

Environmental Appeal Board

BETWEEN:

KENNETH R. FIDDES, THOMAS H. COAPE-ARNOLD
and GEOFFREY NIELSEN

Appellants

AND:

BRITISH COLUMBIA
(DIRECTOR, ENVIRONMENTAL MANAGEMENT ACT)

Respondent

AND:

PINNACLE RENEWABLE ENERGY INC.

Third Party

(the "Parties")

MEMORANDUM OF UNDERSTANDING

The Parties hereby agree the within appeal is resolved for all purposes as follows:

1. Pinnacle will continue to use McCall Environmental for its stack testing. Pinnacle will direct McCall to consult with Levelton Consultants respecting the techniques it used to ascertain the PM2.5/PM10 size fraction ratios at the Merritt pellet mill under EPA approved methods. In addition, Pinnacle will engage Levelton to

conduct an onsite audit of McCall's stack testing and their stack testing report in either Q3 or Q4 of 2016 and Levelton will directly provide a report of this audit to the Ministry and the Appellants. Without fettering the discretion of the director, the stack testing is to be performed in accordance with sections 4.1 and 4.5 of the permit to the extent achievable by EPA approved methods.

2. Pinnacle will create a website portal for people to register complaints about lighting, noise and odour issues in Lavington. The website portal will provide confirmation to the person submitting the complaint. Pinnacle will follow up with each complaint and will investigate, as necessary. Pinnacle commits to taking reasonable actions to resolve complaints related to the pellet plant. Pinnacle will specifically review a concern about lighting of the pellet plant stack shown in a photo dated January 3, 2016, and concerns raised by the Hoffman family about lighting on the west wall of the building, (which may have been addressed recently) and will follow up with same.
3. Pinnacle and the Ministry will support the appellants' proposal respecting the government's woodstove exchange program and, if approved, will match government funding for the exchange of stoves in the entire Coldstream district.
4. Pinnacle will place and monitor dust canisters, in the quantity and location(s) directed by the Ministry of Environment for a period of two years. Results will be disclosed to the Appellants by Pinnacle.
5. If, after one year of monitoring, there are exceedances of the provincial dustfall objective, then Pinnacle will consider further fugitive dust mitigation measures, including but not limited to the installation of a camera(s) to observe fugitive dust from its facility and the addition of wind fencing around all external storage of raw material.
6. Pinnacle will make reasonable efforts to work with Tolko to minimize truck idling on Jeffers Drive and on the Pinnacle Premises.

7. Pinnacle and the Ministry of Environment will establish an air quality management committee consisting initially of:

- a. at least one Ministry representative;
- b. a minimum of two lay members who are representative of the community at large, one of which will, in the first year, be nominated by the community group known as Lavington LIFE; and
- c. a representative from Pinnacle.

The Ministry will agree to chair the committee until such time as a member of the District of Coldstream joins the committee. The Ministry's intention is to transfer chairmanship to the District of Coldstream as soon as possible. The established air quality management committee will meet at least once every six months. Other local governments in the region will be invited to participate. The terms of reference for the committee will include pursuing the preparation of a science-based air quality management plan.

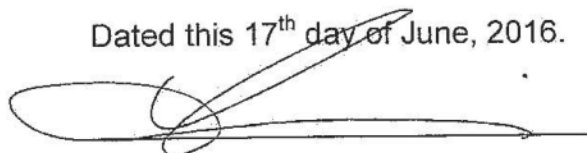
8. The Ministry will disclose to the appellants Pinnacle's Air Episode Management Plan: Fugitive Dust Control & Air Episode Management for information only and not for publication purposes. The Ministry will consider any comments raised by the appellants respecting same in its ongoing review of the plan.

9. The Ministry will commit to continued ambient monitoring in Lavington, until December 2017.

10. The appellants will withdraw and abandon their notice of appeal forthwith.

11. This Memorandum of Understanding is a public document and is not confidential.

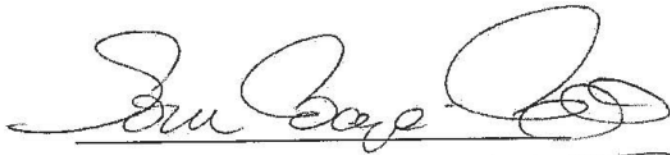
Dated this 17th day of June, 2016.



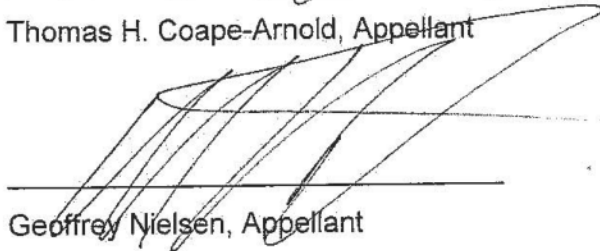
Kenneth R. Fiddes, Appellant



Simon Wells, Counsel for Third Party



Thomas H. Coape-Arnold, Appellant

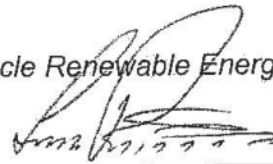


Geoffrey Nielsen, Appellant

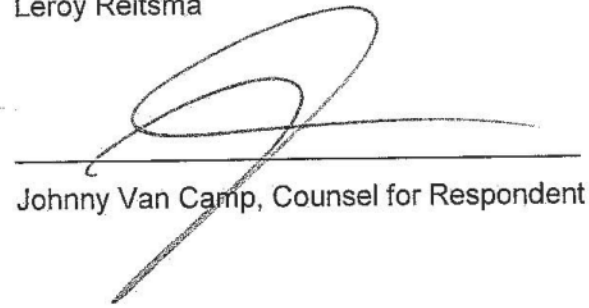


Meghan Butler, Counsel for Respondent

Pinnacle Renewable Energy Inc.:



Leroy Reitsma



Johnny Van Camp, Counsel for Respondent

*Her Majesty the Queen in right of the
Province of British Columbia as represented
by the Ministry of Environment:*



Cassandra Caunce, Director