



The Corporation of the District of Central Saanich

September 9, 2013

File No. 0400-50/13

Mayor Nils Jensen
Chair
Environmental Services Committee
Capital Regional District
PO Box 1000
625 Fisgard Street
Victoria, BC V8W 1R7

Dear Mayor Jensen:

Re: Foundation Organics Recycler License

The Mayor and Council of the District of Central Saanich would respectfully request that the CRD Environmental Services Committee give timely consideration on or before September 25, 2013, to the serious impacts that the Foundation Organics facility is having on our community.

- CRD and municipal staff and elected representatives have been inundated with serious complaints from neighbours of the facility about persistent and nuisance odours coming from this facility since it was issued a CRD recycler license.
- Residents on all sides of the facility are impacted but especially those to the west of the facility due to the prevailing easterly wind direction; this includes the residential community of Tanner Ridge on the west side of Highway 17.
- Lest these concerns be dismissed as NIMBY they are not. The Central Saanich community knows and values agriculture, we recognize that farms occasionally produce odours temporarily while manure and other fertilizers are being applied to farm fields. This is a different situation. These odours are persistent, pungent and for some nauseating. Recently, for many residents, the only relief has been when the wind temporarily changes direction or they venture away from their homes to escape the plume of offensive odour.
- To date the incremental enforcement of CRD Bylaw 2736 (Compost Facility Regulation) by CRD staff has not resulted in any measurable relief for affected residents and the credibility of the CRD's ability to achieve a satisfactory result is undermined by the fact that deliveries of food waste continue despite the suspension of the facility's recycler license.
- On September 3, 2013, over 150 angry residents attended the Central Saanich Council Meeting demanding action to resolve this matter. In addition to the loss of

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enjoyment of their property they are concerned about potential impacts on their health and property values. While Central Saanich Council is seeking means to regulate composting operations at the local level we rely largely on the CRD authority to prevent nuisance odours and dust as required by CRD Bylaw 2736.

- Under provincial regulations the production of Class A compost is an outright permitted use within the Agricultural Land Reserve provided that all of the Class A compost is applied to the farm as required by the Central Saanich Land Use Bylaw. Council recognizes that composting is a beneficial accessory farm practice that helps to maintain the fertility of the land. However, beyond an appropriate scale relative to the farm operation a composting facility has the potential to be detrimental to the farm and the environment.

The Mayor and Council of the District of Central Saanich respectfully request that given the ongoing issues and lack of confidence identified by residents that the operator will be able to consistently achieve substantial compliance with the requirements of CRD Bylaw 2736:

1. CRD use all the means available (including a court injunction if deemed appropriate and necessary) to bring a timely resolution to the nuisance odours continuing to emanate from the Foundation Organics facility.
2. CRD not reinstate the current license unless a third party expert analysis of the management plan has been undertaken which provides independent certification by a qualified professional that the operating plan will effect compliance with the regulations.
3. CRD not reinstate either the current license for 10,000 tons/year or issue an amended license for the requested capacity of 18,500 tons/year until such time as both the Agricultural Land Commission (ALC) and the District of Central Saanich have confirmed that the land use for such a facility is permitted under ALC and District of Central Saanich land-use regulations as required by CRD Bylaw 2736.
4. CRD place a moratorium on the consideration of any further recycler licenses for facilities located on ALR lands until regulations have been adopted by the ALC to provide clarity on the maximum scale at which a compost operation is considered to be an outright permitted farm use, and beyond which it is deemed to be an industrial non-farm land use requiring special permission.
5. CRD review and update of CRD Bylaw 2736 to provide for public consultation prior to the issuance of a recycler license and tightened professional oversight of operations processing food waste and other restricted organic material.

Should you have any questions regarding this matter, please contact the undersigned.

Sincerely,



Alastair Bryson
Mayor