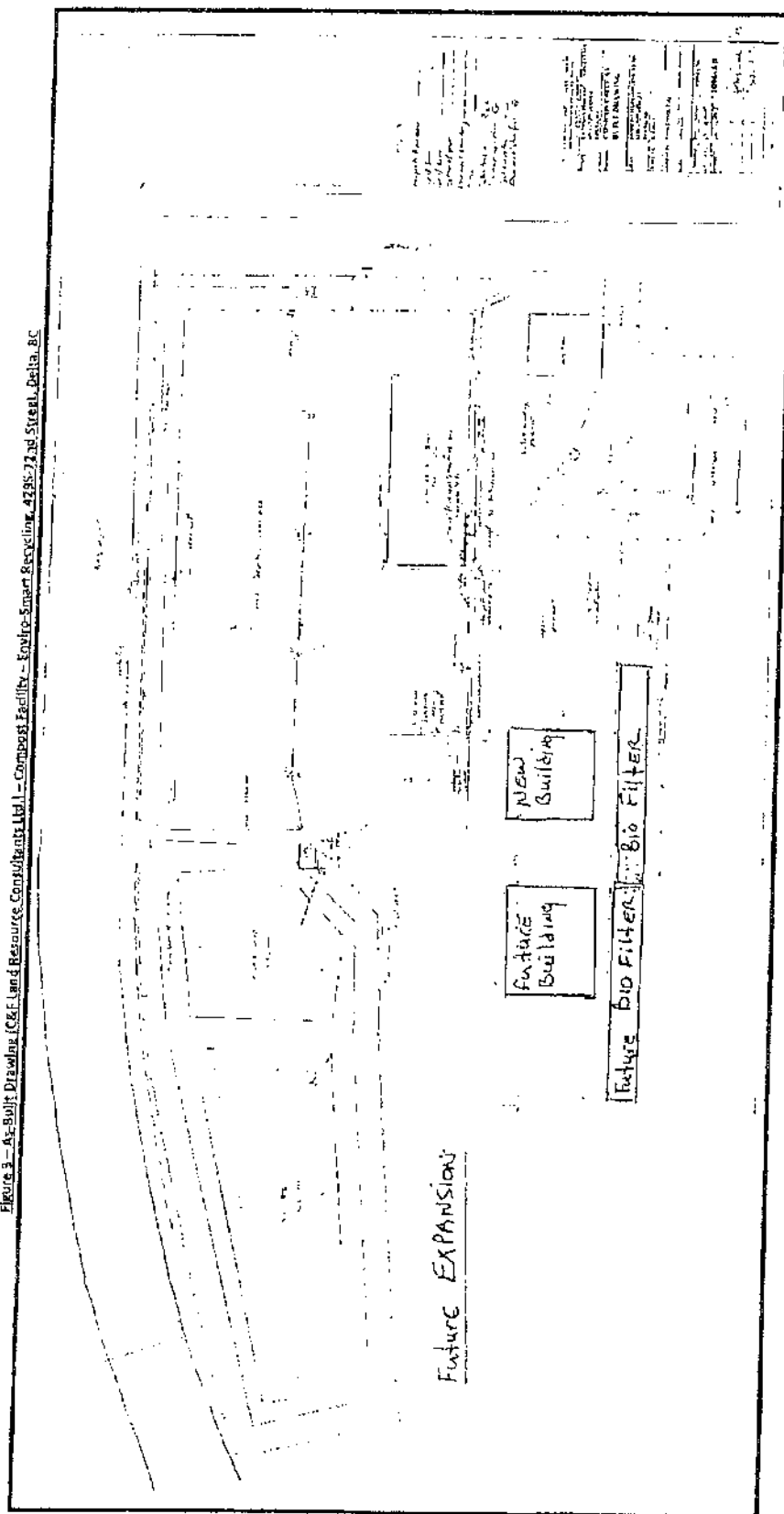
President
Enviro-Smart Organics Ltd.

Attachments:

A: Site Plan Layout;

B: Electronically sent photos to Michelle Jones.

Figure 3 – A. Bull Drawing (C&F Land Resource Consultants Ltd.) – Compost Facility – Enviro-Smart Recycling, 4795-72 nd Street, Delta, BC



Form A – Land Use and Development Application Form

Delta

1. APPLICATION TYPE (Check all that apply)

- ☐ Official Community Plan Amendment
☒ Rezoning/Zoning Amendment
☐ Land Use Contract Discharge/Amendment
☐ Development Variance Permit
☐ Development Permit

Type: _____

- ☐ Telecommunications (Non-DP)
☐ Heritage: Revitalization Agreement/
 Alteration Permit/Covenant

- ☐ Regional Growth Strategy Amendment
☐ Subdivision
☐ Strata Title Conversion
☐ Temporary Use Permit
☐ Agricultural

Type: _____

- ☐ Liquor Licence
☐ Restrictive Covenant: Amendment/
 Discharge/New

RECEIVED

FEB 27 2015

Community Planning &
Development Dept.

2. SITE DESCRIPTION

Address(es): 4295 72 Street, Delta, B.C.PID(s): 024-632-091☒ Agricultural Land Reserve☐ Heritage Site☐ Archaeological Interest Area

3. APPLICANT

Name: Daryl GoodwinBusiness Name: West Coast Farms Ltd.Applicant Is: ☒ Owner ☐ Architect ☐ Agent ☐ Contractor ☐ Other (specify): _____Mailing Address: 4295 72 Street.City: DeltaPostal Code: V4K 3N2Phone: 604-946-0201Fax: 604-946-0221Cell: 604-968-5260Email: daryl@westcoastlawn.comSignature*: [Signature]Date: February 27, 2015

*By signing the above, I hereby agree to the terms contained in this Application Form and declare that the information submitted in support of this application is, to the best of my knowledge, true and correct in all respects. I also acknowledge that additional information may be required as part of the application process.

4. APPLICATION DESCRIPTION

Existing

OCP Designation

Schedule A: _____

Local Area Plan: _____

Zoning: C. D. 416Proposed

OCP Designation

Schedule A: _____

Local Area Plan: _____

Zoning: C. D. 416

The Application Centre, Community Planning and Development

Contact Us: 604-946-3380 or com-pln-dev@delta.ca

Page 1 of 3

Development Permit Area(s): _____

Heritage Conservation Area: _____

Variance(s) Required: _____

Current Use: CompostingProposed Use: Composting**5. SUBMISSION REQUIREMENTS**

Applications must be accompanied with all supporting information required. Refer to the *Land Use and Development Application Requirements* handout for guidance. Incomplete applications cannot be processed until all required information is collected. The Corporation of Delta reserves the right to retain on file plans and materials submitted in connection with development applications.

6. PUBLIC NOTICE SIGNAGE

Applicants may be required to post one or more signs on the subject site, at their expense, in accordance with The Corporation of Delta's policy. Signage details will be provided by planning staff.

7. TREES/LANDSCAPING

The applicant hereby acknowledges that owner(s) of the subject site is/are responsible for the costs associated with street trees, on-site tree retention and replacement and on-site landscaping.

8. PARKLAND DEDICATION

Subdivision applications creating 3 or more new lots will require 5% parkland dedication or cash-in-lieu, as determined by The Corporation of Delta.

9. LEGAL COSTS

The applicant hereby agrees to assume all legal costs directly incurred by The Corporation of Delta through the processing or approval of this application and the preparation and registration of any related legal documents.

10. DEVELOPMENT COST CHARGES

The applicant hereby acknowledges that Development Cost Charges may be required by Metro Vancouver, and by The Corporation of Delta in accordance with the *Delta Development Cost Charges Imposition Bylaw No. 5830, 2000, as amended*.

11. ENGINEERING SERVICES

The applicant hereby acknowledges that a Development or Servicing Agreement may be required in accordance with the *Delta Subdivision and Development Standards Bylaw No. 5100, 1994, as amended*.



The Application Centre, Community Planning and Development

Contact Us: 604-946-3380 or com-pln-dev@delta.ca

Page 2 of 3

C&F LAND RESOURCE CONSULTANTS LTD.

4383 Happy Valley Road, Victoria, B.C. V9C 3Z3
 (250)474-5072; fax:(250)474-5073; Email: cflrc@shaw.ca

February 26, 2015

Enviro-Smart Organics Ltd.
 4295 - 72nd Street
 Delta, B.C. V4K 3N2
Attention: Daryl Goodwin

Dear Sirs:

Re: Enviro-Smart Organics Ltd - GVRD Composting Licence Amendment

We are retained by Enviro-Smart Organics Ltd. (Enviro-Smart) as qualified professional overseeing this operation and ensuring that all regulatory conditions are met. Enviro-Smart has applied for an increase in its GVRD Licence from the current 100,000 tonne to 150,000 tonne.

Please be advised that this facility conforms fully with Section 3(1)(p) of the Agricultural Land Commission Use, Subdivision and Procedure Regulation and has conformed since its inception in 2007. Section 3(1)(p) states as follows: "The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by local government bylaw: the production, storage and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Regulation 18/2002, if at least 50% of the compost measured by volume is used on the farm." Enviro-Smart has a sister corporation, West Coast Instant Lawns, which operates a lawn turf farm on +/-142 acres of land contiguous with the composting operation and +/-78 acres on other owned and leased lands located in Delta for a total of +/-220 acres of farm land to which compost is applied. The compost site operates under a site specific bylaw from the Corporation of Delta.

We carry out an annual audit of input compost materials, finished compost volume and the use of this finished compost which is divided into compost applied to the turf fields and compost used in the production of topsoil products sold in conjunction with the sale of turf. In every year since its inception, Enviro-Smart has applied more than 50% of its finished Class A compost to the land as a soil amendment in its turf production. I attach our audit report for 2014 as confirmation of this conformance.

EnviroSmart Organics has applied for a GVRD Licence amendment to increase the input tonnage of unprocessed organic material by 50,000 tonne to a total of 150,000 tonne.

Regarding the volumes of material received, total finished compost material and the quantity used on the farm, this facility operates on a scaled weight basis to ensure accuracy as assessment of organic waste, particularly inputs, on a volume basis is subject to high error. Finished compost is scaled in known volume containers which allows a conversion from mass to volume. Because there

SLR
50% of
Re: input
By: [signature]
are significant mass losses involved in the composting process, mainly water but also volatile gases, we convert the finished compost units to dry matter weight to be consistent. The total weight of non-farm and farm sourced input material in 2014 was 90,398 tonne as received. The ALC Regulation does not specify conformance based on input quantities, only finished compost. The total quantity of finished compost produced was 24,608 dry weight tonne. The total amount of finished compost sold as blended into topsoil and sold as compost was 11,307 tonne dry weight or 46%. The quantity of finished compost applied to the turf fields was 13,301 dry weight tonne or 54%.

I oversee the farm management procedures employed by Enviro-Smart with respect to nutrient and organic matter management on the farm. Enviro-Smart adheres to best management practices under our guidance and I can assure you that the soil management procedures employed at this facility far exceed any that occurs anywhere else in Delta. Where most farms in Delta employ continuous field crops which severely deplete the soil organic matter to the point that the soil is basically lifeless, Enviro-Smart and West Coast Instant Lawns have employed an aggressive soil building program which has resulted in some of the most fertile land in Delta and has physically built up some fields as much as 30cm with organic matter amendments.

In summary, I affirm that Enviro-Smart conforms to all regulatory conditions, including the ALC Regulations, and has done so since its inception. The sale of compost amended topsoil blended with river sand is an important part of the turf operation as compared to other composting operations which have no integrated use and sell their compost as retail product with no tie to the land based operations. This is a fully sustainable farm practice unique in the turf industry in B.C. which otherwise operate with inevitable depletion of the soil resource.

The increase in received tonnage of input material from 100,000 tonne to 150,000 tonne, a 50% increase, will result in additional compost being applied to the land estimated to be 6,600 tonne dry weight. The facility with its recent addition of a 40,000ft² aerated floor compost building and its associated farm lands are designed to accommodate an input tonnage of 150,000 tonne which takes into consideration the ability of the associated farm land to accept at least 50% of this quantity when reduced to Class A compost. Organic matter applied at these rates are highly beneficial by increasing organic matter, improving tilth and reducing water needs as turf production, even when harvested efficiently, removes incremental soil and organic matter with every harvest. The annual organic matter additions carried out by Enviro-Smart have improved the soil conditions significantly on the farm which had been severely degraded by previous turf operations.

Enviro-Smart provides an important service to the farm community in Delta by accepting large quantities of farm organic waste, 8,851 tonne in 2014, which otherwise would have been sent to unknown and unregulated sites throughout Delta and the lower mainland. As well, Enviro-Smart has contracts with the Corporation of Delta, City of Burnaby and City of Vancouver to accept yard, garden and separated food waste for diversion from the landfill stream.

Enviro-Smart, unlike most other turf farms, has built up its soil resource both in fertility and depth over a twenty year period; while most other turf farms lose topsoil depth with each harvest.

Your very truly,
C & F LAND RESOURCE CONSULTANTS LTD.

Per: 

Brian M. French, P.Ag.

attachments: C&F 2014 Audit Report

C&F LAND RESOURCE CONSULTANTS LTD.

*4389 Happy Valley Road, Victoria, B.C. V9C 3Z3
(250)474-5072; fax:(250)474-5073; Email: cflrc@shaw.ca*

January 28, 2015

Mr. Daryl Goodwin, President
Enviro-Smart Organics Ltd.
West Coast Instant Lawns
4295 - 72nd Street
Delta, B.C. V4K 3N2

Dear Mr. Goodwin:

Re: Agrologist Audit Report as Required by Corporation of Delta Service Agreement for Composting Yard Waste and Food Waste Section 15.2(a) Regarding Conformance to Regulations

The Corporation of Delta (Delta) has entered into a Service Agreement with EnviroSmart Organics for composting yard waste and food waste generated within the municipality. This report assesses the composting operation for the period January 1, 2014 to December 31, 2014. The following information has been provided by Enviro-Smart Organics:

- a) the quantity and type of raw organic material accepted at the compost facility;
- b) the quantity of finished compost produced, and;
- c) the quantity of finished compost product required by the farm and the quantity sold off farm as topsoil and finished compost.

Conformance to applicable permits and regulations under the Greater Vancouver Regional District (GVRD) Municipal Solid Waste (MSW) Permit, Organic Matter Recycling Regulation (OMRR) and Agricultural Land Commission Act and Regulations are assessed.

1. Quantity and Type of Organic Material Accepted

The operator has provided a summary of its operations for the calendar year 2014. This document is attached hereto for reference purposes and has been used to carry out the input material and compost use audit.

1.1 Non-Farm Materials

For 2014, the as received scaled weight for non-farm origin organic material was 81,546.69 metric tonne. This includes materials classified as MSW received from the Corporation of Delta, City of Vancouver and the City of Burnaby.

1.2 Farm to Farm Materials

For 2014, the as received scaled weight of co-composted farm derived organic materials was 8,851.36 metric tonne.

The total quantity of organic material received, including non-farm and farm sourced material, was 90,398.05 tonne.

I visit the site on a regular basis and can confirm, on a general observation basis, that the quantities and profile of received material conforms to that stated in the summary provided.

The profile of material varies during the year depending on season, particularly for farm waste as shown in the attached Summary Table.

1.3 Source of Materials

The organic materials received at the facility are derived from a variety of clients including food processors, farmers, race tracks, equestrian centers and other agricultural, commercial and industrial organic waste producers. The Corporation of Delta, City of Vancouver and City of Burnaby yard waste and food waste is received at the facility under agreement.

2. Quantity and Quality of Finished Compost

Finished Class A compost is either used as a soil amendment on the lawn turf fields, mixed with sand to produce topsoil or sold as bulk compost. As this is a dynamic process the tally of finished compost is based on product which leaves the composting facility and does not include inventory on site. The quantities of finished compost have been converted to dry weight metric tonnes.

3. Quantity of Finished Compost Produced and Used On Farm

The total amount of finished compost sold as topsoil or finished compost was 11,307.14 dry tonne. The quantity of compost applied to the turf fields was 13,301 dry weight tonne. The total quantity of compost leaving the site was 24,608.14 dry weight tonne. The percentage used on farm was 54%.

4. Compliance with ALC and Ministry of Environment OMRR

4.1 Compliance with ALC Regulations

The production, storage and application of Class A compost in compliance with the OMRR is a permitted land use under the ALR Use, Subdivision and Procedure Regulation, Section 3(1)(p) if at least 50% of the compost measured by volume is used on the farm. The only accurate accounting of materials at the facility is by weight but the regulation states a volume is the basis for consideration. In consideration of determining the fraction of finished compost sold versus used on farm, the gravimetric values can be used to determine the proportions.


As noted in paragraph 3 above, of the total dry tonnage of finished compost, 24,608.14 dry tonne, 11,307.14 dry tonne or 45.9% was sold as topsoil amendment or compost and 13,301 tonne or 54% was applied to the land as soil amendment. Therefore the facility is in compliance with the ALC regulation.

4.2 Compliance with OMRR Regulation

This facility no longer operates under the OMRR (Section 12(1)(3) for Class A compost production since the issuance of an MSW permit by the GVRD. However, the Service Agreement requires that the MOE sign off on the facility and it is my understanding that Daryl Goodwin will discuss this issue with Mike Brotherston at the Corporation of Delta.

I trust this letter confirms that the Enviro-Smart Organics composting operation is in compliance with the regulatory agencies. Please feel free to contact me if you have any questions or require clarification.

Yours very truly,
C & F LAND RESOURCE CONSULTANTS LTD.

Per: 

Brian M. French, P.Ag.

Attachments: (1) 2014 Enviro-Smart Organics Compost Management Records



November 19, 2012

Mayor Lois E. Jackson
The Corporation of Delta
4500 Clarence Taylor Cres
Delta BC V4K 3E2

Dear Mayor Jackson:

Re: "Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 - West Coast Farms – LU006589) Bylaw No. 7121, 2012"

Please find enclosed a certificate indicating the Minister's Approval of the above noted bylaw under section 903(5) and 917 of the *Local Government Act*.

The Minister has not reviewed the bylaw for the purpose of determining if it is valid or lawful. The Minister's approval does not represent or guarantee the legal certainty of the bylaw, not the process under which it may be adopted, and does not otherwise validate or make legal any provision of the bylaw.

For future consideration I recommend that the Corporation of Delta consider adding a nutrient management plan requirement to the compost operation's service agreement when it is renewed in 2015.

Please advise me of the date when the bylaw is adopted.

Sincerely,

Ken Nickel
Director
Sustainable Agriculture Management Branch

Enclosure



Statutory Approval

Under the provisions of section 903(5) of the *Local Government Act*, I approve The Corporation of Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 – West Coast Farms – LU006589) Bylaw No. 7121, 2012, a copy of which is attached.

Dated this 16 day of NOV., 2012.

A handwritten signature in black ink, appearing to be "D. S. R.", written over a horizontal line.

per

Minister of Agriculture



November 9, 2012

Mayor Lois E. Jackson
The Corporation of Delta
4500 Clarence Taylor Crescent
Delta BC V4K 3E2

Dear Mayor Jackson:

Re: "Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 - West Coast Farms – LU006589) Bylaw No. 7121, 2012"

Please find enclosed a certificate indicating the Minister's Approval of the above noted bylaw under section 903(5) and 917 of the *Local Government Act*.

The Minister has not reviewed the bylaw for the purpose of determining if it is valid or lawful. The Minister's approval does not represent or guarantee the legal certainty of the bylaw, not the process under which it may be adopted, and does not otherwise validate or make legal any provision of the bylaw.

Please advise me of the date when the bylaw is adopted.

Sincerely,

Ken Nickel
Director
Sustainable Agriculture Management Branch

Enclosure



Statutory Approval

Under the provisions of sections 903(5) and 917 of the *Local Government Act*, I approve The Corporation of Delta Soil Conservation and Protection Bylaw No. 7014, 2012, a copy of which is attached.

Dated this 31 day of Oct, 2012.



Minister of Agriculture

**Ministry of Agriculture
BRIEFING NOTE FOR MINISTER FOR DECISION**

Ref: 176570

Date: October 3, 2012

Issue: Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416- West Coast Farms-LU006589)
Bylaw No. 7121, 2012

Background: The application is a proposal to amend Delta's zoning bylaw by rezoning the northern portion of the property at 4295- 72nd St to permit the operation of an on-farm composting facility that would receive source separated food waste (municipal solid waste). The property is located in the Agricultural Land Reserve (ALR) and is part of a turf farm that has operated a long-standing compost facility on the 57.4 hectare site. This property is zoned A1 Agriculture, which permits on-farm composting accessory to farming. The current definition of on-farm composting in Delta's zoning bylaw does not allow food waste that is diverted from residential, commercial or institutional sources. As the applicant is bringing in food waste (specifically from Delta residents) rezoning is required in order to continue the composting operations on the northern portion of the site.

As Metro Vancouver (MV) is banning food waste from landfills starting October 2012, this is the most environmentally friendly and cost-effective way for Delta to deal with their food waste. The other option would be to truck it to a compost facility in Richmond.

The composting operation, Enviro-Smart Organics Ltd., has received 3 forms of approval: a 3-year temporary use permit from Delta; a service agreement with Delta; and a licence to operate a composting facility from the Greater Vancouver Sewerage and Drainage District. The last step in their approval process is the rezoning of the portion of the property where the composting facility is located. As more than 50% of the finished compost is to be used on the applicant's turf farm, there are no additional Agricultural Land Commission (ALC) approvals required.

As a condition of these various approvals, there are numerous reporting requirements, including: an annual report from a professional agrologist auditing compliance with Delta's zoning bylaw and the ALC's regulation; regular testing of the composted materials to ensure compliance with the Organic Matter Recycling Regulation (OMRR); tracking all of the deliveries of materials by weight, type, date and vehicle licence plate number and providing a monthly report to Delta and a quarterly report to MV; and providing an annual letter from the Ministry of Environment confirming that the facility is in compliance with OMRR.

Discussion: The agreement with, and permit from Delta, and the license from MV, represent a significant change in the 2 local governments' relationship with the on-farm composting operation. In 2004, Delta provided the services of a lawyer for the local residents who filed a complaint with the Farm Industry Review Board (FIRB) about odour from the operation. In 2005, FIRB issued a decision that the operation, with the exception of the height of some of the compost piles, was following normal farm practices. At the same time, MV, which has jurisdiction over air quality in the region, was also regularly visiting the composting operation in response to odour complaints. Since that time, the composting operation has invested over \$1 million in upgrading its infrastructure and monitoring practices and changed the types of waste materials it receives (e.g. is no longer accepting hatchery waste or chicken manure). In the past year, MV has received only one substantiated odour complaint about the facility, and the issue was immediately addressed.

When Ministry staff were notified that the bylaw was being drafted, they recommended that Delta also require a Nutrient Management Plan (NMP) as part of their approval requirements. A NMP would document that the additional nutrients being brought onto the farm from the municipal organic waste would not exceed the turf

farm's requirements for crop growth. Staff also has a concern that the food waste is potentially displacing agricultural waste in the composting stream of this farm.

Unfortunately, this recommendation was overlooked, and the bylaw drafted without a requirement for a NMP. After the fact, Delta is unwilling to amend their permit or agreement to include this requirement, since the compost operation is already complying with numerous other types of requests for monitoring and record keeping.

Since the turf farm has completed an Environmental Farm Plan and regularly removes the top 1/2 inch of soil when the turf is harvested and replenishes it with compost, Ministry staff do not feel that this is an issue that should hold up the bylaw at this point.

Options:

Option #1: The Minister approves the bylaw with the recommendation that when the Service Agreement with Delta is renewed in 2015, a Nutrient Management Plan be added to the list of requirements for the compost operation.

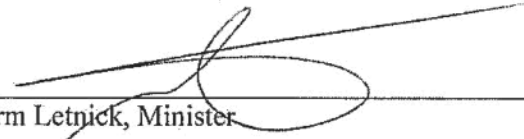
- Pros: Enables the compost facility to accept Delta's food waste in a timely manner.
- Cons: Leaves the potential issue of excess nutrients unaddressed for 3 years.

Option #2: The Minister does not approve the bylaw and insists that the existing service agreement with Delta be amended to include a Nutrient Management Plan before any future bylaw approval is considered.

- Pros: Is consistent with the recommendation provided to Delta by Ministry staff.
- Cons: There is no concrete evidence that excess nutrients will be applied, and the compost facility is already complying with numerous other types of reporting requirements.

Recommendation: Option #1.

Approved / Not Approved



Norm Letnick, Minister

31-10-2012

Date Signed

Contact: Kathleen Zimmerman, Regional Agrologist, SAMB, 604 556-3048

DIR KN A/ADM KN DM DS



The Corporation of Delta COUNCIL REPORT Regular Meeting

To: **Mayor and Council**

File No.: **LU006589**

From: **Community Planning &
Development Department**

Bylaw No.: **7121**

Date: **July 20, 2012**

Rezoning for 4295 72 Street (West Coast Farms Ltd.)

The following report has been reviewed and endorsed by the Chief Administrative Officer.

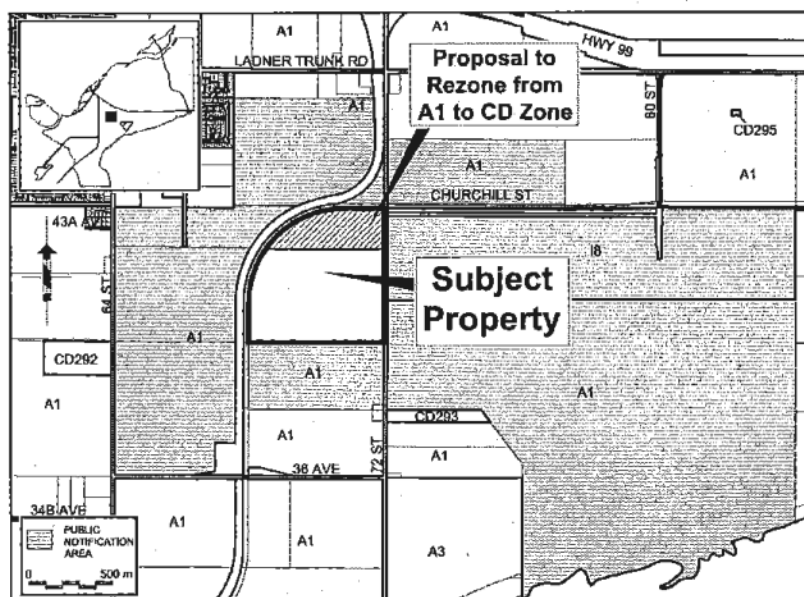
▪ RECOMMENDATIONS:

- A. THAT first and second readings be given to Zoning Amendment Bylaw No. 7121.
- B. THAT Bylaw No. 7121 be referred to a Public Hearing.

▪ PURPOSE:

The purpose of this report is to present for Council's consideration, an application to rezone the northern portion of the property at 4295 72 Street to permit the operations of a composting facility that would receive source separated food waste. Zoning Amendment Bylaw No. 7121 is provided for Council's consideration (Attachment A). A project data table is provided in Attachment B.

Location Map



G:\Current Development\LU FILES\LU006589\Drawings\LU006589_Loc.dwg, 22/06/2012 2:34:10 PM, Chen

■ BACKGROUND:**Site Description and Context:**

This 57.4 hectare (142 acre) site, which is flat, is owned by West Coast Farms Ltd. West Coast Farms Ltd. have been operating a composting operation known as Enviro-Smart Organics Ltd. for a number of years on the northern 8 hectare (20 acre) portion of the subject property, whereas the remainder of the site is used as a turf farm. The site is surrounded by farmland to the south, west and north. The South Fraser Perimeter Road is being constructed to the west and north of the subject property. The Boundary Bay Airport is located to the east.

Council Policy:

The subject property is designated A Agricultural in the Future Land Use Plan (Schedule A) of "The Corporation of Delta Official Community Plan Bylaw No. 3950, 1985". Agricultural policies in the Official Community Plan relating to the proposal include the following:

- Policy 2.5.3: Support initiatives that reinforce farm use of agricultural land and the continued development of a viable agricultural industry.
- Policy 2.5.11: Support economic diversification initiatives accessory to and compatible with farming that add value to locally produced farm products.

The subject property is zoned A1 Agriculture, which permits on-farm composting accessory to farming. On-farm composting as defined in "Delta Zoning Bylaw No. 2750, 1977" is the controlled biological oxidation and decomposition of agricultural solid waste, including manure and agricultural vegetation waste that has 20 percent or more solids, but does not include food waste that is diverted from residential, commercial or institutional sources. As the applicant is bringing in food waste, rezoning is required in order to continue the operations on the northern portion of the site.

■ DISCUSSION:**Background:**

A one-year Temporary Use Permit was issued for the subject property on April 11, 2011, which permitted the property owner to accept food waste from municipal sources for the composting facility. The Temporary Use Permit was extended for a three-year period on April 2, 2012 to allow sufficient time for the property owner to apply to rezone the site.

The purpose of the Temporary Use Permit was to provide the opportunity for Enviro-Smart Organics Ltd. to demonstrate that food waste can be managed in a way that does not create adverse community impacts. The Temporary Use Permit ensured that the physical boundaries of the composting operation be restricted to the northern portion of the subject property to ensure that the composting operation remained an accessory use to the existing turf farm.

As composting of municipal solid waste on a commercial basis is regulated by Metro Vancouver, a one-year trial licence was issued by Metro Vancouver on March 17, 2011, which was followed by a regular licence issued on March 16, 2012. The Composting Facility Licence outlines a number of conditions to operate such a facility including the type of materials accepted, quantities, hours of operation, materials handling and storage, and odour management and drainage. The licence also has a limit on the maximum amount of food and yard waste that can be brought onto the site. A copy of the existing Temporary Use Permit along with the Composting Facility Licence can be found in Attachment C.

In May of 2011, Delta also entered into a service agreement with Enviro-Smart Organics Ltd. for the composting of Delta's yard and food waste collected at the curbside from residents. In addition to the requirements of the Composting Facility Licence, this agreement requires:

- Enviro-Smart Organics Ltd. to only accept municipally-generated food waste and yard waste from Delta and not from any other local government without Delta's approval;
- a letter from the Ministry of Environment confirming that the Composting Facility is compliant with the *Organic Matter Recycling Regulation*; and
- that a report from a Professional Agrologist auditing compliance with Delta's Zoning Bylaw and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation be provided on an annual basis.

Rezoning:

The property owner wishes to rezone the northern 8 hectares (20 acres) of land on the subject property to permit on-farm composting consisting of agricultural solid waste, yard waste and source separated food waste as a permitted use (Attachment D). Comprehensive Development Zone No. 416 has been prepared that would permit the proposed composting facility in addition to all other regulations within the A1 Agriculture zone.

The composting facility over the past year has generated only one complaint to Metro Vancouver where Enviro-Smart Organics Ltd. was determined to be the source and this was resolved immediately. The use must comply with all municipal bylaws and regulations, and staff will monitor the operations periodically to ensure environmental standards are met and that traffic along 72 Street is not impeded. As required, over the past year, the applicant has submitted quarterly reports on vehicle trips and no issues with traffic have been reported or observed.

The combination of the Metro Vancouver Composting Facility Licence and Delta's service agreement provides regulatory controls, more stringent requirements for odour abatement and the exclusion of specified odorous waste material. The composting facility would also be consistent with Delta's Official Community Plan policies on agricultural economic diversification.

Implications:

Financial Implications – There are no financial implications to Delta.

Interdepartmental Implications – The operation is required to meet all Delta bylaws and requirements in areas of fire protection, drainage and environment.

Intergovernmental Implications – According to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, the production, storage and application of compost is permitted within the Agricultural Land Reserve if at least 50 percent of the compost measured by volume is used on the farm. As the applicant has indicated that more than 50 percent would be used on the turf farm, the use would be consistent with the regulation.

The original application was also referred to the Ministry of Agriculture. Ministry of Agriculture staff indicated they have no concerns with the proposed waste streams to be used, provided the operation complies with the Provincial Agricultural Land Commission requirement that a minimum volume of 50 percent of the finished compost be used on the farm.

Community Implications – A public notification sign was placed on the subject property in June 2012, and a public notice was sent to surrounding residents and property owners on June 27, 2012. No comments have been received on this application.

▪ **CONCLUSION:**

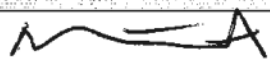
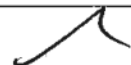
Enviro-Smart Organics Ltd., which is a division of West Coast Farms Ltd., has applied to rezone an 8 hectare (20 acre) portion of land at 4295 72 Street to receive food waste as part of operating a composting facility. The majority of the finished compost would be used for the turf farm which is part of the subject property.

It is recommended that Bylaw No. 7121 be given first and second readings. It is further recommended that Bylaw No. 7121 be referred to a Public Hearing.


Thomas Leathem
Director of Community Planning & Development

Department submission prepared by: John Hopkins
JH/wl

This report has been prepared in consultation with the following listed departments.

Concurring Departments		
Department	Name	Signature
Climate Action and Environment	Mike Brotherston	
Human Resources and Corporate Planning	Sean McGill	

▪ **ATTACHMENTS:**

- A. Bylaw No. 7121
- B. Project Data Table
- C. Copy of Temporary Use Permit LU006211A including Metro Vancouver's Compositing Facility Licence
- D. Existing Site Layout

THE CORPORATION OF DELTA

BYLAW NO. 7121

A Bylaw to amend the "Delta Zoning Bylaw No. 2750, 1977"

The Municipal Council of The Corporation of Delta in open meeting assembled,
ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as **"Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 – West Coast Farms – LU006589) Bylaw No. 7121, 2012"**.
2. "Delta Zoning Bylaw No. 2750, 1977" as amended is hereby further amended by:
 - (a) inserting "416 Delta Zoning Bylaw No. 2750, 1977 Amendment (C.D. 416 – West Coast Farms – LU006589) Bylaw No. 7121, 2012" in the correct numerical order in the LIST OF COMPREHENSIVE DEVELOPMENT BYLAWS in Part VIIIA; and
 - (b) inserting the following zone in numerical order in Part VIIIA:

"C.D. 416

ZONE: COMPREHENSIVE DEVELOPMENT ZONE NO. 416

1. Permitted Uses:
All uses permitted in the A1 Agriculture zone.
2. Permitted Accessory Uses:
All 'Accessory Uses' permitted in the A1 Agriculture zone

Composting of agricultural waste, yard waste, and source separated food waste that is diverted from residential, commercial or institutional sources.

3. Other Regulations:
Uses permitted in Section 1 and 2 above shall be subject to all the regulations, conditions and requirements of the A1 Agriculture zone, as amended from time to time."

Bylaw No. 7121

- 2 -

3. "Delta Zoning Bylaw No. 2750, 1977" as amended is hereby further amended by rezoning the portion of the lands that is hatched and outlined in bold and marked "Subject Property" on Schedule 7121-1 attached hereto and forming part of this bylaw as C.D. 416 Comprehensive Development Zone No. 416 and by amending the "Delta Zoning Maps" referred to in Section 301 accordingly.

READ A FIRST TIME the day of , 2012.

READ A SECOND TIME the day of , 2012.

PUBLIC HEARING HELD the day of , 201 .

READ A THIRD TIME the day of , 201 .

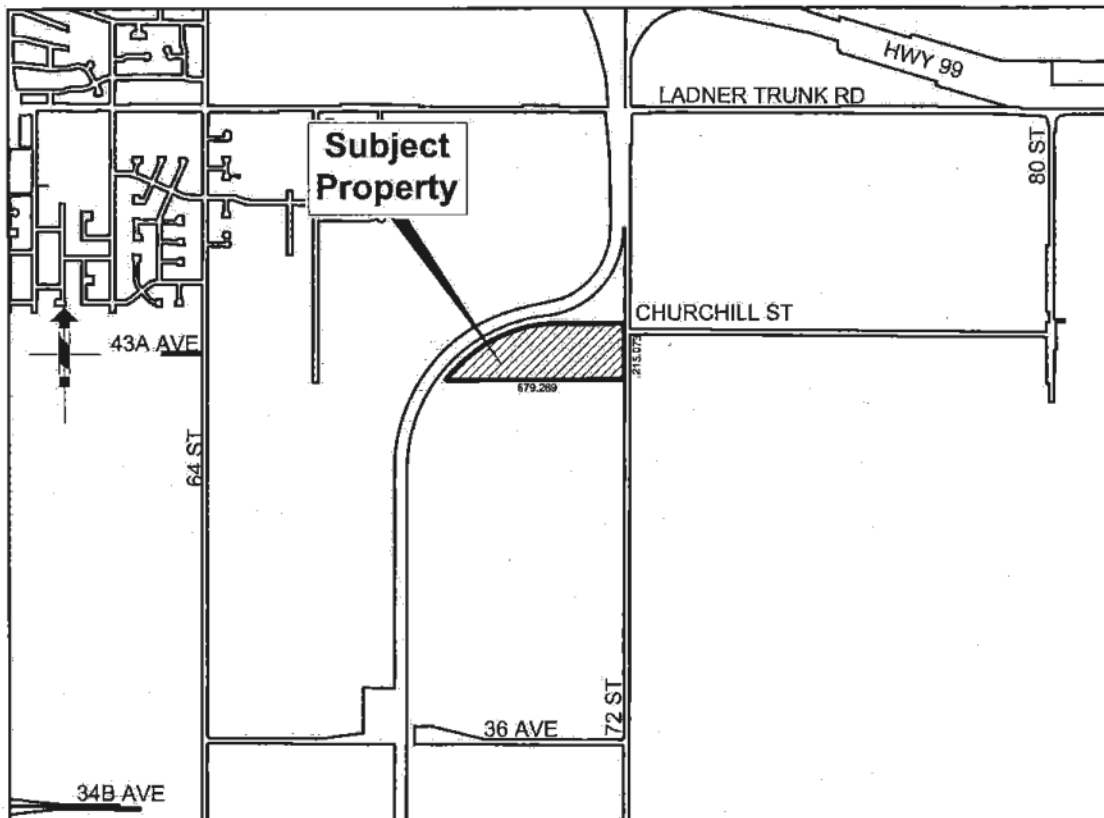
FINALLY CONSIDERED AND ADOPTED the day of , 201 .

Lois E. Jackson
Mayor

Angila Bains
Municipal Clerk

Bylaw No. 7121

- 3 -



This is Schedule 7121-1 to "Delta Zoning Bylaw No. 2750, 1977 Amendment
(C.D. 416 – West Coast Farms – LU006589)
Bylaw No. 7121, 2012"

Legal: P.I.D. 024-632-091
Portion of Lot 1, District Lot 179 and 180, Group 2
New Westminster District Plan LMP43954

Project Data for 4295 72 Street

Owner	West Coast Farms Ltd.	
Applicant	Same as above	
Application Date	June 4, 2012	
	Existing	Proposed
Regional Growth Strategy Designation	Agricultural	No change
OCP Designation: Schedule A	A Agricultural	No change
Zoning	A1 Agriculture	Comprehensive Development No. 416 which would permit the composting of food waste in addition to all other permitted uses in the A1 Agriculture zone.
No. of Lots	1	No change
Lot Size	57.4 ha (142 ac)	Composting facility: 8 ha (20 ac) Turf Farm: 49.4 ha (122 ac)

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THE CORPORATION OF DELTA

TEMPORARY USE PERMIT NO. LU006211A

Issued pursuant to Sections 920.2 and 921 of the *Local Government Act*

1. This Temporary Use Permit (hereinafter called the "Permit") is issued to:

WEST COAST FARMS LTD., INC. No. 464542
4295 72 Street
Delta, BC V4K 3N2

(hereinafter called the "Permittee") as the owner of, and shall apply only to the lands situate in the Municipality of Delta, in the Province of British Columbia, and more particularly known and described as:

Parcel Identifier: 024-632-091
Lot 1, District Lot 179 and 180, Group 2,
New Westminster District Plan LMP43954

(hereinafter called the "Lands")

2. This Permit is issued subject to compliance by the Permittee with all of the bylaws of The Corporation of Delta (hereinafter referred to as "the Municipality"), except as specifically varied or supplemented by this Permit.
3. The Lands have been designated as a Temporary Use Permit Area in "The Corporation of Delta Official Community Plan, No. 3950, 1985."
4. Notwithstanding "Delta Zoning Bylaw No. 2750, 1977", as amended, but subject to the terms and conditions contained herein, permission is hereby given to temporarily use the portion of the Lands that is hatched as shown on Schedule "A" for the following purpose:

On-farm composting consisting of agricultural solid waste, yard waste, and source separated food waste.
5. The temporary use shall only apply to the portion of the Lands that is hatched as shown on Schedule "A".
6. The temporary use shall be consistent with Metro Vancouver's Composting Facility Licence C-016 attached as Schedule "B".
7. As part of the quarterly reports required by Composting Facility Licence C-016, the applicant is required to submit to the Municipality a record of the number of vehicles depositing municipal solid waste each day to the Lands.


8. The Lands shall be developed strictly in accordance with the terms, conditions and provisions of this Permit. Any contravention with the terms and conditions of this Permit, Metro Vancouver's Composting Facility Licence C-016, or any other contractual agreement may result in this Permit being revoked.
9. The Lands shall be used strictly in accordance with the terms, conditions and provisions of this Permit and any plans and specifications attached to this Permit shall form part hereto. This Permit does not constitute a rezoning, subdivision approval, sign permit or building permit.
10. This Permit is not transferable.
11. This Permit shall lapse three years from the date of Municipal Council authorization.


AUTHORIZING RESOLUTION PASSED by the Municipal Council on the
2 day of April, 2012.

IN WITNESS WHEREOF this Permit has been executed by the Permittee and is
hereby issued by the Municipality the 2 day of April, 2012.

SIGNED AND DELIVERED by the
above named Permittee in the presence
of:

Name:


Aaron Wicke



West Coast Farms Ltd., Inc.
No 464542

Address: 4500 Clarence Taylor Crescent
Delta, BC
V4K 3E2

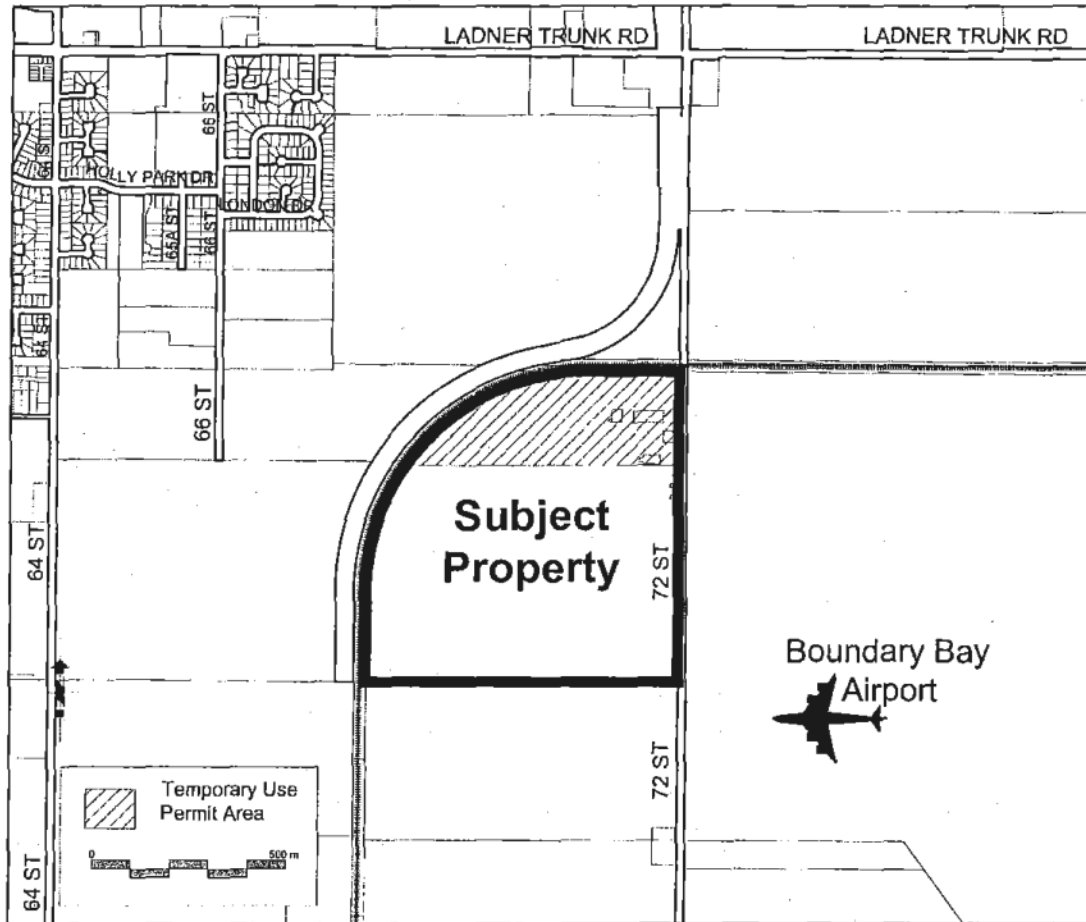
Occupation:
ACT

THE CORPORATION OF DELTA
by its authorized signatories:


Lois E. Jackson - Mayor


Angila Bains - Municipal Clerk

April 19/12



GREATER VANCOUVER SEWERAGE AND DRAINAGE DISTRICT
POLICY AND PLANNING DEPARTMENT

LICENCE

C-016

In accordance with the Greater Vancouver Regional Solid Waste Management Plan and the Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181, 1996, as amended by Bylaw No. 183, A Bylaw to Amend Greater Vancouver Sewerage and Drainage District Municipal Solid Waste and Recyclable Material Regulatory Bylaw No. 181 (collectively the "Bylaw")

Enviro-Smart Organics Ltd.

Suite 270, 10711 Cambie Road
Richmond, British Columbia
V6X 3G5

(the "Licensee") is authorized to operate a

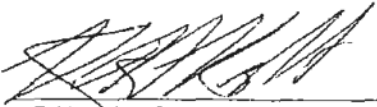
COMPOSTING FACILITY

at

4295 72nd Street
Delta, B.C.
V4K 3N2

This Licence has been issued under the terms and conditions prescribed in the Bylaw and consist of 11 pages.

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Date Amended: **MAR 16 2012**
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R.H. Robb, Solid Waste Manager
Licence: C-016

1. DEFINITIONS

1.1 Definitions

In this Licence terms defined in the Bylaw shall have the same meaning for the purpose of this Licence unless otherwise defined in this Licence and,

"co-composting" means the composting of municipal solid waste with agricultural and/or industrial waste,

"composting" means the biological decomposition of organic materials, substances or objects under controlled circumstances to a condition sufficiently stable for nuisance-free storage and safe use in land applications,

"Compostable Material" means any organic material, substances, or objects that can be used for composting, and does not include Finished Compost,

"Finished Compost" means compost that has biologically decomposed to a sufficient degree that the product has beneficial value to plant growth, and can be stored, handled and used without giving rise to odour or self-heating problems, even if it should become wet. "Finished Compost" must be highly stabilized indicated by the following:

- (1) the product will not reheat upon standing to greater than 20 degrees Celsius above ambient temperature, or
- (2) the product has shown a reduction of organic matter of greater than 60% by weight,

"fish waste" means fish carcasses and parts from harvested wild stocks of aquatic animals, commercial aquaculture operations and fish processing facilities,

"Food Waste" means recyclable food for humans such as, but not limited to, meat, fish, fat, dairy products, bread, baking products, fruits, and vegetables, whether cooked or uncooked that has been diverted from residential, commercial and institutional sources but does not include liquids such as fruit drinks, milk, soft drinks, etc.,

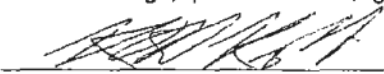
"municipal solid waste" shall have the same meaning as defined in the *Environmental Management Act*, ("(a) refuse that originates from residential, commercial, institutional, demolition, land clearing or construction sources, or (b) refuse specified by a director to be included in a waste management plan"),

"Residual Waste" means solid waste produced as a result of reduction, reuse, recycling, recovery, or other activities conducted at a facility, for which disposal is required,

"Soiled Paper" means manufactured thin sheets of wood pulp or other fibrous substances that may be converted into reusable materials such as newspapers and inserts, magazines, telephone directories, catalogues, office papers, envelopes, boxboard, paper bags, carbon paper, tissue paper, paper napkins or towels, gable top paper containers such as milk cartons and paper that is covered or infused with wax, that is soiled by or commingled with Food Waste. Soiled Paper does not include photographic paper, paper that is adhered to plastic or metal or composite paper products such as tetrapak containers, and

"Yard Waste" means vegetative matter resulting from gardening, horticulture, landscaping or land clearing operations, including materials such as tree and shrub trimmings, plant remains, grass

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clippings, trees and stumps, but does not include demolition waste, contaminated organic matter or significant amounts of animal feces.

2. MATERIAL BANS

Disposal of the following materials are banned or restricted. They are either recyclable or hazardous. Consequently, these materials must be diverted from the waste stream and forwarded to an appropriate facility for the purpose of recycling or treatment.

- Yard Waste
- Newspapers
- Corrugated Cardboard
- Office Paper
- Gypsum Waste
- Lead Acid Batteries
- Paints Solvents and Flammable Liquids
- Medications/Pharmaceuticals
- Blue Box Recyclable Material
- Beverage Containers (all except milk)
- Tires
- Oil Filters and Empty Oil Containers
- Electronic Waste
- Pesticides, Solvents and other Household Hazardous Waste

All reasonable efforts shall be made to recover the following material, from municipal solid waste accepted at the facility, for the purpose of recycling.

- Clean Wood Waste
- Metal
- Mattresses

3. FACILITY

3.1 Location of Authorized Facility

The operation of the Facility to which this Licence applies shall be restricted to the northern third of the land described as Parcel Identifier No. 024-632-091 and legal address Lot 1, Plan LMP43954, District Lot 179 & 180, Group 2, New Westminster District Land District.

The civic address of the site is 4295 72nd Street, Delta, BC.

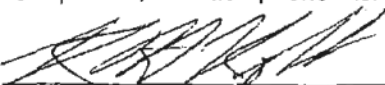
3.2 Access

The Licensee shall provide locking gates on all access roads to prevent unauthorized access and ensure that they are locked at all times the Facility is unattended. An on-site attendant shall be available when the facility is closed to the public; video surveillance is to be available 24 hours a day. Access routes to and through the Facility shall be constructed from suitable material satisfactory to the Solid Waste Manager and capable of providing all weather access for all emergency vehicles. The Licensee may be required by the Solid Waste Manager to provide fencing, trees, shrubbery, or natural features so as to limit access to the Facility.

3.3 Signage

The Licensee shall ensure that at all times the Facility has a sign posted at the entrance clearly identifying the name and address of the Facility, owner and operator, contact phone number,

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emergency phone number, hours of operation, and information on acceptable and unacceptable materials. This sign shall be of a size and have print that is easily readable from the Facility entrance. The Licensee may be required by the Solid Waste Manager to provide additional signs for purposes such as indicating the directions to the active tipping and Compostable Material separation areas.

3.4 Communications

The Licensee shall ensure that at all times the Facility is operating; telephone or other communication equipment is available to immediately summon fire, police or emergency service personnel in the event of an emergency.

3.5 Facility Works

The works pertaining to this Licence include, but are not limited to:

- partially enclosed receiving building
- mechanically aerated, partially enclosed primary fermentation building
- grading of paved site to direct surface water to catch basins and leachate sump.
- a leachate collection system and aerated clay lined pond. Leachate and storm water from the paved portion of the site is directed to catch basins and a leachate sump in the paved windrow area. All combined leachate and storm water is pumped into the aerated clay lined pond.
- existing treed earth berms along the north and east perimeters
- on-site weather station
- on-site windsock
- weigh scale
- mechanical windrow turner

4. OPERATING REQUIREMENTS

4.1 Acceptable Materials

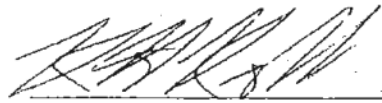
The Facility may accept for composting purposes the following types of Compostable Material which are considered municipal solid waste:

- (1) Food Waste,
- (2) Yard Waste,
- (3) Soiled Paper,
- (4) clean wood waste that has not been treated with anti-sapstain or other wood preserving chemicals, and
- (5) other materials specifically authorized in writing by the Solid Waste Manager. Such authorization shall be deemed to form part of this Licence.

For co-composting purposes, the Facility may accept the following types of Compostable Material which are not considered municipal solid waste:

- (1) industrial organic waste, other than that specifically excluded in Section 4.2
- (2) agricultural organic waste, other than that specifically excluded in Section 4.2 and
- (3) other materials specifically authorized in writing by the Solid Waste Manager. Such authorization shall be deemed to form part of this Licence.

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R.H. Robb, Solid Waste Manager
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The Facility shall not accept any materials authorized under 4.1 while the Facility's primary fermentation aeration system is non-functional.

4.2 Unacceptable Material

The Facility shall not accept:

- (1) Any other materials not authorized in Section 4.1 of this Licence, and specifically not:
- (2) Hazardous Waste as defined by the *Environmental Management Act Hazardous Waste Regulation*,
- (3) dead animals, abattoir waste, hatchery waste, fish waste and chicken manure,
- (4) wood other than clean wood waste that has not been treated with anti-sapstain or other wood preserving chemicals, and
- (5) biosolids, wastewater treatment plant sludge, grit, and screenings.

Unacceptable material must be removed from the Facility immediately.

4.3 Quantities

For the purpose of this section, the term quantity includes any gases, liquids, or solids intermingled with Compostable Material. These quantities shall apply regardless of the state, condition, or form of the Compostable Material.

The maximum weight of Compostable Material that may be accepted at the Facility shall not exceed **650 tonnes per day**.

The annual average weight of Compostable Material that may be accepted at the Facility shall not exceed **206 tonnes per day**.

The total volume of Compostable Material that may be at the Facility at any given time shall not exceed **62,500 cubic metres**.

The Solid Waste Manager may require the Licensee to retain a British Columbia Land Surveyor (or other qualified professional satisfactory to the Solid Waste Manager) to carry out a survey of the quantities of municipal solid waste at the Facility, and submit the results of the survey to the Solid Waste Manager. If the survey results indicate that the quantity of municipal solid waste at the Facility exceeds **62,500 cubic metres**, the Licensee shall refrain from accepting municipal solid waste until such time as the quantity is less than **62,500 cubic metres**.

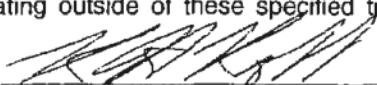
4.4 Hours of Operation

Subject to municipal bylaws, zoning requirements, or the notification provided for below, the Facility shall only operate or allow access to vehicles delivering municipal solid waste or Compostable Material on to the site as follows:

Operator & Deliveries:	Monday to Sunday	24 hours per day
Public:	Monday to Friday	7:00 a.m. - 6:00 p.m.
	Saturday	7:00 a.m. - 5:00 p.m.

The Licensee shall notify the Solid Waste Manager (facsimile number: 604-436-6707) in writing during regular business hours at least 24 hours in advance of operating outside of these specified times.

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Notices received outside of regular business hours will be deemed to have arrived at the beginning of the next business day. This notice shall include the specific date and times that the activity will occur outside of these hours. The Licensee shall also notify the Corporation of Delta of any changes to these specified times.

4.5 Weigh Scale

The Licensee shall operate and maintain a weigh scale that records in 10 kg increments and is approved by Consumer and Corporate Affairs - Weights and Measures Section. All loads of municipal solid waste and Recyclable Material, received and removed from the Facility, shall be weighed and recorded.

4.6 Supervision and Load Inspection

An attendant employed by the Licensee shall be available at all times that the Facility is accepting waste. Every load received at the Facility shall be inspected before mixing it with any other loads. Customers discharging municipal solid waste or Recyclable Material at the Facility, after the Facility is closed to the public, shall be pre-approved by the Facility Operator. Unacceptable materials entering the site shall be refused and removed by the hauler. A record shall be maintained of rejected loads including date, time, type of material, hauler's name, and vehicle Licence number.

4.7 Material Handling and Storage

All incoming municipal solid waste and Recyclable Material shall be weighed and recorded indicating the quantity of materials received at the site. After the weights of the materials are recorded, all materials are to be tipped and managed in the designated areas on site. All storage of materials to be used as feedstock, primary composting, secondary curing and storage of finished compost shall be contained to paved surface area within the Facility.

Highly volatile or odourous organic wastes are to be mixed with high carbon content Compostable Materials within four hours and put onto mechanically aerated cells in the primary fermentation building within 24 hours of receipt.

Between August 1 and September 30, loads with mixed Food Waste and Yard Waste are to be put onto mechanically aerated cells in the primary fermentation building within 4 days of receipt.

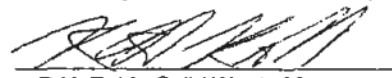
Between October 1 and July 31, loads with mixed Food Waste and Yard Waste are to be put onto mechanically aerated cells in the primary fermentation building within 7 days of receipt.

Any loads containing Food Waste that have not been put onto mechanically aerated cells in the primary fermentation building by the end of the business day shall be capped with a cover of cured compost, sawdust, chipped wood waste or other suitable organic matter.

Primary fermentation is to be carried out by aerobic static pile aeration method within a covered building. Optimum moisture, temperature and oxygen levels are to be maintained at all times. A cover of cured compost, sawdust, chipped wood waste or other suitable organic matter shall be used to cap the piles in the primary fermentation building.

Once primary fermentation has been completed, composting materials are to be formed into windrows in the secondary curing area on the open, paved surfaces within the Facility. Secondary windrows are to be cured for a minimum of 21 days. Curing windrows are to be turned on a regular basis to ensure optimum

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oxygen levels in the piles. A cover of cured compost, sawdust, chipped wood waste or other suitable organic matter shall be used to cap curing windrows, depending on active stage, age and odour of the windrow.

All Compostable Materials and unfinished compost shall be stored on paved surfaces within the Composting Facility.

All materials in the facility shall be managed in a manner to minimize vector attraction. Compostable Material listed in Section 4.2 of this Licence that is not suitable for composting, sale, or use, must be segregated from the Composting Facility and removed immediately.

4.8 Operating Procedures and Odour Management

Operating practices such as, but not limited to the following, shall be employed:

- (1) in the receiving building; odourous feedstocks shall be covered with a layer of sawdust within 4 hours of receipt,
- (2) maintaining optimum C:N ratios in composting mixes,
- (3) maintaining appropriate oxygen, temperature, moisture and porosity levels in composting materials,
- (4) maintaining a cover of cured compost, sawdust, chipped wood waste or other suitable organic matter on piles of composting materials in the primary fermentation building,
- (5) limiting the turning of windrows to times when the winds are favourable,
- (6) in the secondary curing area, windrows shall be capped with cover of cured compost, sawdust, chipped wood waste or other suitable organic matter depending on the active stage of the windrow,
- (7) on an as needed basis; clean sawdust, chipped wood waste or other suitable organic matter shall be used to soak up standing pools of leachate on the paved surfaces,
- (8) maintaining the leachate pond aeration system to ensure it remains functional, and
- (9) in the primary fermentation building; the programming of the air blower on/off cycles shall take into account critical times of the day and night.

This Licence does not authorize the discharge of air contaminants, including odourous substances, from the Facility.

4.9 Drainage

The Licensee shall ensure that all storm water and other runoff from the composting operation buildings and paved open surface areas of the windrow and finished compost storage areas are collected and directed to the on-site leachate collection system. Leachate generated in the receiving building shall be directed to the leachate collection system. Leachate generated in the primary fermentation building shall be collected in channels cast in place on the building floor that are covered with stainless steel plates and then directed to the leachate sump. Stormwater, runoff and leachate generated in the paved secondary curing area shall be directed to a collection system consisting of three catch basins and a leachate sump and then pumped into the mechanically aerated, clay lined leachate pond. The Licensee shall maintain all collection channels, catch basins and the sump area to ensure proper drainage. The sump pump shall be maintained in good working condition. The Licensee may be required by the Solid Waste Manager to provide groundwater and surface water monitoring information.

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4.10 Area Maintenance and Litter Control

The Licensee shall maintain public and private roadways within 100 metres of the Facility free from litter, mud or debris which may be directly attributed to the Facility, its customers, or its suppliers. The Licensee shall control litter by way of litter control fences, litter pickup, or any other measures deemed necessary by the Solid Waste Manager.

4.11 Burning Prohibited

Burning of any material at the Facility is prohibited.

4.12 Fire Protection

The Licensee shall provide and maintain an adequate water supply or equivalent on site for extinguishing any fires, should they occur.

In the event of a fire, the Licensee shall immediately notify the local fire department and the Solid Waste Manager (telephone number 7:30 AM - 11:30 PM: 604-436-6777, 11:30 PM - 7:30 AM 604-643-8488, facsimile number: 604-436-6707) and take all measures necessary to extinguish the fire.

4.13 Emergency Conditions

In the event of an emergency which prevents compliance with a requirement of this Licence, that requirement may be suspended for such time as the emergency exists or until otherwise directed by the Solid Waste Manager provided that:

- (1) due diligence was exercised by the Licensee in relation to the operation or event which caused the emergency and that the emergency has occurred notwithstanding this exercise of due diligence
- (2) the Solid Waste Manager (telephone number: 7:30 AM - 11:30 PM: 604-436-6777, 11:30 PM - 7:30 AM 604-643-8488, facsimile number: 604-436-6707) is immediately notified, and
- (3) the emergency condition is being corrected with due diligence.

4.14 Closure Plan

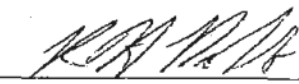
The Licensee shall notify the Solid Waste Manager of plans and dates regarding site closure. This notification is to occur at least 30 days prior to the closure of the facility. The Licensee shall provide all haulers 30 days notice to find alternative municipal solid waste facilities, prior to closure of the Facility. All equipment shall be dismantled and removed from the site, materials ready for market shall be shipped, and any residual municipal solid waste shall be disposed of at an authorized facility.

5. INSPECTIONS

5.1 Inspections

The Licensee shall conduct inspections of the site each day. The Licensee shall conduct inspections of all operational equipment and control works each day. The Licensee shall ensure all operational equipment is maintained in good working order. The results of the inspections are to be recorded. Any required maintenance and repairs are to be scheduled and completed as soon as is reasonably practicable.

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R.H. Robb, Solid Waste Manager
Licence: C-016

6. REPORTING

6.1 Quarterly Reporting of Quantities

The Licensee shall record the quantity, in tonnes, and type of Compostable Material received at the Facility, the quantity of Finished Compost and residual waste for disposal, in tonnes, shipped from the Facility each day. Records of monthly quantities of Compostable Material received, Finished Compost shipped and Residual Waste disposed from the Facility shall be suitably tabulated and submitted to the Solid Waste Manager on a quarterly basis by the end of January, April, July, and October of each year for the preceding calendar quarter of operation.

The report shall be submitted (by the dates specified above) by

E-mail to: **regulationenforcement@metrovancover.org**

Fax to: **604-436-6707**

Mail to: **Metro Vancouver
Regulation and Enforcement Division
Policy and Planning Department
4330 Kingsway
Burnaby, BC V5H 4G8**

6.2 Record Keeping

The Licensee shall retain the following at 4295 72nd Street, Delta and shall produce the same for examination if required by the Solid Waste Manager or an Officer:

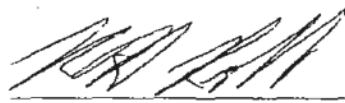
- (1) copy of this Licence,
- (2) copies in electronic or hard-copy form of records and other evidence for the previous year of operation relating to the quantity and type of
 - (i) Compostable Material accepted at the Facility,
 - (ii) residues or rejected material from the composting Facility delivered to a disposal facility,
 - (iii) Finished Compost shipped from the Facility,
- (3) records of rejected loads including date, time, type of material, hauler's name, and vehicle licence number for the previous year of operation, and
- (4) records of inspections conducted by the Licensee and regulatory agencies for the previous year of operation.

7. TERMS

7.1 Notification

The Licensee shall notify the Solid Waste Manager of a change in the ownership or control of the Facility, or any change in control of the Licensee. This notification shall be provided at least one month prior to the change. A transfer or assignment of the Licence requires written approval by the Solid Waste Manager.

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R.H. Robb, Solid Waste Manager
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7.2 Notice

Any notice required to be delivered to the Licensee under this Licence shall be delivered or deemed to have been delivered if such notice is:

- (1) mailed by registered mail to the registered or records office of the Licensee or to the address the Licensee is authorized to operate,
- (2) delivered to the registered or records office of the Licensee,
- (3) delivered to an adult individual at the Facility who appears to be an employee of the Licensee or appears to be in control of the Facility,
- (4) delivered to a director, officer, liquidator, trustee in bankruptcy or receiver manager of the Licensee, or
- (5) posted on the door or gate of the Facility, where no one is present at the Facility or the Facility appears to be abandoned.

7.3 Suspension and Cancellation

This Licence may be suspended or cancelled in accordance with the Bylaw.

8. SECURITY AND PERFORMANCE

As a condition of this Licence, the Licensee shall provide and maintain security as described in this Article 8. The security shall remain in place until the Licensee has completed the site closure to the satisfaction of the Solid Waste Manager.

8.1 Purpose of Security

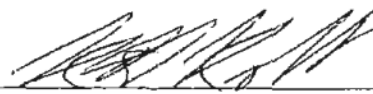
The purpose of the security is to indemnify the District for any expenses arising out of a default by the Licensee under this Licence. The security may be utilized by the District at the discretion of the Solid Waste Manager at any time during the term of this Licence to conduct remedial work which may be necessary to rectify a continuing default by the Licensee under this Licence.

8.2 Nature of Security

The security shall be in the amount of \$82,000 or adjusted pursuant to Section 8.3, and shall be provided and maintained as follows:

- (1) the first five thousand dollars (\$5,000) shall be provided in the form of cash or an irrevocable Letter of Credit provided by a Canadian Chartered Bank. The Letter of Credit shall be irrevocable and may be drawn upon only by written demand of the Solid Waste Manager. The Letter of Credit shall be issued in favour of the Greater Vancouver Sewerage and Drainage District and shall be in a form satisfactory to the Solid Waste Manager; and
- (2) the balance of the security shall be provided and maintained in any of the following forms:
 - (i) cash
 - (ii) an increase in the value of any Letter of Credit provided under subsection (1) to the full amount of the security
 - (iii) a trust fund
 - (iv) a surety bond
 - (v) any other form satisfactory to the Solid Waste Manager.

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The instrument referred to in (ii), (iii), and (iv) shall be provided in a form satisfactory to the Solid Waste Manager.

8.3 Review of Security

The amount of security required under this Licence may be reviewed and adjusted periodically at the sole discretion of the Solid Waste Manager at any time during the term of this Licence.

8.4 Conditions for Drawing on Security

If the Licensee defaults under or fails to comply with any provision of this Licence, and does not cure the default or failure within the time specified by the Solid Waste Manager, in a written notice delivered to the Licensee informing the Licensee of such default or failure, the security may be drawn upon and used at the discretion of the Solid Waste Manager, acting reasonably, for the following purposes, without limitation:

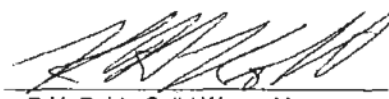
- (1) to remove, process, treat, or utilize municipal solid waste, Compostable Material, or any other materials abandoned at the Facility,
- (2) to control or stop the escape of leachate or contaminated run-off from the Facility,
- (3) to remediate the site following a fire at the Facility,
- (4) to cover expenses, including legal expenses, incurred by the District in
 - (i) carrying out the activities described in this Section 8.4, and
 - (ii) enforcing or complying with any laws or enactments of the District,
- (5) to pay outstanding fees required under the Bylaw, and
- (6) to complete site closure.

8.5 Conditions for Returning Security

The security, or any balance remaining after it may have been drawn upon in accordance with the terms of this Licence, will be returned to the Licensee upon the Licensee completing the site closure to the satisfaction of the Solid Waste Manager.

Nothing in this Licence shall obligate the District to draw on any security provided under this Licence or undertake any action to cure any default or failure of the Licensee. The exercise by the District of any power to cure any default or failure by the Licensee under this Licence shall not create any obligation or liability on the District to complete the curing of any default or failure.

Date Issued: March 17, 2011
Date Amended: **MAR 16 2012**
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R.H. Robb, Solid Waste Manager
Licence: C-016

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