

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON AUGUST 28, 2017</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL  KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR - ENVIRONMENTAL &amp; ENGINEERING SERVICES &amp; CITY ENGINEER</b>
<b>SUBJECT</b>	<b>REVIEW OF IMPACTS FROM INDUSTRIAL SOURCES (FOCUS ON ODOUR) AND POTENTIAL MUNICIPAL ACTIONS (PRIMARILY SOUTH OF HIGHWAY 401)</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Managing Director, Development & Compliance Services and Chief Building Official and the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to current and potential odour challenges from waste management facilities near the communities of Brockley, Shaver and Glanworth:

- a) Toronto Municipal Council, York Regional Council and the Minister of Environment & Climate Change **BE ADVISED**, by the Mayor on behalf of London Municipal Council, that the City of London is requesting action or further action with respect to odour challenges that City of London residents are experiencing arising from selected waste management and industrial facilities located in south London;
- b) Orgaworld Canada Ltd. **BE REQUESTED** to reinitiate its Public Liaison Committee, or another form of community engagement, in order to facilitate further discussion and to strengthen its relationship with area residents;
- c) the Middlesex-London Health Unit (MLHU) **BE REQUESTED** to provide a health opinion on odours from waste management facilities like those located in south London (i.e., composting, anaerobic digestion, landfill) by September 30, 2018;
- d) a City of London webpage **BE CREATED** for the purpose of making available local Ministry of Environment & Climate Change (MOECC) public information and statistics dealing with odours and related matters from selected waste management and industrial facilities in south London, for a two-year period;
- e) the MOECC **BE REQUESTED** to provide an annual update on selected waste management and industrial facilities in south London, for a two-year period;
- f) the Provincial Government's local MOECC compliance activities with respect to waste management and industrial facilities in south London **BE ENHANCED** through direct funding from the City of London, for a two-year period;
- g) the source of funding for the MOECC's enhanced compliance activities noted in f), above, **BE APPROVED** up to a maximum of \$90,000 per year for two years from the Sanitary Landfill Site Reserve Fund; it being noted that the draw from the Reserve Fund may not be required should the service area generate a surplus position at year end;
- h) a Pilot Project (May to August 2018) **BE IMPLEMENTED** by the City of London in order to test an odour detection device to enhance its monitoring capabilities and/or facilitate the imposition of charges for non-compliance;

- i) the source of funding for the Pilot Project noted in h), above, **BE APPROVED** at a cost of \$20,000 from the Sanitary Landfill Site Reserve Fund; it being noted that the draw from the Reserve Fund may not be required should the service area generate a surplus position at year end;
- j) City of London procurement and contract management processes **BE ENHANCED** to include specific requirements addressing odours and other considerations for processing food and organic waste;
- k) the Civic Administration **BE DIRECTED** to report back at a future meeting of the appropriate Standing Committee on matters associated with the actions identified above; and,
- l) the Civic Administration **BE AUTHORIZED** to undertake all other administrative acts that are necessary in connection with this matter.

### PREVIOUS REPORTS PERTINENT TO THIS MATTER

Relevant reports that can be found at [www.london.ca](http://www.london.ca) under City Hall (Meetings) include:

- Update & Next Steps – Review of Impacts from Industrial Sources (Focus on Odour) and Potential Municipal Actions (Primarily South of Highway 401), (April 24, 2017, meeting of the Planning & Environment Committee - PEC, Item #4)
- Comments - Orgaworld Canada Ltd, (November 13, 2012 meeting of the PEC, Item #2)
- Various submissions and comments were made by delegations and participants at the Public Participation Meeting held on November 13, 2012

### STRATEGIC PLAN 2015-2019

This report supports the Strategic Plan in the areas of waste diversion, waste management planning, climate change mitigation and adaptation, job creation, engaged neighbourhoods, and a healthy and safe city; specifically:

#### **Strengthening our Community**

- Vibrant, connected, and engaged neighbourhoods
- Healthy, safe and accessible city

#### **Building a Sustainable City**

- Strong and healthy environment

#### **Growing our Economy**

- Local, regional, and global innovation
- Strategic, collaborative partnerships

#### **Leading in Public Service**

- Collaborative, engaged leadership

### BACKGROUND

#### **PURPOSE**

The purpose of this report is to provide:

- an update relating to what measures have been and could be undertaken to address the negative impacts that the industrial uses in the area are having on the Shaver-Brockley community and surrounding area;
- A list of actions that the City of London can do to potentially mitigate the impacts; and
- Staff recommendation on the actions that should be implemented.

## CONTEXT

On November 10, 2016 a community meeting was held by representatives of the Shaver-Brockley communities in regard to a number of current and ongoing concerns with industrial facilities in an area south of Highway 401. This general location also includes a number of City owned facilities. Mayor Brown and Councillor Harold Usher brought the concerns to the Planning & Environment Committee (PEC) on November 28, 2016 which resulted in the following direction to staff approved by Municipal Council on December 6, 2016:

*The Civic Administration BE DIRECTED to report back to a future meeting of the Planning and Environment Committee with an update relating to what measures have been and could be undertaken to address the negative impacts that the industrial uses in the area are having on the Shaver-Brockley community and surrounding area and what the City of London can do to mitigate the impacts.*

On May 2, 2017, Municipal Council approved that:

*A public participation meeting BE HELD at the June 15, 2017 Planning and Environment Committee to receive input from interested parties.*

On May 8, 2017, the residents of Brockley and Shaver subdivisions requested (to PEC) that the meeting be postponed and held closer to the end of summer. Municipal Council concurred with the request on May 16, 2017 and resolved that:

*the City Clerk BE DIRECTED to make the necessary arrangements to hold a public participation meeting with respect to the review of impacts from industrial sources (focus on odour) and potential municipal actions at a future meeting of the Planning and Environment Committee at a time that is mutually acceptable to all parties;*

Five years ago, at the August 20, 2012 PEC meeting, Councillors White and Usher highlighted these details specific to Orgaworld Canada Ltd in their joint submission to PEC:

*There have been an increasing number of concerns raised by community members regarding odours emanating from the Orgaworld facility on Wellington Road South. While Orgaworld has been responsive to the community's concerns, as has the Ministry of the Environment which is responsible for monitoring the facility, members of the community remain dissatisfied with the situation and are constantly turning to the City of London, asking "what we can do to resolve their concerns".*

*We respectfully ask that a motion be passed to request the Civic Administration to review and report back at a future meeting of the Planning and Environment Committee regarding what steps, if any, the City of London can take to help resolve community concerns regarding the odours emanating from the Orgaworld facility on Wellington Road South.*

In response to the Council direction, a Public Participation was held at PEC on November 13, 2012 and Municipal Council resolved the following on November 20, 2012:

*That, the following actions be taken with respect to the Orgaworld composting facility located at 4675 Wellington Road South:*

- a) *the Civic Administration BE DIRECTED to increase technical assistance with the Orgaworld Public Liaison Committee and the community; it being noted that this would include the following:*
  - i) *undertaking technical research;*
  - ii) *reviewing related activities in other jurisdictions;*
  - iii) *providing updates at the Orgaworld Public Liaison Committee meetings;*
  - iv) *increasing frequency of reporting at the appropriate City of London Standing Committee;*

- v) *providing City of London Civic Administration or Municipal Council recommendations to Orgaworld; and,*
- vi) *contributing funds to community technical research;*

*it being noted that any potential financial impact to the City would be tied to the specific items listed in clause a) i) to vi), above, that have been increased; it being further noted that technical research performed for the City and/or the community and involving technical consultants may require a budget of \$25,000 to \$50,000 per year;*

- b) *the Civic Administration BE DIRECTED to actively work with officials from the Ministry of the Environment; it being noted that this would include the following:*
  - i) *monitoring the outcome of the Environmental Review Tribunal decision and assisting with community reporting;*
  - ii) *undertaking collaborative technical research;*
  - iii) *assisting with public outreach and engagement;*
  - iv) *increasing frequency of reporting to the appropriate City of London Standing Committee;*
  - v) *providing City of London Civic Administration and/or Municipal Council recommendations to the Ministry of the Environment; and,*
  - vi) *contributing funding to community technical research;*

*it being noted that any potential financial impact to the City would be tied to the specific items listed in clause b) i) to vi), above, that have been increased; it being further noted that technical research performed for the City and involving technical consultants may require a budget of \$25,000 to \$50,000 per year;*

- c) *the Middlesex-London Health Unit BE ASKED to provide information on potential health impacts of the odour from the Orgaworld composting facility;*

## DISCUSSION

### Location of Review

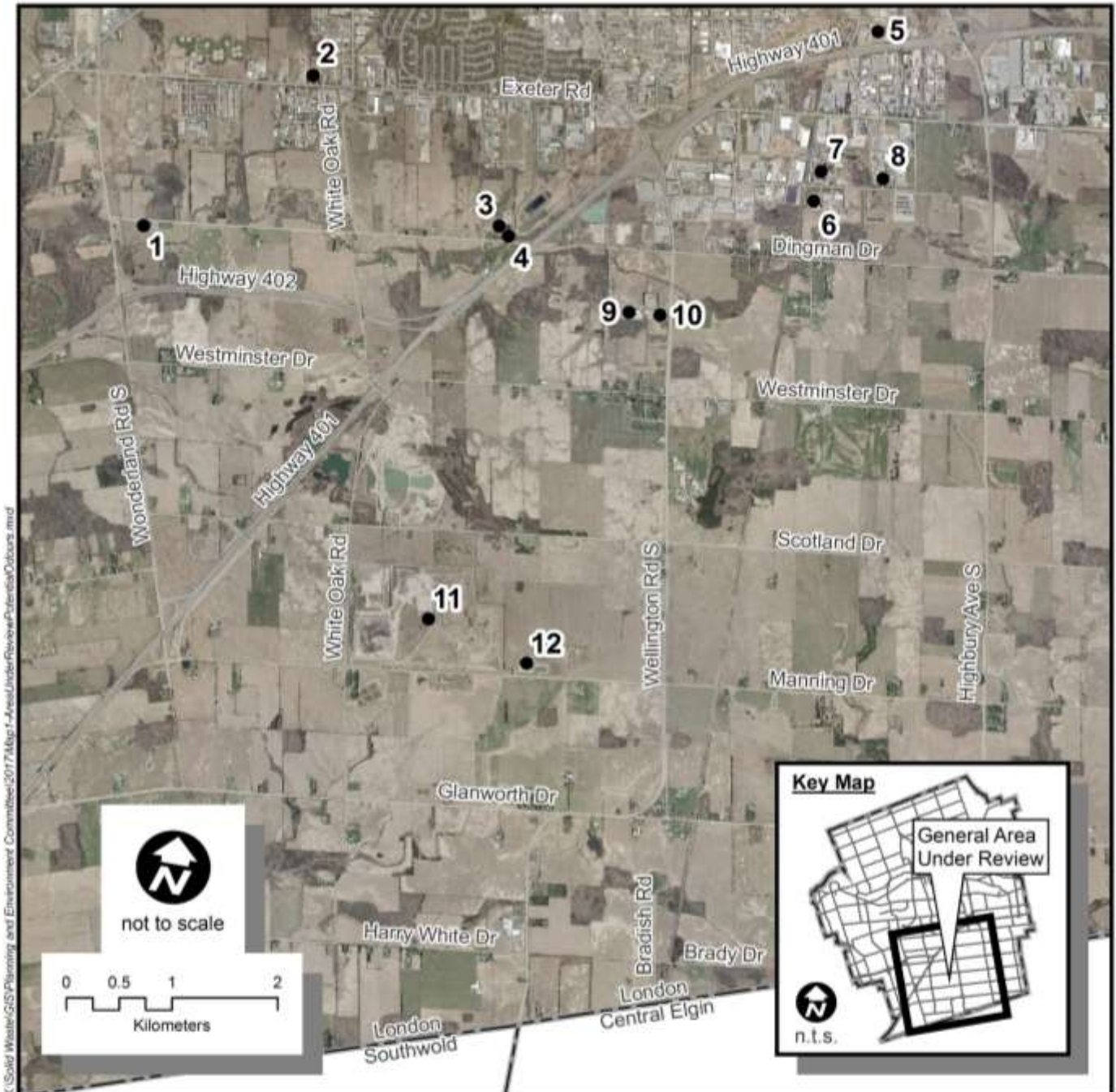
To undertake this review, City staff placed geographic boundaries around the communities of Brockley and Shaver as follows: Highway 401/Exeter Road (north), Glanworth Drive (south), Highbury (east) and Wonderland Road (west) (Map 1).

Within this area about 12 industrial or industrial-like facilities were identified as potentially causing odour impacts. This does not include agricultural operations. Based on information and discussion with MOECC, the number of primary facilities was narrowed down to four:

- Orgaworld Canada Ltd. (composting facility)
- StormFisher Environmental Ltd. (anaerobic digester – biogas facility)
- Ingredion Canada Corporation – London operations (manufacturing process for industrial corn starches)
- W12A Landfill Site (waste disposal site for solid, non-hazardous wastes)

## MAP 1

Area under Review - Potential Industrial or Industrial-like Facilities that have the Potential for Odours Based on Materials Being Handled or Processed



Prepared by City of London Geomatics - August 15, 2017 (Aerial Photo: April 2017)

### Legend

- 1 City of London (Wonderland Road Wastewater Pumping Station)
- 2 Waste Management (Waste Transfer Station)
- 3 Try Recycling (Construction, Renovation & Deomolition Recycling)
- 4 City of London (Dingman Creek Wastewater Pumping and Septage Receiving Station)
- 5 Emterra (Materials Recovery Facility)
- 6 Stormfisher (Anaerobic Digester - Biogas Facility)
- 7 Ingredion (manufacturing process for industrial corn starches)
- 8 Green Valley Recycling (Construction, Renovation, & demolition)
- 9 Orgaworld (Composting Facility)
- 10 Waste Connections (Works Yard and Material Recovery Facility)
- 11 City of London (W12A Landfill)
- 12 City of London (Material Recovery Facility)



## Areas of Investigation Undertaken for this Review

This report was prepared by the City using information from many different sources identified on Table 1 (List of Appendices).

- Review of current and past information from residents within Shaver and Brockley Communities (Appendix A contains partial details);
- Background information on food and organic waste management in Ontario, facilities that manage these resources (waste), actions taken by municipalities in Ontario and other locations in Canada (Appendices B to F);
- Discussion and response from MOECC (Appendix G); and
- Discussion and/or responses from 4 facilities (Appendices H to K).

**Table 1: List of Appendices**

<b>Appendix</b>	<b>Title</b>	<b>Brief Description of Contents</b>
A	Information Submitted by Residents from the Shaver and Brockley Communities	Review of information submitted by residents from the Shaver and Brockley communities (noting that some information spans many years).
B	Overview of Food and Organic Waste Management in Ontario	Details on: <ul style="list-style-type: none"> <li>• Draft <i>Waste Reduction Act</i> and draft Waste Reduction Strategy (pulled from discussion due to election announcement)</li> <li>• <i>Waste Free Ontario Act</i></li> <li>• Strategy for a Waste-Free Ontario: Building the Circular Economy</li> <li>• List of Composting and Anaerobic Digesters Processing Municipal Green Bin Materials in Ontario</li> </ul>
C	Sample By-laws in Other Jurisdictions	Extracts from some municipal jurisdictions with respect to by-laws that address odour as a nuisance.
D	Municipal Involvement with Composting and/or Anaerobic Digester Facilities Handling Food Waste from Residents or Businesses	Review of municipal involvement with respect to odours in Ontario cities that have composting facilities and anaerobic digesting facilities handling food waste from the residential sector (Green Bin programs) or from businesses/ manufacturing locations.
E	Odour Challenges at Other Composting and Anaerobic Digester Facilities	An on-line search of composting and anaerobic digester facilities highlights the challenges experienced in municipalities across Canada.
F	Town of Newmarket Experience	A brief overview of activities involving the Town of Newmarket, the judicial system, and Halton Recycling (owner of the anaerobic digester located in the Town of Newmarket).
G	Response from MOECC	MOECC was sent a number of specific questions by City staff. The response (dated August 11, 2017) is provided in this appendix.
H	Response from Orgaworld Canada Ltd.	Orgaworld was sent a number of specific questions by City staff. The response (dated March 6, 2017) is provided in this appendix.
I	Response from Stormfisher Environmental Ltd.	StormFisher was sent a number of specific questions by City staff. The response (dated August 4, 2017) is provided in this appendix.

**Table 1: List of Appendices**

<b>Appendix</b>	<b>Title</b>	<b>Brief Description of Contents</b>
J	Response from Ingredion Canada Corporation	Ingredion was sent a number of specific questions by City staff. The response (dated March 24, 2017) is provided in this appendix.
K	Response from City of London W12A Landfill	City staff included responses to the same questions posed to the other industrial/manufacturing facilities.

### **Responsibility and Actions/Measures that have been/can be Undertaken by the Province of Ontario**

The *Environmental Protection Act* (EPA) gives the MOECC the authority to respond to odour concerns under the following situations:

- most industrial facilities, like composting and anaerobic digesting facilities, require an Environmental Compliance Approval (ECA) issued by the MOECC. The ECA contains strict requirements on how these facilities operate in order to protect the environment. The ECA for composting and anaerobic digesting facilities will include specific requirements to control odour. The MOECC inspects and regulates facilities that are required to have an ECA;
- there is reason to believe that a discharge (e.g., odour) into the environment is causing or could cause harm to a person or the natural environment, cause a loss of enjoyment of the normal use of property, or interferes with the normal conduct of business (Section 14 of the EPA); and
- if a discharge released into air exceeds a standard (there are standards for some odorous contaminants, set out in *Ontario Regulation 419/05 – Local Air Quality*).

MOECC staff have a comprehensive list of abatement and enforcement tools to address legislation, regulations, guidelines and/or to ensure preventive actions are taken to protect human health and the environment and/or address violations of ECAs and legislation:

- education and outreach,
- warnings,
- agreements, additional conditions and approvals,
- control orders,
- tickets and charges,
- participation in an Environmental Review Tribunal, and
- Prosecutions (under the Superior Court of Justice, Court of Appeal of Ontario)

Details can be found on-line at: <https://www.ontario.ca/page/compliance-policy-applying-abatement-and-enforcement-tools#section-5>

Contained in Appendix G is information specific to the London area provided by Rob Wrigley, District Manager, London District-Southwest Region MOECC.

## **List of Actions that can be Undertaken by City of London**

City staff have identified 12 actions under four categories that could be undertaken by the City of London (Table 2):

- A London Municipal Council – Information, Awareness and Requests
- B Formal Collaboration with Provincial Government
- C City Compliance and Enforcement Methods
- D Additional Actions by City Staff

Following Table 2 are further details for each action including a comment on resource and financial impact to the City of London of the action.

**Table 2: List of Actions that can be Undertaken by City of London**

<b>Category</b>	<b>Action</b>	
<b>A</b>		<b>London Municipal Council – Information, Awareness and Requests</b>
	1	Notify and request action or further action from Municipal Councils in City of Toronto and Region of York and the Minister of Environment & Climate Change
	2	Request Orgaworld to reinitiate its public liaison committee (PLC) or another form of community engagement
	3	Request the Middlesex-London Health Unit (MLHU) to provide a health opinion on odours from waste management facilities like those located in south London (i.e., composting, anaerobic digestion, landfill)
<b>B</b>		<b>Formal Collaboration with Provincial Government</b>
	4	Create a City of London webpage to make available local MOECC public information and statistics dealing with odours and related matters from waste management facilities in south London for a two year period
	5	Request MOECC provide an Annual Update on Waste Management Facilities in south London for a two year period
	6	Enhance Provincial Government compliance activities at the local MOECC office with direct funding for a two year period
<b>C</b>		<b>City Compliance and Enforcement Methods</b>
	7	Implement a Pilot Project (May to August 2018) to test an odour detection device and ability to impose charges and/or enhance monitoring capability for odours
	8	Change City By-laws and introduce new enforcement procedures
	9	Expand Business Licenses to cover food and organic waste processing facilities in London
	10	Use of Section 447.1 of the <i>Municipal Act</i> to close a premise for up to two years subject to the decision of the courts
<b>D</b>		<b>Additional Actions by City Staff</b>
	11	Include specific clauses addressing odours, other potential impacts and requirements in future City of London procurement processes and future contract management for processing food and organic waste
	12	Undertake and/or support technical research to support citizens through the PLCs



## **A London Municipal Council – Information, Awareness and Requests**

### **1. Notify and Request Action of Further Action from Municipal Councils in City of Toronto and Region of York and the Minister of Environment & Climate Change**

City staff recommend that on behalf of Municipal Council, the Mayor send letters to the City of Toronto and Region of York informing them of the ongoing challenges being experienced in London and requesting their respective staff to work with their organic waste contractors (e.g., transportation and processing) to ensure that no additional odours are being caused prior to materials arriving in London (applies to Orgaworld).

City staff recommend that on behalf of Municipal Council, the Mayor send a letter to the Minister of Environment & Climate Change informing him of the ongoing challenges being experienced in London by facilities handling source separated food and organic waste and request increased inspections, compliance and enforcement.

Resource and/or Financial Impact to the City of London – these activities are absorbed into existing workload.

### **2. Request Orgaworld to Reinitiate the Public Liaison Committee (PLC) or Another Form of Community Engagement**

The Orgaworld PLC was officially placed on hold in late 2016. The PLC had been much less active in 2015 and 2016 than prior years. In 2016 an independent facilitator was hired by Orgaworld to help find common ground with the community in order that the PLC could continue. Based on information compiled with community input, it was decided to suspend the PLC until the City of London completed its review as directed by Council (this report to PEC).

Councillor Usher is a member of the Orgaworld PLC. Jay Stanford, City of London, is an observer at the PLC and contributes City information related to waste management operations.

PLCs for the StormFisher anaerobic digester (biogas) facility and the W12A Landfill are active. Councillors Usher and Zaifman are members of the StormFisher PLC and Jay Stanford is an observer and participates with City updates. Several City staff attend the W12A PLC.

PLCs play an important role linking the community with facility staff, the MOECC, City staff and others, as required. Since the Orgaworld PLC was placed on hold, important information has been missing.

City staff recommend that Municipal Council request that Orgaworld reinitiate the Orgaworld PLC to ensure that information is being shared in the community. Alternatively, another form of community engagement could be considered that also keeps the local residents, City staff and others informed.

Resource and/or Financial Impact to the City of London – these activities are absorbed into existing workload.

### **3. Request the Middlesex-London Health Unit (MLHU) to Provide a Health Opinion on Odours from Waste Management Facilities like those Located in South London (i.e., composting, anaerobic digestion, landfill)**

From time to time, MLHU staff have participated and/or reviewed data regarding waste management facilities in London and other jurisdictions. Comments have been shared about the potential health impacts of waste management facilities, how health impacts can be mitigated, understanding health risks of waste management facilities, etc.

City staff recommend that Municipal Council request that MLHU provide a written health opinion on odours from waste management facilities like those located in London. This work would use existing reports and analyses from other jurisdictions with comparable

waste management facilities as those found in south London, the area being reviewed for this report (i.e., composting, anaerobic digestion, landfill).

In preliminary discussion with MLHU staff, work like this would not include new research at this time. The outcome of this work may include the need for additional work (e.g., site specific information). From a timing perspective, a submission no later than September 30, 2018 is recommended by City staff and concurred by MLHU staff.

Resource and/or Financial Impact to the City of London – none; unless information is requested from the City to assist MLHU.

Resource and/or Financial Impact to the MLHU – Unknown at this time.

## **B Formal Collaboration with Provincial Government**

### **4. Create a City of London Webpage to make Available Local MOECC Public Information and Statistics Dealing with Odours and Related Matters from Waste Management Facilities in South London for a Two Year Period**

Staff from the local MOECC office have shared information (e.g., number of odour complaints recorded, number of odour complaints confirmed, etc.) with the community and City staff with respect to their role and responsibilities. However these data do not have an easily accessible location for updates and historical information.

All information published by MOECC on its website is done centrally from Toronto. Due to the number of projects, programs and facilities that the MOECC is involved with, it is not possible for them to make available all public information.

City staff recommend that Municipal Council direct City staff to make available local MOECC public information and statistics dealing with odours and related matters from waste management facilities in south London. This would provide a single location for odour and related data for waste management facilities in London. This would improve the accessibility to existing information. This work would be done in collaboration with local MOECC staff and the facilities associated with MOECC's public information. This level of activity would occur for a two year period subject to concurrence from local MOECC staff.

The City of Richmond, British Columbia is an example of a city that makes available easy to find information regarding odours from a local composting operation experiencing odour issues over a number of years.

<http://www.richmond.ca/sustainability/environment/pollution/air/HarvestPowerodourissues.htm>

Resource and/or Financial Impact to the City of London – these activities are absorbed into existing workload. Webpage design and upkeep is a regular activity for city staff.

Resource and/or Financial Impact to the MOECC – Unknown at this time.

### **5. Request MOECC provide an Annual Update on Waste Management Facilities in South London for a Two Year Period**

As noted in the previous section (Responsibility and Actions/Measures that have been/can be Undertaken by the Province of Ontario) local MOECC staff are very involved with waste management facilities in London and area.

City staff recommend that Municipal Council request that local MOECC officials provide an annual update on waste management facilities in south London for a two year period. This request would also be helpful with respect to the ongoing release of policies, directives and regulations as part of the *Waste Free Ontario Act* and the implementation of the Strategy for a Waste-Free Ontario Building the Circular Economy.

City staff would coordinate with local MOECC staff to ensure that the process is not too onerous on MOECC staff as this is a new activity being requested of local staff.

Resource and/or Financial Impact to the City of London – these activities are absorbed into existing workload.

Resource and/or Financial Impact to the MOECC – Unknown at this time.

## **6. Enhance Provincial Government Compliance Activities at the Local MOECC Office with Direct Funding for a Two Year Period**

As noted in the previous section (Responsibility and Actions/Measures that have been/can be Undertaken by the Province of Ontario) and in Appendix G (Response from MOECC) local MOECC staff work on compliance matters dealing with ECAs, the *Environmental Protection Act*, etc. for facilities and operations. If the Environmental Officer believes there is serious non-compliance, the matter may be referred to MOECC's Investigations and Enforcement Branch (IEB) for investigation and potential prosecution.

Some waste management facilities operate 24/7 and/or have the ability to have odour impacts even when not open during regular hours. MOECC Environmental Officers conduct field inspections on a regular and as-needed basis. Given the challenging nature of odours and the need for MOECC officials to be in the field for detection, there are times when coverage in the field is not available due to no MOECC staff resources being available.

City staff recommend Municipal Council enhance provincial government compliance activities with direct funding for a two year period subject to an agreement with MOECC on how the funds would be used in London for compliance activities. This action has been raised with local MOECC staff and has been identified as a matter worth pursuing. A summary of outreach, compliance, enforcement activities including charges and convictions by MOECC, with a focus on facilities within the area under review, is contained in the MOECC submission in Appendix G.

City staff believe that investment in an existing and tested compliance and enforcement system is the quickest and most appropriate method to increase activity on these matters. It must be noted that the City of London would have no influence or direction on how MOECC compliance and enforcement activities would be undertaken.

Resource and/or Financial Impact to the City of London – A maximum amount of \$90,000 per year for two years (\$180,000 in total) to be funded from the Sanitary Landfill Site Reserve Fund, it being noted that the draw from the reserve fund may not be required should the service area generate a surplus position at year end (e.g., additional landfill tipping fee revenue).

## **C City Compliance and Enforcement Methods**

### **7. Implement a Pilot Project (May to August 2018) to Test an Odour Detection Device and Ability to Impose Charges and/or Enhance Monitoring Capability for Odours**

The issue of odours is complex because odour is very subjective, and therefore, difficult to determine level of nuisance and point of origin where multiple sources are present. The possible impacts of odours range from mere detection to a public nuisance. Usually, odour regulation is described in terms of five different dimensions, which are commonly referred to as the acronym "FIDOL":

- the **F**requency that an odour is detected during a given time period
- the **I**ntensity of the odour
- the **D**uration of the period in which the odour remains detectable
- the **O**ffensiveness or strength of the odour
- the **L**ocation or source of the odour

The matter of nuisance can be defined as the use of a property in a fashion that unreasonably interferes with another individuals' reasonable use and enjoyment of their property. Municipal Law Enforcement Services primarily addresses negative externalities and quality of life issues between property owners. Based on provincial legislative authority conferred to municipalities to address nuisance issues, numerous by-laws are currently in place and actively enforced to address nuisance issues. In addition, London has a stand-alone nuisance by-law addressing issues such as nuisance parties and public urination.

The Municipal Act, 2001 authorizes a municipality to pass by-laws regulating public nuisances.

**128.** *(1) Without limiting sections 9, 10 and 11, a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances. 2001, c. 25, s. 128 (1); 2006, c. 32, Sched. A, s. 68.*

*(2) The opinion of council under this section, if arrived at in good faith, is not subject to review by any court. 2001, c. 25, s. 128 (2).*

Section 129 of the Municipal Act, 2001 authorizes a municipality to pass by-laws to prohibit and regulate with respect to odour.

Noise, Vibration, Odour, Dust and Light

**129.** *Without limiting sections 9, 10 and 11, a local municipality may, (a) prohibit and regulate with respect to noise, vibration, odour, dust and outdoor illumination, including indoor lighting that can be seen outdoors; and (b) prohibit the matters described in clause (a) unless a permit is obtained from the municipality for those matters and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans. 2006, c. 32, Sched. A, s. 69.*

As noted in Appendix C, there are several municipalities which have attempted to address odour within their municipal by-law regime. Although many different approaches are used, not any one approach is the ultimate solution to address odour management. Further, these municipalities have not addressed the challenge of quantitatively measuring odour.

Civic Administration has further explored an affordable enforcement tool which could assist in addressing odour issues. The Nasal Ranger Field Olfactometer is a portable odour detecting and measuring device developed by St. Croix Sensory, Inc. It can be used to measure and quantify odour strength in the surrounding ambient air. Readings are taken by the user sniffing the air through the device and making a determination whether they detect an odour or not. The device comes equipped with carbon filters which are able to filter out odorous particles from the air. The unit of measurement for odour by the Nasal Ranger is called the dilution to threshold ratio (D/T) and is the volume of carbon-filtered air divided by the volume of odorous air.

The dial at the end of the device controls the strength of the filter and contains values that range from 0 D/T all the way to 60 D/T. A D/T value of 0 means that the user will be sniffing 100% carbon filtered air without any odour particles in the sample. The higher the D/T value at which the smell is detected, the more powerful the odour. St. Croix states that any odour detected at a D/T value that is higher than 7 can be considered a nuisance for regulatory purposes. The Nasal Ranger device has been in use for decades by a wide range of different users including cities looking to curb odour nuisances, as well scientific labs and industrial plants seeking to mitigate their odour emissions. This device allows facility operators and enforcement officers to confidently monitor odour strength at specific locations within the community. The cost of a Nasal Ranger is \$2,000 US (about \$2,600 CDN).

Civic Administration recommends implementing a pilot project (May to August 2018) to test the applicability of utilizing a Nasal Ranger odour detection device as a tool to gather supporting evidence which would lead to the issuance of orders to comply with the City's

Nuisance by-law (subject to an amendment to the by-law to include odour as a form of nuisance). The City would hire a part time (up to 21 hours per week) temporary or contract position to take odour readings in the community surrounding the four facilities (Orgaworld Canada Ltd., StormFisher Environmental Ltd., Ingredion Canada Corporation and the W12A Landfill Site). Data will be collected at various locations including the source of the alleged odour and various points of reception in the community. Once all the data is collected and analyzed, Civic Administration will report back on if the City's Nuisance by-law should be amended to address odour issues. The cost of the temporary position and equipment will not exceed \$20,000.

The use of the Nasal Ranger may also have the added benefit of providing additional information for City staff with respect to W12A Landfill operations and enhancements to the existing odour management program (Appendix K).

Resource and/or Financial Impact to the City of London – A maximum amount of \$20,000 in 2018 be used to fund Pilot Project (May to August 2018) to test an odour detection device and ability to impose charges to be funded from the Sanitary Landfill Site Reserve Fund, it being noted that the draw from the reserve fund may not be required should the service area generate a surplus position at year end (e.g., additional landfill tipping fee revenue).

## **8. Change City By-laws and Introduce New Enforcement Procedures**

As noted above in section 7 of this report, municipalities have the authority to pass Nuisance by-laws to address matters such as odours. If approved by Council, Civic Administration will implement a pilot project to collect odour data at various locations including the source of the alleged odour and various points of reception in the community. Once all the data is collected and analyzed, Civic Administration will report back on if the City's Nuisance by-law should be amended to address odour issues.

If Council directs that the by-law should be amended to address odour issues, an advertised meeting before the Community and Protective Services Committee is required. If approved, Civic Administration will develop standard operating procedures for enforcing odour issues which will include the collection of evidence by the complainant demonstrating that the alleged odour has negatively impacted their quality of life and the reasonable enjoyment of their property. This action could occur by late 2018.

City staff do not recommend action on this item at this time. This action will be revisited after the results of the 4 month Pilot Project.

## **9. Expand Business Licenses to Cover Food and Organic Waste Processing Facilities in London**

Historically, municipalities were restricted to licensing businesses and only for the purposes of consumer protection, health and safety and nuisance control. The *Municipal Act, 2001* now authorizes a municipality to licence a broad range of activities supported by a municipal purpose. The power to regulate businesses may be subject to conditions, including special conditions as a requirement to hold a licence. If and when conditions are placed on a licence, consideration must be given as to the protocol of enforcing such conditions. For example, in the City of London the business of operating a restaurant is licence category and certain regulations are put in place for the purposes of consumer control and health and safety.

The business of operating a composting facility may be included as a class of business licensing. A by-law may include regulations that could be verified by municipal law enforcement officers for compliance purposes. For purposes of compliance, the regulations may require the licensee to keep a log or record of information which could assist in determining by-law compliance. For example, vehicle for hire licences are required to keep up to date vehicle maintenance logs to indicate compliance for consumer protection and health and safety. Composting facilities may be required to keep a log of product entering the facility in terms of origin, type of product, weight, etc. and information on the make-up of the final product produced.

Licensing may only be used for the purpose of regulating or governing an activity or business. A municipality may not use licensing as method of prohibiting an activity or business.

At this time, Civic Administration do not see a benefit of licensing composting facilities. The preference should rather be focussed on the issue at hand – nuisance odours. In this respect, the preferable option is to undertake a pilot review of gathering odour information as a segway to possible future changes to the Nuisance by-law.

City staff do not recommend action on this item at this time. This action will be revisited after the results of the 4 month Pilot Project.

#### **10. Use of Section 447.1 of the *Municipal Act* to Close a Premise for up to Two Years Subject to the Decision of the Courts**

Section 447.1 of the *Municipal Act* allows a municipality to apply to the court for an injunction to potentially close a premises for up to two years where the court finds that there is a public nuisance that has a detrimental impact on the use and enjoyment of property in the vicinity, and the owner failed to take adequate steps to eliminate the nuisance. All decisions under Section 447.1 are based on evidence presented in court and any court decision could range from no closure, closure for a set number of weeks up to a maximum of two years.

Brief details on the court case between the Town of Newmarket and Halton Recycling (Anaerobic digester – biogas facility) are found in Appendix F.

This matter is being addressed by the City Solicitor's Office in a confidential report.

Resource and/or Financial Impact to the City of London – unknown at this time.

#### **D Additional Actions by City Staff**

#### **11. Include Specific Clauses Addressing Odours, other Potential Impacts and Requirements in Future Procurement Processes and Future Contract Management for Processing Food and Organic Waste**

Within a couple of years, City staff will start a procurement process that will address short and/or long term opportunities for diverting food and organic waste and/or other selected waste streams from landfill. There are a number of strategies that the City has to ensure that qualified contractors are available to bid on projects and to ensure that the selected contractor(s) meets the terms and conditions of a signed contract. Examples include:

At the Request for Qualifications (RFQUAL) stage, Request for Proposals (RFP) or Request for Tenders (RFT) Stages

- The selection process (RFQUAL) can be designed to ensure that certain requirements must be met to be eligible to bid on an RFP/RFT.
- RFP and RFT documents can clearly state penalties for non-compliance so bidders are aware when submissions are made. For example, failure to have no charges laid by provincial government, failure to produce a compost that meets Category A standards, failure to meet certain energy production targets, etc., could result in one or more of the following penalties, for example:
  - Liquidated damage payments (i.e., specific terms stated in the RFP or RFT regarding penalties associated with the contractor failing to meet contract requirements. After selection of the successful contractor, they are used as a contract management tool that is less onerous than terminating the contract for unsatisfactory performance);



- Payment reductions (e.g., forego a payment increase or reduce payments);
  - Not eligible for contract extension; and
  - Require contractor to implement new or increased programs in the local neighbourhood.
- Many of the above elements are considered aspects of performance based contracting (as per section 20.5 of the Procurement of Goods and Services Policy). When defined at the RFP/RFT stage, the bidder is aware that during the course of contract administration there will be a focus on quality and deliverables that will influence a contractor's payment and other contractual conditions.
  - During the evaluation stage for an RFP, a contractor can be scored based on criteria that includes how they have performed on other contracts and/or their performance with respect to provincial licences such as the ECA; investigations, charges and/or convictions under various legislation and regulations, etc.

#### At the Contract Management Stage

Provided the successful contractor is fully aware from the outset of a project of how their performance will be measured during the contract, the elements above are then included into the contract with the City. For example, liquidated damage payments to the City can be deducted monthly from the contractor's invoice which has an immediate impact on the contractor.

A performance based contract requires that the contractor be fully cognizant of a variety of financial, quality, delivery and service requirements that will influence a contractor's payment and other contractual conditions.

Resource and/or Financial Impact to the City of London – these activities are absorbed into existing workload during the development of an RFQUAL and/or RFP/RFT. Additional resource and financial requirements are needed for managing comprehensive performance based contracts. This cannot be determined at this time.

### **12. Undertake and/or Support Technical Research to Support Citizens Through the Public Liaison Committees (PLCs)**

As noted in Action 2, both Orgaworld and Stormfisher operate public liaison committees. The Orgaworld PLC was officially placed on hold in late 2016. Ward Councillors and City staff attend, follow and/or provide comment to both PLCs.

Previously Municipal Council had recommended that City staff become more involved in Orgaworld PLC matters as follows:

- undertaking technical research,
- review related activities in other jurisdictions,
- report submission at PLC meetings,
- providing staff recommendations and/or Council recommendations to Orgaworld, and
- contribution of funding to community technical research.

For the most part, City staff provided updates on City work regarding food and organic waste management, comments on Provincial policy and direction with respect to waste management and answered other waste management related questions. There were never any specific projects identified through the PLC where the City could get more involved and/or provide funding.

City staff do not recommend any additional action on this item at this time. City staff will continue to participate at the same level as current (Stormfisher) and past (Orgaworld) if it starts up again. Investment by the City in the other actions noted in this report should be undertaken before investment occurs in in other PLCs for facilities not being used by the City of London.

## SUMMARY

Listed on Table 3 is a summary of the actions that City staff suggest pursuing (recommended) at this time and those that should not be considered at this time.

**Table 3: Summary of Staff Recommendations on List of Actions that can be Undertaken by City of London**

Category	Action	Staff Recommendation (Yes or No)	
<b>A</b>		<b>London Municipal Council – Information, Awareness and Requests</b>	
	1	Notify and request action or further action from Municipal Councils in City of Toronto and Region of York and the Minister of Environment & Climate Change	<b>Yes</b>
	2	Request Orgaworld to reinstate its public liaison committee (PLC) or another form of community engagement	<b>Yes</b>
	3	Request the Middlesex-London Health Unit (MLHU) to provide a health opinion on odours from waste management facilities like those located in south London (i.e., composting, anaerobic digestion, landfill)	<b>Yes</b>
<b>B</b>		<b>Formal Collaboration with Provincial Government</b>	
	4	Create a City of London webpage to make available local MOECC public information and statistics dealing with odours and related matters from waste management facilities in south London for a two year period	<b>Yes</b>
	5	Request MOECC provide an Annual Update on Waste Management Facilities in south London for a two year period	<b>Yes</b>
	6	Enhance Provincial Government compliance activities at the local MOECC office with direct funding for a two year period	<b>Yes</b>
<b>C</b>		<b>City Compliance and Enforcement Methods</b>	
	7	Implement a Pilot Project (May to August 2018) to test an odour detection device and ability to impose charges and/or enhance monitoring capability for odours	<b>Yes</b>
	8	Change City By-laws and introduce new enforcement procedures	No
	9	Expand Business Licenses to cover food and organic waste processing facilities in London	No
	10	Use of Section 447.1 of the <i>Municipal Act</i> to close a premise for up to two years subject to the decision of the courts	No
<b>D</b>		<b>Additional Actions by City Staff</b>	
	11	Include specific clauses addressing odours, other potential impacts and requirements in future City of London procurement processes and future contract management for processing food and organic waste	<b>Yes</b>
	12	Undertake and/or support technical research to support citizens through the PLCs	No

## ACKNOWLEDGEMENTS

This review included City staff from Environmental & Engineering Services, Development & Compliance Services, Planning Services, Legal Services and Finance.

City staff appreciate the details and comments received from:

- Community members in the Brockley and Shaver communities, members of PLCs noted in this report, and individuals near the W12A Landfill;
- A number of staff at the MOECC (local office);
- Staff at the MLHU
- Facility operators including several staff from Orgaworld, StormFisher and Ingredion; and
- Several Ontario municipalities involved with waste management planning and operations.

<b>PREPARED AND SUBMITTED BY:</b>	<b>PREPARED AND SUBMITTED BY:</b>
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 Dr. Chris Mackie, Chief Medical Officer of Health, MLHU  
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# APPENDIX A

## Information Submitted by Residents from the Shaver and Brockley Communities

### A BRIEF HISTORY IN TIME FOR BROCKLEY AND SHAVER

\* In 1867—41 years after London's incorporation—the earliest home was built in the area south of London which would officially come to be known as **Brockley** in 1927. Brockley was an important enough community to merit a small station stop on the LPS Rail Line.

\* **Shaver's** history is approaching  $\frac{3}{4}$  of a century.

\* These rural settlements continue to be surrounded predominately with agrarian land.

\* In 1983, hoping to avert amalgamation by the City (in part by heightening its own revenue base), the Twp. of Westminster--*without neighbourhood input*--earmarked some area surrounding our rural settlements with a Light Industrial designation. Since most of this land is still being farmed, our neighbourhoods asked for reconsideration of this designation at the time of the London South West Area Plan, indicating that although we were opposed to Industrial designation, and were petitioning for residential zoning because of our 2 existing rural settlements, we were nonetheless aware that it would make sense for commercial development to continue along Wellington Road. Our request for allowed expansion of our neighbourhoods was unsuccessful; and the buffer zone between residential and Light Industry we petitioned for ended up being more limited than we had hoped. However, the City agreed to restrict the nature of light industry in the area to what might be compatible with residential areas.

Unfortunately, Orgaworld and Stormfisher Biogas could not be more *incompatible* with residential neighbourhood.

### UNWELCOME NEIGHBOURS

#### 1. *Orgaworld*

\* *Orgaworld* invaded our neighbourhood in **2006**, again with **NO neighbourhood consultation**, and **placement advised against by local MOE officials**.

*[These are 2 of the sorest points with us. Had the City recognized the dissonance of a composting facility adjacent to our two residential communities, and had the Provincial MOE listened to its local counterpoint and not placed Orgaworld on its present site—but rather in an appropriate place like the W12 Compound--the Ministry, the City, we and Orgaworld would have been spared all of the fallout that has and continues to rain down. Orgaworld spent 17 million with initial construction. Now that facility has added more than 18 million of "final fixes," and things have improved little, if at all. So even after construction, it would probably have been more cost effective to have relocated the plant while it was still in its infancy, and quite frankly even now to consider relocation when one considers the amount of time and costs which subsequently have, and which continue to drain MOE personnel and resources—literally*

thousands of hours by personnel there: environmental officers, scientific experts, supervisors, directors, inspectors, legal council. These costs are continuing, so it's truly shocking. And the situation for our neighbourhoods has been and continues to be a nightmare.]

- \* **Even a former Mayor (Joe Fontana) conceded in a public meeting that *Orgaworld* should *not* have been located where it is.**
- \* The plant has been through endless “final fixes” by OCL, including a **5 million “retrofit” in 2010** when shut down after an overwhelming number of complaints were registered that year. However, well **after the retrofit, in 2012, more than DOUBLE the number of complaints were documented over the number in the year the plant was forced to “volunteer” to shut down.** This can hardly be called engineering success.
- \* In the years since 2012, complaints continue to be filed routinely; and indeed at mid year in **2017** more than 50 % of the number of complaints filed in the year of shutdown have already been documented for this year. So the problem has hardly been solved.

#### **What We Have Suffered:**

- \* Odour issues from Day 1; a **“Zero Odour” Promise in a public meeting by *Orgaworld*** (and reported in the *London Free Press*), **which promise was a few years later reversed; lies; threats; and literally thousands of calls to report odour; not to mention violation of our municipal rights.** We have even been blamed for being victims; and OCL claims we are the authors of our own misfortune—especially in terms of real estate value--because we have made their violations public! As importantly as what we have been through, is the genuine concern we feel for our health in the future. At this point we have no idea of the quality of the air we—and *all Londoners*--are breathing with emissions from *Orgaworld*, *Stormfisher* and *Ingredion* contributing to the atmospheric mix, nor what future health impacts these might have.

The following news article is a sober reminder of the worrisome air quality in London. It is a 2010 study--we tried to find more recent data--but it is our belief that the statistics are still relevant and reliable . . . and we would not doubt but that the situation has grown worse.

# Ontario

3.

KATE DUBINSKI AND JOHN MINER, THE LONDON FREE PRESS

Friday, January 8, 2010 11:10:15 EST AM

*"More toxic chemicals are pumped into the skies over the **London region** than anywhere else in Ontario, a just-released report by environmental groups warns.*

*At more than eight million kilograms of toxins a year, not counting what blows in from the industrial U.S. midwest, the air discharge is 40% higher than the pollutants released above Canada's largest metropolis, the Toronto area, which ranks second in Ontario.*

*More than 6% of the pollutants released are suspected of causing cancer, while more than 9% are linked to reproductive and developmental defects. Examples of chemicals released include benzene and arsenic . . . .*

## **MOST POLLUTED AREAS**

*Annual toxic air releases in millions of kilograms:*

- 1 London region: 8.05*
- 2 Toronto area: 5.75*
- 3 Lake Erie region: 4.43*
- 4 Halton-Hamilton: 4.21*
- 5 Lakehead (Thunder Bay): 2.3"*

*kate.dubinski@sunmedia.ca john.miner@sunmedia.ca*

Surely these statistics are something of which the City can hardly be proud, and perhaps it's sadly appropriate that the Regional Cancer Hospital is located in London. No wonder "Cabbage Town" wants to send its garbage down the 401 to "Garbage Town." The City of London and the Province need to take this data seriously, and subtract rather than add polluters to the already highly polluted air in London. Obviously the air south of Hwy 401 doesn't stay south of the 401, so Londoners are all at risk, and all London citizens and their representative Councillors should be very concerned.

## **Neighbourhood Petition:**

- \* Naturally, given sad and bad experience with *Orgaworld*, the rumor that a second composting plant might be invading the area left residents of Shaver and Brockley in shock; and consequently in April of 2010 we sent the City a petition signed by an individual from most households begging the City and MOE **NOT** to allow another plant of like ilk to invade the area, warning that malodour would be inevitable, and would only



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exacerbate problems already experienced. Of course we knew that the plants would blame one another, and we predicted that only foulest malodour could come from a plant taking rotting meat as part of its feedstock.

## **2. Stormfisher Biogas**

\* Nevertheless, despite continuing malodour by *Orgaworld*, **Stormfisher Biogas/ Harvest Power/ Energy Garden still was allowed to build**, and of course immediately started to offend, and also continues to offend in the most obnoxious of ways.

\* Already—in its short life--there have been **numerous complaints registered about malodour from that plant to date: 147 in the year 2015, increasing to 253 in 2016**, and the smell is literally one of putrescence. Given the population in the immediate area, this is an unthinkable number of complaints.

*[So this is another very sore point with neighbours: that a second offending plant would be permitted literally on the door step of Brockley, and insult upon injury, just across the fence from the oldest home in our neighbourhood built in 1867—and this after multiple appeals and warnings to the City and the MOE. Experience has borne the sad clarity of our predictions out in a major way: and the situation is now even more exacerbated in terms of malodour for our community.]*

### **To sum: WE HAVE BEEN THROUGH TEN YEARS OF VIOLATION**

- \* **Thousands** of repeat offenses of malodour
- \* **Thousands** of phone calls to report malodour
- \* **Thousands** of pages of documents citizens at various levels of engagement have been expected to review: 7000 +
- \* **Hundreds** of violated events on properties
  - inability of children to play outside their homes  
(and even necessity to shut windows at Westminster Central School)
  - BBQ's and backyard social events aborted
  - inability to walk dogs, jog, or cycle at specific times
  - gardening interrupted
  - family holiday events and other special events spoiled, including the occasions of **3** weddings when Orgaworld came either to set-up, wedding or reception as an uninvited guest
- \* **Hundreds** of hours of PLC/ ZOAG/ Neighbourhood Meetings
- \* **Over 300** pages of written correspondence from our neighbourhood, a significant number of pages which were written to City officials

5.

- \* **An Environmental Review Tribunal**, all 50 hours attended by neighbours, but not 1 City official
- \* **Unwanted Publicity**, public humiliation, threats
- \* **Devalued Property and Prolonged Selling Process of Homes**
- \* **Concerns for our Health**

*[These are all very serious injustices. No ordinary citizens living peaceably in a neighbourhood, working hard, paying taxes, trying to raise families and enjoy life in the process should be through what we have been through. At the ERT, a Coalition of 6 neighbours attended all hours of the proceedings on behalf of the neighbourhoods, and they and the lawyers and arbitrator were the only constants. Two Coalition members had actually taken time off work without pay to participate. Other "witnesses" drifted in and out, including 3 "experts" from the Netherlands who drove around the community for 3 hours, and then came to the tribunal and testified under oath that they had smelled all kinds of odour in the vicinity of Orgaworld that day: Ingredion (then known as Casco), agricultural smells, and even W12 which is a good 6 kilometers from Brockley, and which we as far north as Dingman Drive believe we have NEVER smelled. This claim was absolutely ridiculous because the locals whose noses are fine tuned to the odour emitted from each of the facilities in the area smelled nothing in their neighbourhoods that day. In any event, what the City and Provincial MOE are allowing to happen to us is just plain cruel, and IT IS the local MOE's provincial counterpart that is responsible because the tool box given the local MOE is extremely limited, and it is obvious to us that political decisions at higher levels are trumping citizen rights.]*

#### **MORE NUMBERS FROM ANOTHER ANGLE:**

##### **The Story of . . .**

- 2** - Number of Offending Companies
- 150** - Number of Homes in Immediate Impacted Area

##### **Some People We Have Dealt With . . .**

###### **Orgaworld**

- \* 9 different managers
- \* 5+ personnel from afar
- \* 5+ chairs of PLC's

###### **Stormfisher Biogas**

- \* already multiple owners and staff

###### **Local Ministry of the Environment**

- \* 8 Environmental Officers
- \* 7 District Managers
- \* 9 Supervisors
- \* 4 Regional Directors

## City of London

6.

- \* 3 Mayors
- \* 28 Councillors
- \* 15+ City Staff

## Government

- \* 1 local MP
- \* 2 local MPP successively

During this time there have been 6 Ministers of the Environment.

*[The point here is that we citizens have been the single constant witnessing this cavalcade, and a revolving door deflects continuity and empathy. Officials may attend an occasional meeting in our area, smile, shake hands and get in their cars and drive away at the end of the meeting to their odour-free homes and yards. But we live in our neighbourhoods 24/7, month after month, year after year. The turnover of personnel mentioned above only shows how long the crisis has gone on for us, and how stressful the work must be for those on the front line—especially at the local MOE. Part of the difficulty for us is that each new appointee just gains an understanding of the situation only to be whisked off to another department or geographical assignment. We believe this is in part a reflection of the stress of the job, but also a technique to wear down citizens, and relocate personnel who have grasped the true nature of how critical the situation actually is for Brockley and Shaver citizens.]*

*The same is true of the process we are forced to go through in calling in complaints. One interrupts a busy life to call only to get put on hold, sent on automated goose chases, and then if fortunate enough to reach a living person at SAC or a plant, one has to start the process all over, providing information with delays for personnel to record data in between each detail as if one had never called before—instead of “This is Caller 19, Winds from the SW, Signature Malodour of rotting garbage from Orgaworld at intensity of 8/10. Goodbye.” No working person has time to spend 15 minutes trying to report each transgression, and we have asked for an expedited system of reporting for 9 years. Don’t tell us in this day of technical wizardry that a better faster system of reporting is not available. So of course we recognize this as a deliberate technique to attempt to discourage neighbours from calling in to report malodour; and given the rigamarole, the number of calls that have been made is all the more compelling.]*

*[One additional commentary on numbers is that the total number of complaints (now exceeding 3000), or the total number of homes in the immediate impacted area (approximately 150), or locations from which complaints have been called (a total now of over 200 unique locations according to the MOE—so even exceeding the number of homes) is that is that numbers might look insignificant in light of London’s population. So 1000 citizens might be impacted: who cares? But seen another way, the number of different residential locations from which calls have been registered represents fully 95% of the homes concentrated in the two neighbourhoods. And in the case of Stormfisher for 2016 alone, the number of calls is nearly quadruple the number of homes in the area. And of course it is also the case that for every person who takes time to call, the conventional average is that there are 10 who are similarly bothered, but simply cannot take the time to call. In fact, in the article “15 Statistics that Should Change the Business World,” the charge is made that for every complaint registered, there are 25 other unhappy people! So real numbers of citizens offended are much higher than reported—and even more so if one also adds to complaints made by citizens who know the source, the aggravation to London citizens in the Whiteoaks or Summerside areas north of Hwy. 401 who don’t know the source of aggravating odour they may be smelling.]*

*[It should also be said that Orgaworld throws out the fact that it pays a lot of taxes, with subtext to be understood that it "therefore has the right" to violate our lives. In 2012 the amount of taxes OCL proudly announced it paid was \$175,000. Well many of our homes are paying triple what houses in neighbouring subdivisions of Whiteoaks and Summerside might pay—several exceeding \$10,000. a year (and this with our providing our own expensive water and septic systems), so we know taxes on homes and other compatible businesses in the impacted area far exceed Orgaworld's paltry contribution by many hundred thousands.]*

*[Seen yet another way, if taken collectively, the number of offences made by the two offending companies about which we complain is staggering—a total of approximately 475 which were complained about in 2016 for **Orgaworld and Stormfisher alone**. After the ERT "settlement, Orgaworld was pressed by the MOE and actually committed itself to abide by conditions which mandated "no SSO odours," and only 2 noticeable odours within a 6-month time frame." But Orgaworld in 2016 averaged nearly 2 complaints a week, and to the end of July in 2017 this had increased to an average of 5 complaints a week (147 in 30 weeks). Taking this 2017 average for Orgaworld, this could total 260 for the year—not the 4 allowable offences a year (2 in 6 months x 2). But fairness would dictate that Ingredion be granted the same number, bringing the total of allowable offences to 520. Naturally in the spirit of fair treatment, Stormfisher Biogas would demand odour equality, so we now are at 780 allowable offences a year. Add to this a like number of offences for W12 or BFI, and one is now up to 1040 allowable offences a year. In other words, the City and Provincial MOE would be allowing odour incidents triple the number of days in the year—so one can see how ridiculous the situation actually could become.*

#### **OUR EXPERIENCE WITH THE CITY OF LONDON**

- \* **Deflection of Initial Calls** ("Sorry, not our issue, call the MOE")
- \* **Initial Refusal to Meet** (It actually ended up taking our MPP at the time to convene a meeting with the Mayor and other City officials and this in the year 2008, more than a year after first requests had been made for a meeting.)
- \* **Refusal to Acknowledge Any Real Responsibility** (Indeed, to date)
- \* **One Meeting with Neighbours at City Hall in November of 2012** (at which meeting Orgaworld, for example, had testimonial from a couple from Dutton, 50 kilometers away from the smell, to extol the virtues of the plant.)
- \* **Promise for "greater involvement" by the City**
- \* **Subsequent Intermittent Attendance at PLC's by Ward Councillors from Wards 12 and 14, and one staff member from London Environmental Services** BUT unfortunately . . .
- \* **No concrete ACTION to deal with the offenders or to eradicate malodour from our area.**

**CITY RESPONSIBILITY** *(as articulated in a December 2009 letter we received from then Minister of the Environment, the Hon. John Gerretsen)*

- \* Land use planning
- \* Zoning bylaws
- \* Setting policy that designates areas for different categories of industrial and commercial use
- \* Building permits
- \* Municipal bylaws

**MOE RESPONSIBILITY** *(Also stated in the letter from the Hon. John Gerretsen)*

- \* to ensure facilities operate in accordance to Ontario's Environmental legislation

*[We are absolutely convinced that local MOE's should have much more power: power to actually close an offending plant in a timely fashion, just as we as individual citizens would be ordered to stop offending behaviour **immediately** if we were shooting coons, or making fish fertilizer in our back yard and violating the law, or quite frankly if offending even 1 neighbour.]*

- \* The local MOE has pushed both companies to engage with the community and they have utilized all they have in their toolkit. They have in essence forced the "voluntary" OCL shutdown, pushed the company to an ERT, and to prosecutions in
  - 2012** - conviction of 2 offences: **\$15,000. fine**
  - 2013** - conviction of 2 offences: **\$60,000. fine**
  - 2014** - conviction of 1 offence: **\$200,000. fine**
  - 2016** - **10 charges sworn relating to 2015,** currently before the courts

**VIOLATIONS WHICH GIVE ELECTED OFFICIALS THE RIGHT and RESPONSIBILITY TO ACT ON OUR BEHALF:**

**1. Violation of Certificate of Approval**

Quote from p. 30:

"The Site **must be operated and maintained in an environmentally acceptable manner which does not result in an *adverse effect*** or a hazard to the natural environment or any person." *(Believe us, every call reflects adverse effect or we wouldn't be taking the time to call.)*

Additionally, that the offenders are within the "one odour unit" is laughable. A normal nose would not be able to smell a one odour unit. So the *Orgaworld*

*stack tests are a joke since they only test the stack emissions at a specific moment, not the surrounding areas which are impacted on an ongoing basis.*

## **2. Violation of the Environmental Protection Act**

Part II, Section 14 forbids:

\* **impairment** of the natural environment **for any use that can be made of it . . .** (*But if one can't breathe the air without recoiling, the environment of the air is being impaired, and this with repeated violation—for example at the golf driving range across from Orgaworld and on our properties*)

\* **harm or material discomfort of any person** (*Every single complaint has been a registering of discomfort to our olfactory senses.*)

\* **loss of enjoyment of normal use of property** (*Every aborted event or interruption of use of property illustrates loss of enjoyment of property.*)

## **3. Violation of the Municipal Act**

which protects citizens from things which have **negative social, environmental, or health impacts**. (*Citizens in the area maintain all three areas are being violated.*)

IT IS CLEAR THAT ORGAWORLD HAS NOT, AND BY THE OWNERS' OWN ADMISSION CAN NOT AND WILL NOT OPERATE WITHOUT CAUSING MALODOUR. We believe this to be the case because:

1. **The original engineered design was flawed, and has been so radically adapted subsequently that it cannot ever perform without malodour.**

2. **Orgaworld cannot control the weather. And the same goes for Stormfisher Biogas.**

**IN SHORT, THESE PLANTS ARE FAILED EXPERIMENTS.**

**SO WHAT ARE THE OPTIONS?**

### **OPTIONS FOR THE CITIZENS OF SHAVER AND BROCKLEY:**

In almost all communications from our communities to the City we have made positive suggestions, posed possible solutions. We care about our City and its image, but the City has not demonstrated care about citizens in Shaver and Brockley. In fact, one former Councillor said with some impatience, "There is *nothing* the City can do about *your problem.*"



Well our problem now becomes the City's problem.

10.

At this point, we are crossing the Rubicon. We have participated in literally thousands of hours of activity over nearly 10 years without satisfaction. Unfortunately we are being driven to consider seriously options which include the following:

- \* Civil Disobedience
- \* Legal Action
- \* Going Public

#### **SOME OPTIONS WE PROPOSE FOR THE CITY OF LONDON:**

- \* Support your citizens as other Municipalities in this province and across Canada have had the courage to do.
- \* Order an interim blanket reduction of taxes in our area, and increased taxation for offenders until the problem is solved.
- \* Draft an Odour Bylaw with specific reference to *malodour from composting* plants that take horrendous feedstock. Adopt ambient odour criteria. *[It should be noted that we are not talking about food-producing plants, so the argument that has been used that an Odour Bylaw would have impact for Labatts or plants like it or the now defunct Kellogg's is nonsense! Check to see how many complaints have been filed against Ingredion by residents from Shaver of Brockley over the last 40 years it has been in existence: precious few, even though we often smell its corn-syrupy smell, and there have been sporadic hydrogen sulphide days about which all citizens in London naturally should be very concerned. But our quarrel is with stinking composting plants. That should not be a hard distinction to make or to mandate against in an Odour bylaw!]*
- \* Shift costs of follow up and monitoring to offending plants.
- \* Ban renewal of any contracts an offending plant may have currently.
- \* Zone a special buffer around both residential communities based on historicity of these rural settlements. . *[At the moment we feel the buffer to be severely restricted, and we can't help but wonder if "hearings" over boundaries are a bit rigged. When we have asked for re-zoning in our area the response is always: "Oh we can't do that: buyers have bought "industrial lands." Well the fact of the matter is that previous buyers bought "agrarian" or "residential" lands which were re-zoned without recourse, so again we suspect the "inability" to protect residential lands south of the 401 reflects "unwillingness,"—not "inability." Is this not something a City Council has the power to do? The Minister of the Environment so stated in the document quoted above.]*
- \* Prevent any area deemed "high saturation"—as ours assuredly is—from construction of any additional malodour-generating plants.
- \* Request an air-quality test be carried out in the Wellington Road/ 401 with the bill going to the emitters: OCL, SF, Ingredion
- \* Initiate a system for City fines for offenders in addition to

**those that come from charges laid by the MOE.** *[And just as an aside, since the municipality does end up with fines such as Orgaworld has already had—the last being a total of \$250,000., a handsome sum over and beyond the company's taxes for the year—it would be a sad commentary if the City is profiting from the grief citizens in our neighbourhoods suffer, and the action citizens take which enables the MOE to lay the charges thus generating the fines. If the City continues to let this occur, this would be both unconscionable and sinister. How about putting the last \$250,000. fine toward conducting an air quality test just south of the 401 on Wellington?]*

**The above are things that should and can be done.**

### **BUT, IN OUR VIEW**

**\*\*\* THE ONLY REAL AND LASTING SOLUTION IS THAT THE CITY WORK WITH THE PLANTS AND THE PROVINCIAL MOE TO RELOCATE THE PLANTS** (and the W12 Compound would make sense as a repository for such facilities.) In our view, this is the **ONLY** circumstance under which these offending companies should be allowed to continue to exist, and we would suggest the cost of relocation be borne mainly by the plant and province, with the municipality contributing something owing to its having allowed misplacement of the plants to begin with, company violations notwithstanding. Clearly a few million to effect relocation of these two offenders would be a small price tag in comparison with the 1.1 billion associated with the Ontario gas plant cancellations.

### **OR FAILING THAT,**

#### **\*\*\* ORDER PLANT SHUTDOWN.**

*[Because clearly violating our Municipal and Environmental rights, what Orgaworld and Stormfisher are doing is illegal. There is no other word for it, and yet they are permitted to continue operation. Why? Because, once Pandora's Box is open, it is very difficult to put the escapees back in the box. Suddenly plants with failing performance take on a Frankenstein life of their own, and they have the regulators by the throat. The local MOE's position at the very lengthy ERT was that "more waste taken in at Orgaworld results in more malodour," while Orgaworld's was "more waste results in less odour" (because they would ramp up to full capacity and function perfectly, of course!). When the company's theory was obviously proven fallacious, one of the directors from Orgaworld at a public meeting post ERT made a statement to this effect: "No! this ERT wasn't to test that thesis: it was a test of how far we could get with the Government of Ontario." Neighbourhood representatives who had spent 50 hours at this ERT--so serious and contentious it lasted 8 days--were shocked. The sad reality is that these companies end up playing the City and the government for fools. So the City and province are doing no one—and certainly not themselves--a favour to permit the likes of Orgaworld and Stormfisher to spring into existence without serious provisos and regulations that can be acted on without endless reprisal, endless appeals. Elsewhere—actually in a document we wrote and circulated to the City and Government expressing our environmental concerns as early as 2009 (obviously long before Stormfisher) --we suggested that with regard to new composting companies that the province pass legislation for composting plants mandating a two-year "no*

*rights guaranteed" trial period during which municipalities or the government can revoke certificates of approval of offending plants without legal recourse by the firm. The City should push the Provincial government to do this because municipalities end up living with the fallout! Naturally waste management companies certain of their technologies should not be troubled by this safeguard to protect citizens. Those companies with failing performance beyond a 2-year period deserve to be shut down, and that is the risk they should have to take and a potential consequence they should have to bear. And shutdown where warranted should be done swiftly.]*

In conclusion, the key points to be reiterated are:

- \* Our communities predate either offending plant by decades and should not be subject to the slow form of torture and denial of legislated municipal rights which we have experienced.

- \* The City and Provincial MOE were warned the location would be a poor one for either plant, so having flown in the face of common sense and professional advice, the City, the MOE and sadly the community are now left with an untenable situation.

- \* 9+ years of significant numbers of complaints are of enormous consequence, and demonstrate the overwhelming severity of the problem.

- \* Even though having a less dense population than other areas of the City, citizens in Shaver and Brockley are honest, hard-working, tax-paying citizens who deserve the same protection that would be accorded any other part of the City.

- \* The City of London in concert with the offenders and regulating bodies has the responsibility to address and rectify the crisis, and should not hesitate to do so because the offenders are breaking the law.

So at this moment, we ask our City to restore our violated Municipal and Environmental rights. We believe how a City cares for and protects its disadvantaged is what shows the strength, character and human face of that City. We would ask you to be that Mayor, those Councillors, those City officials who make London a city which demonstrates care and protection for all of its citizens.

## **APPENDIX B**

### **Overview of Food and Organic Waste Management in Ontario**

Over the last 10 to 15 years Ontario municipalities have implemented programs to manage food and organic waste (i.e. Green Bin programs). Similar to Municipal Blue Box programs, programs for food and organic waste vary across the province in terms of the materials that are included and how those materials are collected (i.e. clean vs dirty (inclusion of pet waste diapers etc.) and whether bags (compostable or non-compostable) are permitted for use. There is also variability in the method used to process the materials with composting (in-vessel vs open windrows) and digesting (wet anaerobic digestion) being the most common.

Unlike Municipal Blue Box programs there is currently no legislative requirement for a municipality to have a program to manage food and organic waste. Under new legislation and provincial government direction discussed below this will change. These programs were first developed in municipalities that had limited access to cost effective landfill capacity as a means to achieve greater waste diversion. The programs have since developed and expanded to become a common service provided by most municipalities in Ontario.

#### **Waste Reduction Act and Waste Reduction Strategy**

On June 6, 2013, Bill 91 was introduced into the provincial Legislature. The government at that time proposed to replace the existing *Waste Diversion Act, 2002* with the proposed Waste Reduction Act (WRA, 2013). The province also proposed a new Waste Reduction Strategy (WRS). Had it been passed by the Legislature, the WRA and accompanying WRS would have resulted in significant changes to how recyclables, organics and residential waste (garbage) would be managed in both the municipal (residential) sector and the Industrial, Commercial & Institutional (IC&I) sector in Ontario. Food and organic waste was a priority in these documents.

A province-wide consultation process and ongoing dialogue was launched in 2013 and carried into the early part of 2014. However, Bill 91 was pulled from discussion when the provincial election was called in 2014.

#### **Waste Free Ontario Act**

In November 2015, the Minister of the Environment and Climate Change (MOECC) introduced a new legislative framework for managing waste in Ontario under Bill 151, *Waste Free Ontario Act (WFOA)*. The legislation is comprised of two Acts, the *Resource Recovery and Circular Economy Act (RRCEA)*, and the *Waste Diversion Transition Act (WDTA)*. Bill 151 received Royal Assent in June 2016 and was proclaimed November 30, 2016.

This legislation and accompanying Strategy (below) will result in a range of changes on how waste will be handled in Ontario over many years. These changes and direction have the potential to impact most aspects of London's residential waste management system (generally under the responsibility of Municipal Council). The new legislation is designed to ultimately impact producers, retailers, suppliers and recycling service providers across the product/package chain. It will also have some influence on how IC&I waste is managed by businesses and private waste management companies.

#### **Strategy for a Waste-Free Ontario Building the Circular Economy**

The MOECC published the final Strategy for a Waste-Free Ontario: Building the Circular Economy in February 2017, a requirement of the *Waste Free Ontario Act, 2016*, (WFOA), which outlines a road map for resource recovery and waste reduction for Ontario. It also:

- sets a vision and goals including interim waste diversion goals for 2020 (30%), 2030 (50%) and 2050 (80%);
- articulates key government actions to support implementation of the vision and goals; and
- identifies performance measures to measure progress towards achieving the vision and goals.

The Strategy focuses on moving Ontario towards a circular economy described as “a system where nothing is wasted and valuable materials destined for landfill are put back into the economy without negative effects on the environment.” This approach – a circular economy – has the potential to reduce greenhouse gas emissions, save and better utilize scarce resources, create jobs and create financial opportunities.

The Strategy commits the MOECC to a Food and Organic Waste Action Plan with a key action being the possible banning of food waste from disposal. The Strategy also proposes that the first policy statement under the *Resource Recovery and Circular Economy Act, 2016* will focus on food and organic waste. MOECC indicates that these actions will also support the waste reduction and resource recovery objectives of the strategy and greenhouse gas reduction objectives of Ontario’s Climate Change Action Plan:

*The discussion paper posted on the EBR [Environmental Bill of Rights Registry], Addressing Food and Organic Waste in Ontario, serves as the basis for preliminary discussions with stakeholders to inform the development of the Food and Organic Waste Framework. The Food and Organic Waste Framework will aim to:*

- *Reduce the amount of food that becomes waste*
- *Remove food and organic waste from the disposal stream*
- *Reduce greenhouse gas emissions that result from food and organic waste*
- *Support and stimulate end markets that recover the value from food and organic wastes*
- *Increase accountability of responsible parties*
- *Improve data on food and organic waste*
- *Enhance promotion and education regarding food and organic waste*

This is the first formal input request into this process through the EBR which closed on July 31, 2017. There will be several more opportunities for comment in 2017 and 2018 via the EBR.

### **Composting and Anaerobic Digesters Processing Municipal Green Bin Materials in Ontario**

A number of composting and anaerobic digesting (biogas) facilities are in operation across Ontario. Feedstocks for these facilities come from a variety of sources including Institutional, Commercial & Industrial (IC&I); Source Separated Organics (SSO, also known as Green Bin) and Leaf & Yard (L&Y) waste (Table A-1). Technologies and ancillary infrastructure at these locations vary based on site specific considerations, age of facility and size of facility.

All facilities require Environmental Compliance Approvals (ECA, formerly called Certificate of Approval), generally processing and air, from the MOECC. MOECC is also responsible for compliance with facility operations and when required, investigation and enforcement.

**Table A-1 List of Composting and Anaerobic Digesters Processing Municipal Green Bin Materials in Ontario**

<b>Composting Facilities</b>				
<b>Company/ Municipality</b>	<b>City</b>	<b>Type of Aerobic Composting</b>	<b>Type of Materials Processed(a)</b>	<b>Approximate Approved Capacity(b)</b>
Orgaworld Canada Ltd.	London	Aerobic Box/Tunnel	Residential and IC&I SSO, L&Y	150,000
All Treat Farms Limited	Arthur	Gore (covered windrows)	Residential and IC&I SSO, L&Y	135,000
City of Guelph	Guelph	Aerobic Box/Tunnel	Residential and IC&I SSO, L&Y	30,000

<b>Composting Facilities</b>				
<b>Company/ Municipality</b>	<b>City</b>	<b>Type of Aerobic Composting</b>	<b>Type of Materials Processed(a)</b>	<b>Approximate Approved Capacity(b)</b>
City of Hamilton Central Composting Facility	Hamilton	Aerobic Box/Tunnel	Residential SSO	90,000
Lafleche Environmental	North Stormont Township	Channel	Residential and IC&I SSO, SRM and Biosolids	240,000
Miller Waste Systems	Pickering	Channel	Residential SSO, L&Y, Biosolids	50,000
Niagara Waste Systems Ltd. (Walker Industries)	Thorold	Gore (covered windrows)	Residential and IC&I SSO, L&Y, Wood	90,000
Norterra Organics	Kingston	Gore (covered windrows)	Residential and IC&I SSO, Biosolids, L&Y, Paper, Wood	15,000
Orgaworld Canada Ltd.	Ottawa	Aerobic Box/Tunnel	Residential and IC&I SSO, L&Y	150,000
Ottawa Valley Waste Recovery Centre	Laurentian Valley Township	Aerobic Box/Tunnel	Residential SSO, L&Y, and IC&I Food Processing	6,000
Peel Region - Chinguacousy Curing Pad	Caledon	Gore (covered windrows)	Processed residential SSO for curing	45,000
Peel Region – Torbram Road	Brampton,	Aerobic Box/Tunnel	Residential SSO, L&Y	70,000

(a) Institutional, Commercial & Industrial (IC&I); Source Separated Organics (SSO, also known as Green Bin); Leaf & Yard waste (L&Y)

(b) The approximate approved capacity is the number identified on an Environmental Compliance Approval noting it is not always identified as tonnes. Facilities cannot operate above their capacity; however facility operators may arbitrarily operate at lower amounts.

<b>Anaerobic Digestion - AD (Biogas) Facilities</b>				
<b>Company/ Municipality</b>	<b>City</b>	<b>Type of Anaerobic (AD)</b>	<b>Type of Materials Processed(a)</b>	<b>Approximate Approved Capacity(b)</b>
StormFisher Environmental	London	Wet AD	IC&I	190,000
Bio-En	Elmira	Wet AD	IC&I, SSO	70,000
City of Toronto Dufferin AD	Toronto	Wet AD	Residential SSO	90,000
City of Toronto Disco Road AD	Toronto	Wet AD	Residential SSO	75,000

(a) Institutional, Commercial & Industrial (IC&I); Source Separated Organics (SSO, also known as Green Bin)

(b) The approximate approved capacity is the number identified on an Environmental Compliance Approval noting it is not always identified as tonnes. Facilities cannot operate above their capacity; however facility operators may arbitrarily operate at lower amounts.

## APPENDIX C Sample By-laws in Other Jurisdictions

### Excerpt from City of Campbell River Public Nuisance By-law

property by City employees or its contractors and the costs of removal, clean up and disposal.

- 7.22 If an owner or other responsible Person defaults in paying the cost referred to in Section 7.21 to the City within 30 days of a demand for payment from the City, the City may recover from the owner or other responsible Person, in any court of competent jurisdiction, the cost as a debt due to the City. If an owner has not paid the debt by December 31 in the year in which the debt was incurred, the City may direct that the amount of the cost be added to the Real Property tax roll as a charge imposed in respect of work or service provided to the Real Property of the owner.

#### Reconsideration

- 7.23 An Owner or other responsible Person who has been issued a notice pursuant to Sections 7.20 and 7.21 of this Part may make representations to Council to have the decision reconsidered by applying in writing for such reconsideration within 14 days of receipt of the notice, or lesser time if specified in the notice.

Amd Bylaw 3636 01/17 section added

## PART 8: Odour Regulation

#### Exemptions

- 8.0 This Part shall not apply to the operation, maintenance and construction of the City's wastewater system.

#### Regulations

- 8.1 A person must not cause, allow or permit the discharge or emission of a Nuisance Odour from a Property owned, used or occupied by the Person.
- 8.2 The City of Campbell River may take enforcement action under sections 8.1 and 8.3 if a Bylaw Enforcement Officer has documented all three of the following:
- a. The detection by the Bylaw Enforcement Officer of a Nuisance Odour at a level 2 or greater, according to the following odour scale:
    - Level 0 – no odour detected;
    - Level 1 – odour barely detected;
    - Level 2 – odour is distinct and definite, any unpleasant characteristics recognizable;
    - Level 3 – odour is objectionable enough or strong enough to cause attempts at avoidance; and
    - Level 4 – odour is so strong that a person does not want to remain present;
  - b. A written and signed statement from a person making a complaint that demonstrates that they have experienced Nuisance Odours in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property; and
  - c. The source of Nuisance Odour.

#### Commercial or Industrial Operations - Odour

- 8.3 Every owner or operator of a commercial or industrial business that discharges or emits a



## Excerpt from City of Campbell River Public Nuisance By-law

property by City employees or its contractors and the costs of removal, clean up and disposal.

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    - Level 3 - odour is objectionable enough or strong enough to cause attempts at avoidance; and
    - Level 4 - odour is so strong that a person does not want to remain present;
  - A written and signed statement from a person making a complaint that demonstrates that they have experienced Nuisance Odours in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property; and
  - The source of Nuisance Odour.

### Commercial or Industrial Operations - Odour

- 8.3 Every owner or operator of a commercial or industrial business that discharges or emits a

Nuisance Odour at a level 2 or greater that disturbs the occupants of the neighbourhood or Persons in the vicinity shall, at the request of the City, supply the City with:

- a. a report prepared by an Independent Odour Control Specialist recommending ventilation systems and methods that will be used to prevent Nuisance Odours from leaving the premises so that no Nuisance Odour at a level 2 or greater can be detected by a person with a normal sense of smell at the exterior of the Premises; regardless of wind direction; and
- b. a letter of certification sealed by the Independent Odour Control Specialist confirming that the methods approved by the City to prevent Nuisance Odours from leaving the premises have been fully implemented.

## **PART 9: Enforcement and Penalty**

### **Right of Entry**

- 9.0 A Bylaw Enforcement Officer may, at all reasonable times, enter upon any Real Property in the City in order to ascertain whether the regulations contained within this Bylaw are being complied with.

### **Enforcement**

- 9.1 The provisions of this Bylaw may be enforced by any Bylaw Enforcement Officer.

### **Offences and Penalties**

- 9.2 Any person who contravenes, violates or fails to comply with any provision of this Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this Bylaw, or who fails to do anything required by this Bylaw, commits an offence and shall be liable upon conviction to a fine of not more than ten thousand dollars (\$10,000.00) and not less than seventy-five dollars (\$75.00) and the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter, British Columbia*, or the *Offence Act, British Columbia*, as amended from time to time. Each violation against the Bylaw shall be deemed to be a separate and distinct offence, and where the offence is a continuing one, each day that the offence is continued constitutes a separate offence.

## **PART 10: Severability**

- 10.0 If any section, subsection, paragraph, clause, phrase or word within this Bylaw is for any reason held to be invalid by the decision of a court or competent jurisdiction, such decision does not affect the validity of the remaining portions of this Bylaw.

## **PART 11: Repeal**


- 11.0 Public Nuisance Bylaw No. 3310, 2007 as amended, is hereby repealed.

Excerpt from Municipality of Leamington  
Odours By-law

By-law 895-09

Page 2

2. PROHIBITIONS

 No person shall conduct or permit any activity that causes an excessive and obnoxious odour.

3. NON APPLICATION OF BY-LAW

Section 2 of this by-law does not apply to an odour created by any one of the following activities:

- (1) A normal farm practice as determined pursuant to the Farming and Food Production Protection Act, 1998 S.O. Chap. 1.
- (2) An activity carried on in compliance with an order of the Normal Farm Practices Protection Board.
- (3) An activity that is an essential part of an industrial process that is established on an industrial lot.
- (4) An activity performed on designated agricultural land.
- (5) An activity carried on in compliance with a certificate of approval or permit issued pursuant to the Environmental Protection Act, R.S.O. 1990, c.E19.
- (6) An activity carried on by the municipality or any other level of government.
- (7) An activity carried on in compliance with an approved nutrient management plan pursuant to the Nutrient Management Act, 2002, S.O. 2002 c. 4.

4. GRANT OF EXEMPTION BY COUNCIL

(1) Application to Council

Notwithstanding anything contained in this By-law, any person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to any source of odour for which the person might be prosecuted and Council, by resolution, may grant or refuse to grant the exemption applied for and any exemption granted shall specify the time period, during which the exemption is effective and may contain such terms and conditions as Council deems appropriate.

Excerpt from Town of Newmarket  
Discharge of Odours By-law

CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW 2002-111

BY-LAW TO PROHIBIT AND REGULATE THE DISCHARGE OF AN  
ODOUR OR ODOURS INTO THE AIR

WHEREAS pursuant to section 210 paragraph 140 of the *Municipal Act, R.S.O. 1990 c. M45*, as amended, a municipal council may enact a by-law to prohibit and regulate a matter that in the opinion of council is or could become or cause a public nuisance;

AND WHEREAS in the circumstances set out in this by-law the discharge of an odour or odours into the air becomes, in the opinion of Council, a public nuisance;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. INTERPRETATION

In this by-law:

- (a) Adverse effect means one or more of
  - (i) harm or material discomfort to any person;
  - (ii) an adverse effect on the health of any person;
  - (iii) impairment of the safety of any person;
  - (iv) loss of enjoyment of normal use of property, and
  - (v) interference with the normal conduct of business.
- (b) Discharge: when used as a verb, includes add, deposit, leak or emit and, when used as a noun, includes addition, deposit, emission or leak.
- (c) Odour: means any odour which may be detected at a Point of Reception and has an adverse effect.
- (d) Point of Reception: means any point on the premises of any person where odour, originating from premises other than those premises, is detected.

2. GENERAL PROHIBITION

No person shall discharge or cause or permit the discharge into the air of an odour and no person responsible for a source of an odour shall permit the discharge into the air of any odour from the source of such odour, in an amount, concentration or level that is detectable by any person at a Point of Reception.

3. EXEMPTIONS

- (a) Odours confined to premises

Notwithstanding any other provisions of this by-law, it shall be lawful to discharge odours or permit the discharge of odours that are detectable only within or on the premises from which odours are being discharged.

## Excerpt from City of Vancouver Business Licensing By-law

- (7) All premises in or upon which the applicant proposes to carry on or conduct any business, trade, profession or other occupation in respect of which a licence is required to be held pursuant to this By-law shall comply with all relevant by-laws of the City before any such licence is granted; and the applicant shall, upon request, produce certificates or letters of approval as may be required by federal, provincial or municipal authorities.
- (8) Despite the provisions of this By-law, the Chief Licence Inspector shall not issue a licence to an applicant who has failed to pay all or part of any business licence fee due and owing for a business carried on by the applicant in the 5 years preceding the date of the application.
- (9) Where a licence has not been issued to an applicant the Inspector shall not be required to refund to the applicant the amount of the applicable fee which is referred to in Schedule "B" of this By-law as the "Non-Refundable Portion of Fee.
- (10) The Chief Licence Inspector may establish terms and conditions that must be met for obtaining, continuing to hold, or renewing a licence, including conditions related to:
- (a) safety and security on and about the licensed premises;
  - (b) the protection of minors, including but not limited to conditions regarding signage and patron identification;
  - (c) public health and safety in relation to the licensed premises;
  - (d) prevention of nuisances, including but not limited to conditions intended to reduce noise, odours, and patron misconduct on and about the licensed premises; and
  - (e) requirements that, in the opinion of the Chief Licence Inspector, are necessary to ensure that the licensed business does not have a negative impact on the public, the neighbourhood or other businesses in the vicinity.
- (11) Without limiting the provision of subsection (10), if the Chief Licence Inspector determines, based on the operating hours, location, nature of the business and previous safety issues, that the operation of a business will be significantly safer:
- (a) if more than one employee is present at the business during regular hours, then the Chief Licence Inspector may require as a condition of the business licence that a minimum of two employees be present on the business premises at all times while the business is open to the public; and



Excerpt from City of Waterloo  
Public Nuisance By-law

“**Public Place**” includes a Highway and any place to which the public has access as of right or by invitation, express or implied, which may include Public Property, and private property that is exposed to public view, but does not include a washroom facility; and,

“**Public Utility**” means a company that provides water, sewer, electricity or telephone services to the public.

2. **PROHIBITIONS**

- (a) No person shall have or cause a Bodily Emission in a Public Place.
- (b) No person shall dump on Public Property, except where permitted to do so by the City.
- (c) No person shall Litter in a Public Place.
- (d) No person shall knock over, or attempt to knock over, a Canada Post mailbox, Canada Post relay box, newspaper box or garbage or recycling container, lawfully located on a Highway.
- (e) No person shall emit, or cause to be emitted; an objectionable odour in a Public Place, except where permitted to do so by the City.
- (f) No person shall emit, or cause to be emitted, an excessive amount of smoke, dust or airborne particulate matter in a Public Place, except where permitted to do so by the City.
- (g) No person shall block, interfere, obstruct or otherwise impede the passage of any pedestrian on a Highway or on Public Property, except where permitted to do so by the City.

3. **EXEMPTIONS**

- (a) Notwithstanding section 2 of this by-law, this by-law shall not apply to any of the following:
  - (i) the City;
  - (ii) the Regional Municipality of Waterloo;
  - (iii) the Government of Ontario;
  - (iv) the Government of Canada; or,
  - (v) a Public Utility in the performance of its duties.

4. **PERMITS**

- (a) Notwithstanding any other section of this by-law, any person may apply to the Director of By-Law Enforcement, in writing, for a Permit.
- (b) When applying for a Permit, an applicant may be required by the Director of By-Law Enforcement to submit any or all of the following:
  - (i) the name and address of the applicant;
  - (ii) a description of the proposed nuisance;
  - (iii) the location at which the proposed nuisance will take place;
  - (iv) the period of time for which an exemption is sought;
  - (v) reasons why the Permit should be granted; and,
  - (vi) the applicable fee, pursuant to the City's Fees and Charges By-Law.
- (c) In considering an application for a Permit, the Director of By-Law Enforcement shall have regard to the following:
  - (i) a description of the proposed nuisance;
  - (ii) the location of where the proposed nuisance will take place;
  - (iii) the period of time for which the exemption is being sought;
  - (iv) the reasons why the applicant thinks the Permit should be granted; and,
  - (v) any applicable City by-laws or policies.
- (d) After considering the merits of a Permit application, the Director of By-Law Enforcement may:
  - (i) grant a Permit;
  - (ii) grant a Permit, subject to certain terms or conditions as deemed necessary or advisable by the Director of By-Law Enforcement; or,
  - (iii) deny the Permit.



## APPENDIX D

### Municipal Involvement with Composting and/or Anaerobic Digester Facilities Handling Food Waste from Residents or Businesses

The list of municipalities and type of facility, primarily in Ontario, has been compiled through a brief survey focused on the key question “are there any special procedures or policies for dealing with odours in your municipality from composting or anaerobic digesting facilities?”

<b>Municipality (2016 Population)</b>	<b>Type of Facility - composting or anaerobic digester (biogas)</b>	<b>Approx. Approved Capacity (a)</b>	<b>Any special procedures or policies for dealing with odours?</b>	<b>Other Actions/Comments</b>
London (380,000)	Composting (privately owned)	150,000	No	City Councillors and staff are members of the Public Liaison Committee (PLC). PLC on hold.
London (380,000)	Biogas (privately owned)	190,000	No	City Councillors and staff are members of the PLC.
Durham (661,200)	Composting (privately owned)	50,000	No	Privately owned composting facility. Durham is not involved in the enforcement of odour management as this is dealt with on site or through the MOECC. The site is not required to have a PLC through their ECA. Durham responds to Odour complaints through the Operator.
Guelph (131,800)	Composting (publicly-owned, operations contracted)	30,000	No	Municipally owned composting facility. City of Guelph, operations contractor and MOECC created an action plan which was implemented for specific odour issues at the site at a point in time.
Hamilton (536,900)	Composting (publicly-owned, operations contracted)	90,000	No	Municipally owned composting facility. Hamilton is not involved in the enforcement of odour management as this is dealt with on site or through the MOECC. The site is not required to have a PLC through their ECA.
Kingston (117,000)	Composting (privately owned)	15,000	No	Composting process has some odour complaints. Handled by MOECC.
Niagara (447,900)	Composting (privately owned)	90,000	No	Informal, reactive policies are in place with private contractor (Walker Industries) to not operate during windy conditions or move piles in specific conditions that generate odour. Complaints are handled by the facility operator and MOECC. No specific PLC for facility but Niagara has an overall waste management PLC where concerns can be raised.



Municipality (2016 Population)	Type of Facility - composting or anaerobic digester (biogas)	Approx. Approved Capacity (a)	Any special procedures or policies for dealing with odours?	Other Actions/Comments
Ottawa (934,200)	Composting (privately owned)	150,000	No	Complaints handled by operator and MOECC. No PLC.
Peel (1,297,000)	Composting (publicly-owned, operations contracted) Composting (privately owned)	45,000 70,000	No	Region does not have odour management policies in place. Individual municipalities are in charge of this but no policies or PLCs are in place.
Toronto (2,790,000)	Biogas (2)	90,000 75,000	No	Complaints handled by MOECC. No specific bylaws exist but existing bylaws cover this in general (e.g., issues with noise and odour are common language for zoning bylaws). <a href="#">Chapter 629 Property Standards</a> of the Toronto municipal code covers this but only in broad terms and there are no enforcement procedures in place.
Arthur (Wellington County) (2,500)	Composting (privately owned)	135,000	No	Complaints handled by MOECC.
Vancouver (610,000)	Composting & Biogas (privately owned)	225,000	Yes	GVRD received over 2,600 complaints in 2016 regarding their Harvest Power composting/AD facility. The 2008 Air Quality Management Bylaw enables them to ticket offending facilities for infractions of their air quality management permits. Examples and public links are found below. Harvest Power has a community advisory committee available at <a href="http://richmondairpermit.ca">richmondairpermit.ca</a> .

(a) The approximate approved capacity is the number identified on an Environmental Compliance Approval noting it is not always identified as tonnes. Facilities cannot operate above their capacity; however facility operators may arbitrarily operate at lower amounts.

## APPENDIX E

### Odour Challenges at Other Composting and Anaerobic Digester Facilities

The list of facility locations in Canada has been compiled through a Google search using key words such as “odour”, “composting”, “anaerobic digester”, and “biogas”. The focus was on Canada. Many reports of odour challenges with biogas facilities are noted in the United States.

<b>Facility</b>	<b>City, Province</b>	<b>Type of Operation</b>	<b>Information Source and Date of Issue</b>	<b>Notes from Media and Other Articles</b>
City of Hamilton Composting Centre	Hamilton, Ontario	Composting	1 CBC News (May 2017)	Increased number of odour complaints since Hamilton is following the new compost guidelines for 40% moisture during curing of compost. This has increased odour complaints (from an average of 3/year to 21).
Bio-Can Solutions Ltd.	Wheatland County, Alberta	Composting	2 Strathmore Standard (May 2017)	Constant odour complaints over several years. The facility takes any organic waste that is not hazardous including food waste.
Goodwood Composting Facility	Halifax, Nova Scotia	Composting	3 CBC (April 2017)	Odour issues have been common for all of Halifax’s composting and AD plants.
Metro Environmental Services Inc.	Whitbourne, Newfoundland	Composting	4 CBC (April 2017)	Proposed site for industrial composting facility is too close to city, residential neighbourhoods.
Harvest Power	Richmond, British Columbia	Composting and anaerobic digester (biogas)	5 CBC (February 2017)	2,402 complaints from Sep-Dec 2016. Robust complaint tracking system created and roughly \$1,000 fines. Facility given 30 days to fix problem. Several similar articles over a five year period.
City of Hamilton Composting Centre	Hamilton, Ontario	Composting	6 Hamilton Spectator (September 2016)	Odour reaches residents 2-3 times/week. MOECC investigated. Facility located in an area with other industrial odours.
Mushroom Producer Cooperative Inc.	Brantford, Ontario	Composting	7 Brantford Expositor (March 2016)	Odours reported from mushroom composting.

<b>Facility</b>	<b>City, Province</b>	<b>Type of Operation</b>	<b>Information Source and Date of Issue</b>	<b>Notes from Media and Other Articles</b>
Loveday Mushroom Plant	St. Boniface, Manitoba	Composting	8 Winnipeg Free Press (January 2016)	A website has been set up for odour complaints from residents. 200 responses have been recorded about a mushroom composter and animal renderer.
City of Guelph Composting Centre	Guelph, Ontario	Composting	9 Guelph Mercury (August 2015)	City of Guelph, operations contractor and MOECC created an action plan which City of Guelph voluntarily implemented.
Cleanit Greenit	Edmonton, Alberta	Composting	10 Edmonton Journal (August 2015)	Facility has received fewer odour complaints than before but still receiving them.
Samborski Environmental	Winnipeg, Manitoba	Composting	11 Global News (February 2015)	Odour complaints were so high that the MOE took some of the compost away. More than 500 complaints since 2009.
MacNutt Enterprises	Saanich, British Columbia	Composting	12 Times Colonist (November 2014)	Odour issues from yard waste composting for residential neighbours.
BW Bioenergy	Cape Breton, Nova Scotia	Composting	13 Chronicle Herald (August 2014)	Company mixes compost with other organics in the manufacture of biogas pellets, but odour complaints have caused Cape Breton to not send their organics.
ICC Group	Nanaimo, British Columbia	Composting	14 Times Colonist (November 2013)	Odour complaints have been made for this facility but also could be caused by the local pulp and paper mill, a rendering plant, and a landfill nearby. Their biofilter was found to be not working.
Greenwood Mushroom Farm	Ashburn, Region of Durham, Ontario	Composting	15 Gottarent.com (May 2013)	Odours reported from mushroom composting for over 19 years.
Salish Soils	Sechelt, British Columbia	Composting	16 Coastreporter.net (October 2012)	A fish and yard waste composting facility that uses the Gore cover system for composting. Neighbours are reporting odours when covers are off the piles of compost.

Facility	City, Province	Type of Operation	Information Source and Date of Issue	Notes from Media and Other Articles
Cleanit Greenit	Edmonton, Alberta	Composting	17 CBC (December 2011)	Facility closed down by MOE until they address their regulatory and odour issues.
Norterra Organics	Kingston, Ontario	Composting	18 Siskinds (October 2011)	Odours created by breaching their certificate of approval by accepting too much waste and storing biosolids outside. \$125,000 fine.
Northwood Recycling and Energy	Oshawa, Ontario	Composting	19 Durham Region. com (Metrolandmedia) (April 2011)	Company and President fined by MOECC under <i>Environmental Protection Act</i> .
All Treat Farms	Arthur, Ontario	Composting	20 Guelph Mercury (August 2010)	Ministry of Environment officials withdraw charges against the compost facility.
Universal Resource Recovery	Welland, Ontario	Composting	21 Welland Tribune (July 2010)	A local company that turns organic waste into compost is temporarily shutting down operations.
Peel Curing Facility	Caledon, Ontario	Composting	22 Caledon Enterprise (April 2008)	Compost, made from food and yard waste, was occasionally being cured out in the open until residents complained about the odour.

#### Source of Information:

1. CBC News (City of Hamilton, Ontario) <http://www.cbc.ca/news/canada/hamilton/composting-facility-smells-bad-1.4128270>
2. Strathmore Standard (Wheatland County, AB) <http://www.strathmorestandard.com/2017/05/12/residents-share-complaints-about-compost-facility-with-county>
3. CBC (Halifax, NS) <http://www.cbc.ca/news/canada/nova-scotia/halifax-compost-system-update-1.4085256>
4. CBC (Whitbourne, NL) <http://www.cbc.ca/news/canada/newfoundland-labrador/whitbourne-mayor-composting-facility-smell-1.4075314>
5. CBC (Richmond, BC) <http://www.cbc.ca/news/canada/british-columbia/notice-to-default-harvest-power-1.4003171> . 2012 article Vancouver Sun <http://www.vancouversun.com/technology/Food+scraps+composting+leaves+odour+noses+Richmond+residents/7591704/story.html>
6. Hamilton Spectator (City of Hamilton, Ontario) <https://www.thespec.com/news-story/6847120-city-composting-centre-blamed-for-putrid-east-end-stench/>

7. Brantford Expositor (City of Brantford, Ontario) <http://www.brantfordexpositor.ca/2016/03/20/group-changes-tactic-on-odour-issue>
8. Winnipeg Free Press (St. Boniface, MB) <https://www.winnipegfreepress.com/local/St-Boniface-residents-file-more-than-200-odour-complaints-online-366373201.html>
9. Guelph Mercury (City of Guelph, Ontario) <https://www.guelphmercury.com/news-story/5800321-city-of-guelph-addresses-regular-odours-at-waste-processing-plant/>
10. Edmonton Journal (Edmonton, AB) <http://edmontonjournal.com/news/local-news/conflict-blows-in-with-the-smell-of-compost>
11. Global News (Winnipeg, MB) <http://globalnews.ca/news/1808755/manitoba-removes-compost-from-much-criticized-environmental-business/>
12. Times Colonist (Saanich, BC) <http://www.timescolonist.com/news/local/noise-smell-of-saanich-compost-operation-unbearable-neighbours-1.1549481>
13. Chronicle Herald (Cape Breton, NS) <http://thechronicleherald.ca/novascotia/1230331-smell-stops-compost-waste-transfer-to-bw-bioenergy-site-in-lingan>
14. Times Colonist (Nanaimo, BC) <http://www.timescolonist.com/news/local/nanaimo-composting-facility-faces-a-1-million-bill-for-odour-abatement-1.710076>
15. Gottarent.com (Ashburn, Region of Durham) <http://www.gottarent.com/news-story/6894306-greenwood-mushroom-farm-s-new-compost-facility-passes-smell-test-ashburn-residents-get-relief-after-20-years>
16. Coast Reporter (Sechelt, BC) <http://www.coastreporter.net/news/local-news/salish-soils-takes-blame-for-stink-1.1002665>
17. CBC (Edmonton, AB) <http://www.cbc.ca/news/canada/edmonton/edmonton-compost-plant-closed-by-province-1.1028972>
18. Siskinds (Kingston, ON) <http://www.siskinds.com/envirolaw/compost-maker-convicted/>
19. DurhamRegion.com – Metrolandmedia (City of Oshawa, Ontario) Northwood Recycling - <https://www.durhamregion.com/news-story/4477940-oshawa-composting-facility-fined-over-smell/>
20. Guelph Mercury (Arthur, Ontario) <https://www.guelphmercury.com/news-story/2720831-ministry-won-t-pursue-odour-issue-against-all-treat/>
21. Welland Tribune (Welland, Ontario) <http://www.wellandtribune.ca/2010/07/23/compost-facility-shut-down>
22. Caledon Enterprise (Caledon, ON) <https://www.caledonenterprise.com/news-story/1365052-peel-to-spend-11-million-to-end-compost-stink/>

## **APPENDIX F**

### **Town of Newmarket Experience**

Halton Recycling Ltd. Began operating an organic waste processing facility in the Town of Newmarket in July of 2004. Between July 2004 and July 2006 Newmarket received more than 1,100 odour complaints related to the facility. Newmarket commenced a court application under section 433 (now section 447.1) of the *Municipal Act* to have the facility closed for up to two years on the basis that the odours from the facility constituted a public nuisance.

In October 2006 the Ontario Superior Court granted the Town of Newmarket's application for an order to close an organic waste processing plant for 9 months. In the decision *Newmarket (Town) v. Halton Recycling Ltd.* (2006) 274 D.L.R. (4<sup>th</sup>) 447, the Court found that the odours emanating from the plant were a public nuisance which had a detrimental impact on the use and enjoyment of property near the plant. In addition, the court ruled that the operators of the plant knew or ought to have known that the activities constituting a public nuisance were taking place and did not take adequate steps to eliminate the public nuisance.

The Court order was suspended for 90 days to allow Halton to implement additional odour abatement measures. Later, the order was suspended permanently when the court ruled that the Town of Newmarket had failed to process Halton's permit applications and deprived the operator of the ability to implement odour abatement measures.

The plant continued to operate until 2011 when Halton ceased business operations at that location.

## APPENDIX G

### Response from Ministry of Environment & Climate Change (MOECC)

Ministry of the Environment  
and Climate Change

733 Exeter Road  
London ON N6E 1L3  
Tel: 519 873-5031  
Fax: 519 873-5020

Ministère de l'Environnement  
et de l'Action en matière de  
changement climatique

733, rue Exeter  
London ON N6E 1L3  
Tél: 519 873-5031  
Fax: 519 873-5020



August 11, 2017

**Jay Stanford**  
**Director**  
**Environment, Fleet & Solid Waste**  
**City of London**  
**300 Dufferin Avenue**  
**P.O. Box 5035**  
**London ON N6A 4L9**

**Re: Request for Information**

Dear Mr. Stanford,

Thank-you for your letter dated February 27, 2017, outlining the City's request for information related to the industrial/manufacturing area of South London. I can provide the following information in response to your questions:

- 1. Provide a list of measures and/or actions that the Ministry of the Environment and Climate Change (MOECC) can take with respect to odour issues from an operating facility that has an Environmental Compliance Approval. Are there any other Provincial Government ministries involved in odour issues?**

**A:** Industrial and commercial operations in Ontario must comply with the Environmental Protection Act (EPA) and other provincial environmental legislation. The EPA requires Ontario businesses to have an Environmental Compliance Approval (ECA) if the nature of the business process may cause the release of a contaminant to air, land or water. The purpose of an ECA is to set operating requirements for the activities to ensure the protection of the natural environment. Section 14 of the EPA prohibits the discharge of a contaminant to the natural environment that causes, or may cause, an adverse effect. Odour from an industrial or commercial operation is considered a contaminant under the EPA.

The ministry requests that South London residents continue to alert the local ministry office regarding concerns about odour from nearby facilities. Local residents can report odours by calling:

- *London District Office at 519-873-5199 during regular business hours; or*
- *The ministry's Spills Action Centre toll-free, 24 hours a day, at 1-800-268-6060, outside of regular business hours.*

It is important that the ministry be notified of unacceptable odours that the residents experience. Callers are encouraged to provide the location, date, time, weather

conditions and any other details when they make their report. More information regarding what types of information to record can be found on the ministry's website at <https://www.ontario.ca/page/odours-our-environment>.

The ministry has a range of tools to ensure protection of the environment and human health. The ministry will contact the company generating odours to identify the source of the odour. The ministry will also determine if the facility is operating in compliance with its approval, and any other applicable legislation, in order to identify any areas of non-compliance. The ministry routinely performs inspections of facilities and can issue an Inspection Report requiring the company to undertake operational changes/improvements. If required, the ministry can also issue Provincial Officers Orders, or require the company to take steps to address emissions of contaminants. As circumstances warrant, they can also refer the matter for investigation to the ministry's Investigations and Enforcement Branch.

Typically, other provincial government ministries are not involved in odour issues for facilities that have ECAs.

**2. Provide a description of the odour monitoring, tracking and validation process used by the MOECC in London and area. Please provide definitions for any unfamiliar terms used in this description such as Incident Report, Validation etc.**

**A:** The ministry continues to work with the industrial facilities located in South London and the community to ensure these facilities operate at a level which does not cause unacceptable odour or other environmental impacts to neighbouring properties, including local residents. The ministry responds to complaints regarding these facilities by ensuring compliance with environmental legislation and approvals.

Odour monitoring, tracking and validations by ministry staff are often conducted in response to the public contacting the London District Office, via email or telephone, or in response to a call to the ministry's Spills Action Centre.

The ministry will record the information from the public and generate an Incident Report. An Incident Report can include information about an occurrence received from multiple calls/emails from the same or several individuals or from a single call/email. For example, if the ministry receives a call at 9:00 am, 9:05 am, 9:10 am and 9:15 am from one caller about a single event it will typically be entered as one Incident Report. All Incident Reports are tracked within the ministry's information database.

The Incident Report will then be assigned to a Provincial Officer who will review the information and determine an appropriate course of action. Specifically, for an odour complaint, the Provincial Officer will look at the meteorological information for the area of the reported occurrence for wind direction etc. to make the following initial assessments:

- If the facility is not upwind\* of the complainant, or the location of the complainant's detected odour is unknown, the Provincial Officer will deem the complaint as **not valid**.
- If the facility is generally upwind of the complainant's location of odour detection, the Provincial Officer will deem the complaint as **valid**.

Note: \* **Upwind** is the direction the wind is coming from.



If the complaint is deemed to be **valid**, the Provincial Officer may attend the complainant's location to confirm or substantiate the odour.

If the odour from the facility is detected by the Provincial Officer in and around the neighbourhood adjacent to the facility, but not at the location where the complainant identified the odour, the Provincial Officer will deem the odour as being **confirmed** but not **substantiated**. The odour must be detected at the location where the complainant identified the odour in order for it to be **substantiated**.

The London District Office also conducts proactive odour inspections, independent of inspections or monitoring triggered by public complaints, after regular business hours and on the weekends for the facilities located in South London.

**3. Has this odour monitoring, tracking and validation process changed over the years?**

**A:** Odour monitoring, tracking and validations conducted by ministry staff are often directly in response to information received from the public.

Due to the concentration of industrial/manufacturing facilities located in South London and the volume of calls received from the public, the London District Office has made continuous improvement to its response and tracking of odour complaints.

As explained in the response to question 2, the London District Office has implemented an after-hours program to conduct proactive odour inspections, independent of monitoring or inspections done in reaction to complaints received from the public.

This after-hours program is conducted on a scheduled basis, in order to determine if facilities are operating in accordance with environmental legislation and approvals.

The London District Office continues to respond to complaints generated by the facilities' operations and continues to utilize its available compliance and enforcement tools to ensure that the community is not being adversely impacted as a result of the odours from the facilities.

**4. What businesses/facilities are part of the odour monitoring, tracking and validation process used by the MOECC in the area bounded by the following: Highway 401/Exeter Road (north), Glanworth Drive (south), Highbury (east) and Wonderland Road (west)?**

**A:** Odour monitoring, tracking and validations conducted by ministry staff are often directly in response to information received from the public.

Due to the volume of calls received from the public in recent years in respect of these facilities, the London District Office has focused resources on Orgaworld Canada Ltd. and StormFisher Environmental.

However, when calls are received regarding any other companies within this area the ministry will respond to complaints and continue to utilize available compliance and enforcement tools.

The ministry will continue to respond to odour complaints from any facility in South London in a timely manner.

5. **For the business/facilities listed in Question 4, provide i) a list of recorded odour complaints received by the MOECC since 2007 and ii) the number of odour complaints validated.**

A: Please refer to the attached Excel spreadsheet.

6. **With respect to odours, provide a description and date of the compliance and enforcement actions taken on the businesses/facilities listed in Question 4 since 2007.**

**Orgaworld Canada Ltd.**

Orgaworld's London composting facility, located at 4675 Wellington Road South, opened in 2007 to receive and process source separated organic materials from municipalities including the City of Toronto, the Regional Municipality of York, and the City of St. Thomas.

The following provides a summarized chronology of ministry issued orders, charges and voluntary measures undertaken by the company since 2007 to address odour:

- In September 2007, the ministry issued a Director's Order to develop a protocol which minimizes the amount of time the bay doors are open at the facility.
- On May 13, 2008, the ministry issued a Director's Order to install an ammonia scrubber to reduce odour emissions from the facility.
- On November 27, 2008, the ministry issued a Director's Order to suspend outdoor compost storage.
- On May 13, 2009, the ministry issued a Director's Order restricting incoming Source Separated Organics (SSO) to 900 tonnes/week (150 tonnes or five trucks per operational day).
- On June 10, 2009, the ministry issued a Director's Order restricting incoming SSO to 900 tonnes/week.
- On July 3, 2009, the ministry issued a Director's Order. The requirements included the limiting of incoming SSO to 1,800 tonnes/week. Orgaworld Canada Ltd. appealed to Environmental Review Tribunal (ERT). The Director's Order remained in effect until April 13, 2012 when decision was issued by the ERT.
- From July to October 2010, Orgaworld Canada Limited voluntarily agreed to temporarily shut down operations.
- On June 28 2011, the ministry issued a Director's Order requiring the company to undertake operational changes to mitigate odours from the facility's stack.
- On October 1, 2011, the company was advised by the ministry that that incoming tonnages was to be held at 2400 tonnes/week or less for a six month period until the company could demonstrate an improvement in off-site odours.
- In May 2012, Orgaworld Canada Ltd. was convicted of two offences under the Environmental Protection Act. This matter was appealed. On September 19,

2014, the Ontario Court of Appeal dismissed the appeal filed by Orgaworld. The charge was reduced to a Suspended Sentence and the fine was reduced from \$37,000 to \$15,000. The fine has been paid.

- On June 25, 2012, Orgaworld Canada Limited voluntarily agreed to reduce the amount of incoming SSO.
- On July 20, 2012, Orgaworld Canada Limited voluntarily agreed to reduce incoming SSO to 2100 tonnes/week at the recommendation of the ministry.
- On August 22, 2013, a Provincial Officer's Order was issued to allow installation and operation of the pilot scale Reverse Osmosis Unit to determine effectiveness at mitigating odours from the facility.
- On August 29, 2013, the Provincial Officer's Order of August 22, 2013 was revoked to address concerns from the company and a subsequent order was issued to provide clarification. On September 18, 2013, after a request by Orgaworld Canada Limited for a review of the Provincial Officer's Order, some minor amendments were made to the order and it was upheld by the Director.
- On December 19, 2013, Orgaworld Canada Ltd. pleaded guilty to two offences under the Environmental Protection Act and was fined \$30,000 on each offence for a total of \$60,000. These fines have been paid.
- On June 17, 2014, Orgaworld Canada Ltd. pleaded guilty to one offence under the Environmental Protection Act and was fined \$200,000. The fine has been paid.
- On July 15, 2014, Orgaworld Canada Limited requested an extension of the pilot Reverse Osmosis Unit. The ministry authorized the operation of the Reverse Osmosis Unit until October 31, 2014.
- On July 14, 2016, Orgaworld Canada Ltd. was charged with 10 alleged offences under the Environmental Protection Act. The charges relate to discharging a contaminant, namely odour, which caused an adverse effect and failing to comply with a condition of an ECA. This matter is currently before the courts and therefore the ministry is unable to provide any further information at this time.
- On February 19, 2017, the ministry was notified by the company that a process upset at the Orgaworld facility resulted in a surplus of residual waste. Residual waste is defined as waste resulting from the composting process that cannot be composted and must be disposed of at a landfill. The company's ECA limits the removal of residual waste to 199 tonnes per day, which restricts the company's ability to remove the material from the site.
- On February 21, 2017, the ministry issued a Provincial Officer's Order [allowing the company to increase the daily tonnage to expedite the removal of waste, and for the company to undertake the necessary operational changes to address the process upset. The removal of residual waste is necessary to prevent potential discharge of odours from the facility.
- See the spreadsheet in the response to Question 5 for the number of inspections conducted for this facility.

#### **StormFisher Environmental Ltd.**

StormFisher Environmental Ltd. (StormFisher) is a bioenergy facility located at 1087 Green Valley Road in London. The facility became operational in 2013. The facility was formerly operated by Harvest Power Mustang Generation Ltd.

- No Provincial Officer's Orders have been issued to StormFisher Environmental Ltd.
- See the Excell spreadsheet in the response to Question 5 for the number of inspections conducted for this facility.

#### **Ingredion Canada Corporation**

Ingredion Canada Corporation operates a wet corn process and is located at 110 Green Valley Road, London. The company is formerly known as Ingredion Canada and Casco Inc.

The following provides a summarized chronology of ministry issued orders, charges and voluntary measures taken by the company since 2007 to address odour:

- On December 23, 2009, a Provincial Officer's Order was issued to Casco Inc. requiring the company to replace operational equipment in order to mitigate odours from the facility.
- On December 2, 2010, a Provincial Officer's Order was issued to Casco Inc. requiring the company to repair monitoring equipment and prepare a report that identified all process locations on the property and any contaminants under the company's care that had the potential to generate odour impacts.
- On November 18, 2011, a Provincial Officer's Order was issued to Casco Inc. requiring the company to prepare a report that identified all process locations on the property and any contaminants under the company's care that had the potential to generate odour impacts.
- See the spreadsheet in the response to Question 5 for the number of inspections conducted for this facility.

#### **W12A- City of London Landfill**

W12A, the City of London landfill is located at 3502 Manning Drive in London.

- No Provincial Officer's Orders have been issued to the Corporation of the City of London since 2007 for the W12A, City of London landfill.
- See table in the response to Question 5 for the number of inspections of the facility.

#### **Waste Management of Canada**

Waste Management of Canada operates a solid non-hazardous waste disposal/transfer site used for municipal waste at 290 Exeter Road in London.

- No Provincial Officer's Orders have been issued to Waste Management of Canada Corporation since 2007.
- See spreadsheet in the response to Question 5 for the number of inspections conducted at this facility.

**Investigations of facilities in South London**

The ministry continues to work with the companies in South London and the local community to address off-site odours from the facilities that may generate offsite impacts. When off-site odours are validated by our Provincial Officers, the Officer may make a referral to our Investigations and Enforcement Branch. The Investigations and Enforcement Branch may undertake an investigation and subsequently make recommendations as to whether charges should be laid or not. Once an investigation is initiated, the ministry is unable to provide any further information until the matter is before the courts to ensure the investigation is not compromised.

- 7. What process does the MOECC use to ensure that the outcome of the Environmental Review Tribunal (ERT) involving the MOECC and Orgaworld in 2010 and the outcome dated 2012 is followed as per the Agreement as part of the Reasons for Decision?**

**A:** The Agreement approved by the ERT in 2012 set out a basic protocol that addressed the circumstances of that time. Since then, the London District Office has proactively adapted and enhanced its approach to ensuring the company's compliance and environmental protection.

- 8. Is the MOECC contemplating any additional compliance activities with respect to businesses and facilities that may be causing a nuisance impacts? (e.g. odours, etc) in the London District area?**

**A:** In the fall of 2016, the London District Office implemented an after-hours program to conduct proactive odour inspections, independent of the inspections generated by complaints received from the public, for the facilities located in South London. In 2017, the ministry is committed to continuing its proactive odour inspections to ensure that the facilities operate at a level which does not cause adverse impact to the community.

Should you have any further questions or require any additional information, please do not hesitate to contact the undersigned.

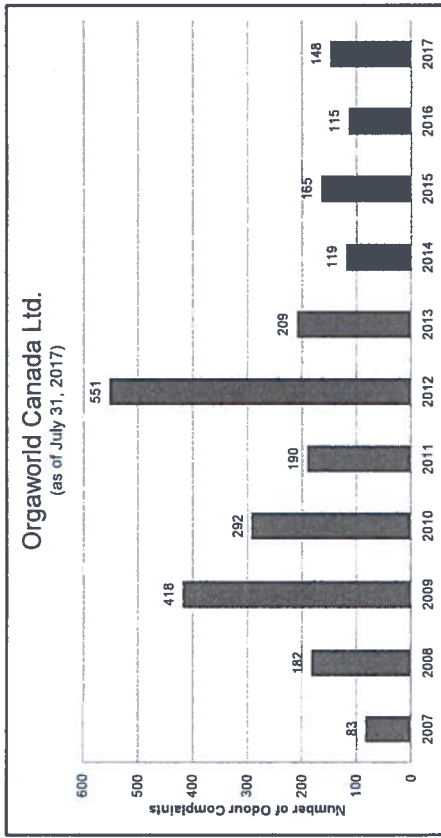
Sincerely,

Rob Wrigley  
District Manager

Attachment- Excell Spreadsheet-City of London Request



Orgaworld Canada Ltd., 4675 Wellington Rd. S.  
 Odour Complaint Summary



\* As a result of odour concerns, the ministry implemented a formal validation and tracking process for Orgaworld in 2011.

Inspection History

Year	Complaints	Validated Complaints*
2007	83	13
2008	182	78
2009	418	102
2010	292	122
2011	190	135
2012	551	393
2013	209	174
2014	119	75
2015	165	141
2016	115	102
2017	148	131
<b>Total</b>	<b>2472</b>	<b>1466</b>

Facility Name	Inspection Date	Inspection Type
Orgaworld Canada Ltd.	2007/11/23	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2007/11/23	Air Facility
Orgaworld Canada Ltd.	2008/02/12	Industrial Sewage
Orgaworld Canada Ltd.	2008/08/18	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2008/10/01	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2008/11/01	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2008/12/01	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2009/01/01	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2009/01/22	Air Facility
Orgaworld Canada Ltd.	2009/02/03	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2009/07/27	Industrial Sewage
Orgaworld Canada Ltd.	2009/07/27	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2010/03/26	Air Facility
Orgaworld Canada Ltd.	2010/10/01	Air Facility
Orgaworld Canada Ltd.	2012/02/14	Industrial Sewage
Orgaworld Canada Ltd.	2012/11/28	Subject Waste Generator
Orgaworld Canada Ltd.	2013/10/03	Air Facility
Orgaworld Canada Ltd.	2015/03/03	Air Facility
Orgaworld Canada Ltd.	2015/12/01	Non-Hazardous Waste Transfer/Processing
Orgaworld Canada Ltd.	2016/02/03	Compliance Summary
Orgaworld Canada Ltd.	2016/09/01	Compliance Summary
Orgaworld Canada Ltd.	2016/10/01	Compliance Summary
Orgaworld Canada Ltd.	2016/11/01	Compliance Summary
Orgaworld Canada Ltd.	2016/12/01	Compliance Summary
Orgaworld Canada Ltd.	2017/01/03	Compliance Summary
Orgaworld Canada Ltd.	2017/02/01	Compliance Summary
Orgaworld Canada Ltd.	2017/02/21	Compliance Summary
Orgaworld Canada Ltd.	2017/03/01	Compliance Summary
Orgaworld Canada Ltd.	2017/04/01	Compliance Summary
Orgaworld Canada Ltd.	2017/05/01	Compliance Summary
Orgaworld Canada Ltd.	2017/05/09	Compliance Summary
Orgaworld Canada Ltd.	2017/05/26	Compliance Summary
Orgaworld Canada Ltd.	2017/06/01	Compliance Summary
Orgaworld Canada Ltd.	2017/06/06	Compliance Summary
Orgaworld Canada Ltd.	2017/06/28	Compliance Summary
Orgaworld Canada Ltd.	2017/06/28	Compliance Summary
Orgaworld Canada Ltd.	2017/07/01	Compliance Summary
Orgaworld Canada Ltd.	2017/07/07	Compliance Summary
Orgaworld Canada Ltd.	2017/08/01	Compliance Summary

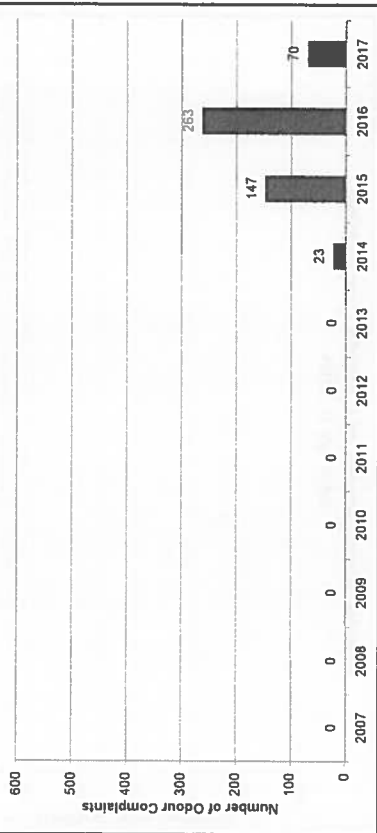




Ministry of Environment and Climate Change  
 London District Office  
 City of London Planning and Environment Committee  
 Public Meeting August 28, 2017

StormFisher Environmental Ltd. (formerly Harvest Power Mustang Generation Ltd.), 1087 Green Valley Rd.  
 Odour Complaint Summary

### StormFisher Environmental Ltd. (as of July 31, 2017)



\*\* As a result of odour concerns, the ministry implemented a formal validation and tracking process for StormFisher in 2014.

### Inspection History

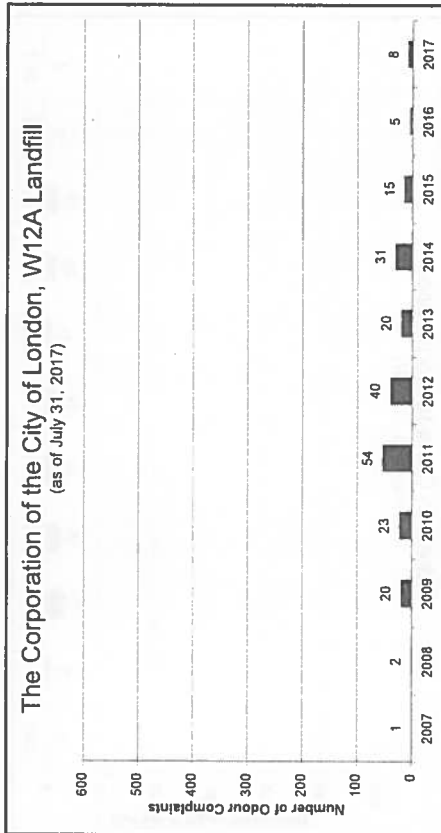
Year	Complaints	Validated Complaints**
2007	N/A	N/A
2008	N/A	N/A
2009	N/A	N/A
2010	N/A	N/A
2011	N/A	N/A
2012	N/A	N/A
2013	N/A	N/A
2014	23	3
2015	147	78
2016	263	222
2017	70	52
<b>Total</b>	<b>503</b>	<b>355</b>

Facility Name	Inspection Date	Inspection Type
Harvest Power Mustang Generation Ltd.	2013/12/17	Air Facility
Harvest Power Mustang Generation Ltd.	2014/12/16	Industrial Sewage
Harvest Power Mustang Generation Ltd.	2014/12/16	Air Facility
Harvest Power Mustang Generation Ltd.	2014/12/16	Non-Hazardous Waste Transfer/Processing
StormFisher Environmental Ltd.	2016/09/01	Compliance Summary
StormFisher Environmental Ltd.	2016/09/08	Compliance Summary
StormFisher Environmental Ltd.	2016/10/01	Compliance Summary
StormFisher Environmental Ltd.	2016/10/01	Compliance Summary
StormFisher Environmental Ltd.	2016/11/01	Compliance Summary
StormFisher Environmental Ltd.	2016/12/01	Compliance Summary
StormFisher Environmental Ltd.	2017/01/03	Compliance Summary
StormFisher Environmental Ltd.	2017/01/10	Compliance Summary
StormFisher Environmental Ltd.	2017/02/01	Compliance Summary
StormFisher Environmental Ltd.	2017/03/01	Compliance Summary
StormFisher Environmental Ltd.	2017/04/01	Compliance Summary
StormFisher Environmental Ltd.	2017/05/01	Compliance Summary
StormFisher Environmental Ltd.	2017/06/01	Compliance Summary
StormFisher Environmental Ltd.	2017/07/01	Compliance Summary
StormFisher Environmental Ltd.	2017/08/01	Compliance Summary

The Corporation of the City of London, W12A Landfill, 3502 Manning Dr.

### Odour Complaint Summary



Year	Complaints	Validated Complaints
2007	1	1
2008	2	2
2009	20	9
2010	23	17
2011	54	40
2012	40	23
2013	20	16
2014	31	19
2015	15	12
2016	5	2
2017	8	6
<b>Total</b>	<b>219</b>	<b>147</b>

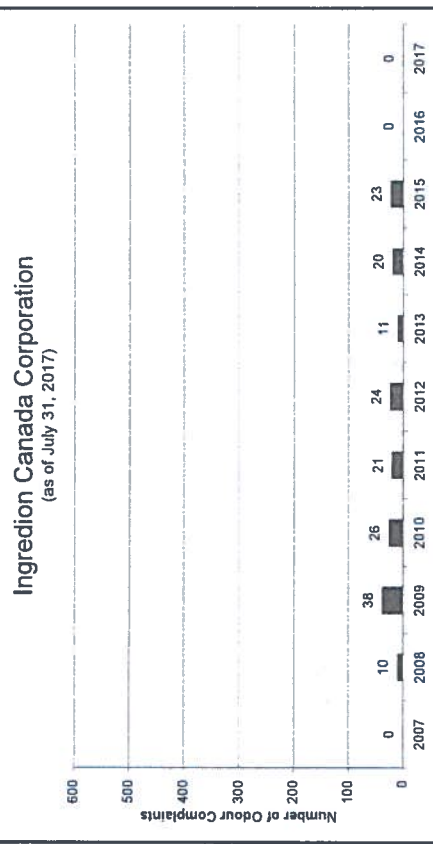
### Inspection History

Facility Name	Inspection Date	Inspection Type
The Corporation of the City of London, W12A Landfill	2004/03/29	PCB Storage Site
The Corporation of the City of London, W12A Landfill	2004/04/06	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2004/04/06	Industrial Sewage
The Corporation of the City of London, W12A Landfill	2004/04/06	Air Facility
The Corporation of the City of London, W12A Landfill	2004/04/06	Airborne Contaminant Discharge Monitoring and Reporting
The Corporation of the City of London, W12A Landfill	2004/04/06	Hazardous Waste Transfer Processing
The Corporation of the City of London, W12A Landfill	2006/08/01	Air Facility
The Corporation of the City of London, W12A Landfill	2006/08/01	Industrial Sewage
The Corporation of the City of London, W12A Landfill	2006/08/01	Hazardous Waste Transfer Processing
The Corporation of the City of London, W12A Landfill	2006/08/01	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2007/11/02	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2008/12/01	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2009/01/01	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2009/02/01	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2009/07/03	PCB Storage Site
The Corporation of the City of London, W12A Landfill	2011/01/21	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2013/09/27	Air Facility
The Corporation of the City of London, W12A Landfill	2013/09/27	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2014/09/27	Subject Waste Generator
The Corporation of the City of London, W12A Landfill	2016/11/29	Solid Non-Hazardous Waste Disposal Site
The Corporation of the City of London, W12A Landfill	2017/01/03	Compliance Summary
The Corporation of the City of London, W12A Landfill	2017/03/01	Compliance Summary
The Corporation of the City of London, W12A Landfill	2017/04/01	Compliance Summary
The Corporation of the City of London, W12A Landfill	2017/05/01	Compliance Summary
The Corporation of the City of London, W12A Landfill	2017/06/01	Compliance Summary
The Corporation of the City of London, W12A Landfill	2017/07/01	Compliance Summary
The Corporation of the City of London, W12A Landfill	2017/08/01	Compliance Summary





**Ingredion Canada Corporation (formerly Casco Inc.), 1100 Green Lane Rd.**  
 Odour Complaint Summary

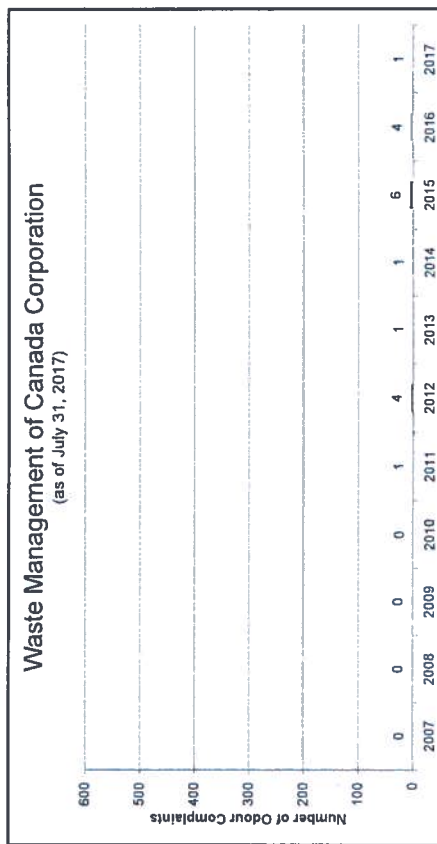


Year	Complaints	Validated Complaints
2007	0	0
2008	10	2
2009	38	3
2010	26	8
2011	21	13
2012	24	12
2013	11	1
2014	20	3
2015	23	11
2016	0	0
2017	0	0
<b>Total</b>	<b>173</b>	<b>53</b>

Inspection History

Facility Name	Inspection Date	Inspection Type
Casco Inc.	2006/05/18	Air Facility
Casco Inc.	2009/07/08	Air Facility
Casco Inc.	2008/10/27	Air Facility
Casco Inc.	2008/12/01	Air Facility
Casco Inc.	2009/01/01	Air Facility
Casco Inc.	2010/09/30	Industrial Sewage
Casco Inc.	2013/03/22	Air Facility
Ingredion Canada Incorporated	2014/03/12	Air Facility
Ingredion Canada Incorporated	2016/09/01	Compliance Summary
Ingredion Canada Incorporated	2017/04/01	Compliance Summary
Ingredion Canada Incorporated	2017/05/01	Compliance Summary
Ingredion Canada Incorporated	2017/06/01	Compliance Summary
Ingredion Canada Incorporated	2017/07/01	Compliance Summary
Ingredion Canada Incorporated	2017/08/01	Compliance Summary

**Waste Management of Canada Corporation, 290 Exeter Road**  
 Odour Complaint Summary



Year	Complaints	Validated Complaints
2007	0	0
2008	0	0
2009	0	0
2010	0	0
2011	1	0
2012	4	3
2013	1	1
2014	1	0
2015	6	3
2016	4	4
2017	1	1
<b>Total</b>	<b>18</b>	<b>12</b>

Inspection History

Facility Name	Inspection Date	Inspection Type
Waste Management of Canada Corporation	2004/06/22	Air Facility
Waste Management of Canada Corporation	2004/06/22	Industrial Sewage
Waste Management of Canada Corporation	2004/06/22	Non-Hazardous Waste Transfer/Processing
Waste Management of Canada Corporation	2006/02/03	Air Facility

# APPENDIX H

## Response from Orgaworld Canada Ltd.



March 6, 2017

Jay Stanford  
Director, Fleet & Solid Waste  
City of London  
300 Dufferin Avenue  
PO Box 5035  
London, ON N6A 4L9

Dear Mr. Stanford,

Re: Request for Information

We are writing in response to your letter of February 7, 2017. We understand that some residents have expressed concern regarding the impact of industrial activity in the Shaver-Brockley communities and surrounding area. We welcome the opportunity to engage with the City as it develops its response to these concerns.

### A. Summary

Orgaworld has undertaken extensive measures to address any odour that might originate at its London Facility (the "Facility"). The Facility is not the only source of odour in the community. Our own odour monitoring has found that other odour sources, in particular the Ingredion facility and the W12 landfill, are also present in the area proximate to the Facility.

In order to assess whether and to what degree Orgaworld is a source of odour, we are investigating the implementation of a new electronic nose ("e-nose") project that may enable us to more effectively monitor and quantify any odour that might be exiting from the Facility stack. We are in the midst of confirming the details of this project with the MOECC.

We have set out our responses to your questions below and have also provided a number of documents on the attached USB key. We look forward to the opportunity for further dialogue around these issues.

### B. Scope of the report to the Planning and Environment Committee

As set out in your letter of February 7, 2017, we understand the focus of the report to the Planning and Environment Committee ("PEC") is limited to "two organics management facilities in the area." We believe that this narrow scope will not be sufficient to fulfill the City Council's direction to report back to the PEC on "what measures have been and could be undertaken to address the negative impacts that industrial uses in the area are having on the Shaver-Brockley community..."

There are several other industrial uses in the area in addition to the two organics management facilities. In restricting the scope of the inquiry to the two organics facilities, the report to the PEC will not present a complete picture of the various land uses in the area, the impacts these uses may be having on the community, and opportunities to mitigate these impacts. The first step in addressing the community's concerns must be an accurate diagnosis of the cause. By arbitrarily restricting the scope of the

Mailing Address: P.O. Box 21070, London, ON N6K 0C7 W [www.orgaworld.ca](http://www.orgaworld.ca) E [info@orgaworld.ca](mailto:info@orgaworld.ca)  
Head Office: 2940 Dngman Drive, London, ON N6N 1G4 T 519-663-4446 F 519-663-0830  
London Site: 4575 Wellington Road S., London, ON N6E 3W7 T 519-649-4446 F 519-649-7757  
Ottawa Site: 5123 Hawthorne Road, Gloucester, ON K1G 3Y3 T 613-822-2050 F 613-822-2058

investigation, there is a significant risk of misdiagnosis and the consequent failure to address the residents' concerns.

We therefore recommend that the scope of the report to the PEC be broadened to include the W12 landfill, Ingredion Corporation (producer of food ingredients and industrial additives), Progressive Waste Solutions, and possibly other operations in the area that require MOECC Conditions of Approval.

### C. Orgaworld's operations

Orgaworld is authorized by the Ministry of the Environment and Climate Change ("MOECC") to operate an organic waste processing facility pursuant to Certificate of Approval (Waste Disposal Site) No. 5250-6V4HX2, as amended ("Waste C of A"), Certificate of Approval (Industrial Sewage Works) No. 0528-6UJQ8E ("Sewage C of A") and Certificate of Approval (Air) No. 2450-8KVG84 ("Air C of A"). For your reference, we have provided copies of these approvals.

Both the Waste C of A and the Air C of A include odour control requirements. Orgaworld is in full compliance with these requirements and has also undertaken a number of expensive trial programs to investigate additional measures that go above and beyond compliance in its approach to odour management.

From 2010 to 2014, Orgaworld implemented approximately \$7.5 million in odour abatement improvements to address odour from the Facility and implement the recommendations of a qualified consultant to address community odour concerns. In particular, Orgaworld completed the following measures:

- Built a compost shelter to store compost in an enclosed area;
- Installed a cooling system, including two heat exchangers and two cooling towers, to cool exhaust air before it reaches the biofilters to improve biofilter functioning;
- Modified the sequence of the odour abatement measures (the current sequence is ammonia scrubber, bioscrubber, biofilter) to improve biofilter functioning;
- Installed a second ammonia scrubber as well as a number of ammonia scrubber upgrades;
- Insulated & smoke tested the Facility to prevent air leakage (i.e. fugitive emissions) from the Facility;
- Installed one extra biofilter by removing one compost tunnel to create sufficient additional space;
- Increased the height of the biofilters to increase the time that air is retained in the biofilters, improving biofilter efficacy;
- Completed a bioscrubber retrofit which included installing additional bioscrubbers, replacing all media, and installing additional cooling measures (as described above);
- Linked the Facility to the sanitary sewer to reduce the number of tanker trucks on the Facility site;
- Increased the stack height from 40 metres to 60 metres to improve the dispersion of air leaving the Facility stack;

- Installed a dilution valve to allow Orgaworld to mix outside air into the Facility air before it exits the stack;
- Installed an additional stack fan to increase the velocity of the air passing through the stack to improve dispersion; and
- Completed a reverse osmosis system pilot project (discussed below).

Some of these measures required amendments to the C of As because they included modifications to the equipment authorized in these approvals.

As demonstrated by this list of upgrades, Orgaworld has sought to continuously improve its operations in consultation with environmental consultants and the MOECC. The end result is a well-run, highly sophisticated odour abatement system.

**D. Specific Responses to Your Questions**

1. Provide a copy of the Facility Odour Management Program and any amendments approved by the Ministry of Environment & Climate Change (i.e., part of the Environmental Compliance Approval)?

Please find enclosed the document *Operating Procedures and Maintenance Program for Odour and Noise for Compliance with C of A (Air) No. 5161-6TJPL5*, February 2007 (Amended February 2012).

2. What additional odour management measures have been implemented by Orgaworld?

In addition to the measures described above, Orgaworld has undertaken three substantial voluntary odour abatement projects – the E-Nose, the Odour Monitoring Program, and the Reverse Osmosis Pilot project.

a) E-Nose

In 2013, Orgaworld made significant investments in the innovative e-nose technology as a possible method to detect odour originating at the Facility. The e-nose is an instrument that uses an array of gas sensitive receptors which responds when it is exposed to different gas mixtures. In 2013, a series of tests were undertaken to:

- Calibrate the e-nose to detect Orgaworld odour and correlate the e-nose readings with odour units;
- Determine if there were any fugitive emissions around the Facility and, if present, their odour intensity; and
- Locate and quantify any other odour sources at the Facility.

Orgaworld concluded that the E-nose model that was used in the tests was not effective for Orgaworld's purposes because it could not be appropriately calibrated to detect the Orgaworld odour and was mechanically unreliable. As discussed below, Orgaworld is currently investigating the implementation of a new e-nose trial to obtain more useful information about the odour abatement system operations.

b) Odour Monitoring Program

Since beginning its operations, Orgaworld has performed daily "odour tours" or "sniff tours" around the Facility and the W12A Landfill, a common odour source. Since at least 2012, we have contracted with independent third parties to perform this work, including Lyndon Security Services.

The security personnel performing the odour tours have had their noses "calibrated" in order to show that they had a reasonable sense of smell. Each day, twice a day, they stop at 10 different locations around the Facility and identify any odours they detect. If odours are detected, they try to quantify odour intensity on a scale of 1 to 10, using the following criteria:

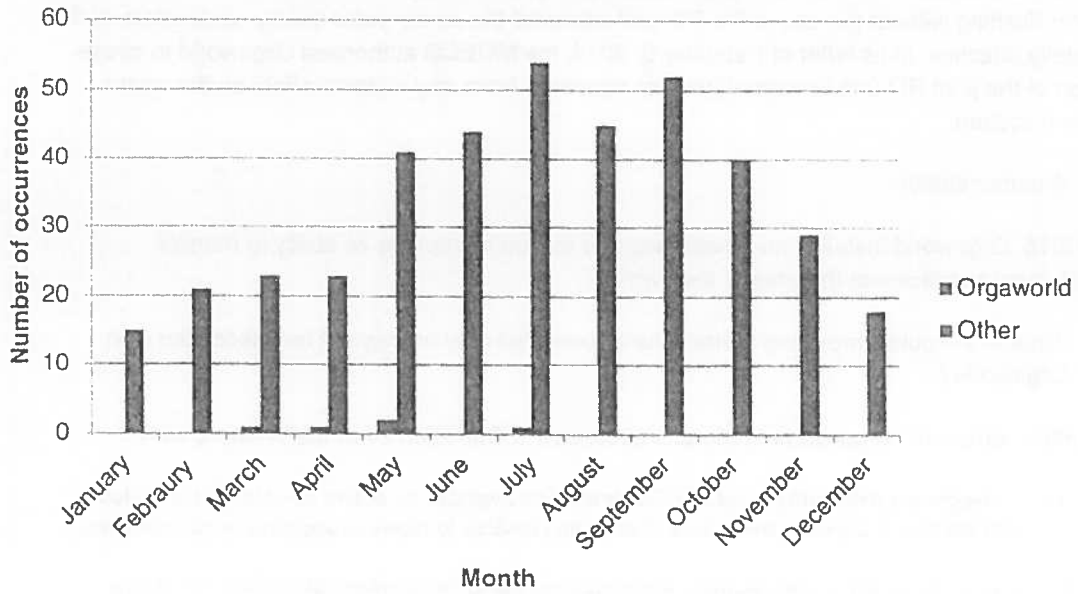
Intensity	Level
Faint	1
Light	2
Faint-Mod	3
Mod	5
Mod-Strong	7
Strong	8
Overwhelming	10

Orgaworld uses this information to track two metrics: frequency of detection and intensity of odour.

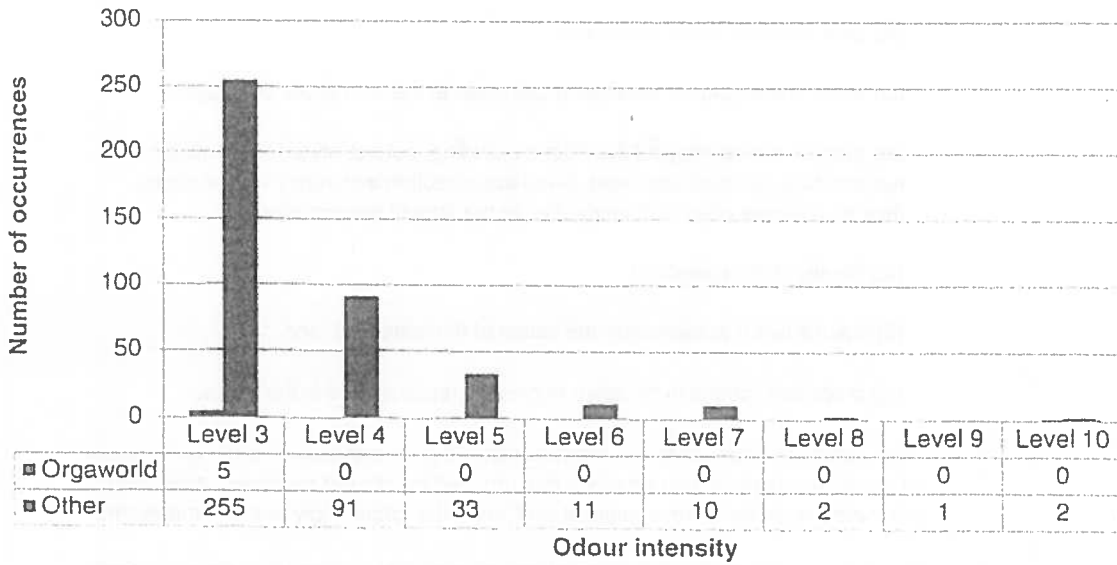
In 2016, Lyndon staff observed only 5 odour occurrences with an intensity of greater than 2 over the course of the whole year that they attributed to Orgaworld. Also, each of these occurrences was rated at an intensity of only level 3. In contrast, Lyndon staff observed between 15 to 54 odour occurrences per month with an intensity of greater than level 2 that they attributed to sources other than Orgaworld. The observed intensity of these "other" odour sources was between level 3 and level 10. Lyndon described a number of "other" odour sources including: Ingredion, W12 landfill/garbage/burning garbage, skunk, smoke/wood burning, and vegetation/grass/floral smells.

A summary of the 2016 odour occurrences reported by Lyndon is set out in Figures 1 and 2 below.

**Fig. 1: 2016 odour occurrences with an intensity greater than 2**



**Fig. 2: 2016 frequency of observed odour intensity**



c) Reverse Osmosis Pilot Project

From 2013 to 2015, Orgaworld undertook a Reverse Osmosis (RO) pilot project to help clean and purify water in the bioscrubber in order to reduce odours going to the biofilters. The results of the pilot test found that water flushing without the use of the RO unit achieved the same water quality parameters and so was equally effective. In its letter of February 5, 2015, the MOECC authorized Orgaworld to cease operation of the pilot RO unit because it did not appear to have any material effect on the odour abatement system.

d) Weather station

In July 2015, Orgaworld installed an on-site weather station to improve its ability to monitor meteorological conditions in the area of the Facility.

3. What is the public reporting protocol for odours that may or may not be associated with Orgaworld?

Orgaworld's complaint response procedure is described in Condition 74 of the Waste C of A:

- a) A designated representative of the Owner shall be available to receive complaints twenty four (24) per day, 7 days per week. Use of recording devices to receive complaints is not permitted.
- b) If at any time, the Owner receives complaints regarding the operation of the Site, the Owner shall respond to these complaints according to the following procedure:
  - i. The Owner shall record each complaint in a computerized tracking system. The information recorded shall include the following:
    - (ia) name, address and the telephone number of the complainant;
    - (ib) time and date of the complaint;
    - (ic) waste management activities undertaken at the time of the complaint;
    - (id) general meteorological conditions including, but not limited to the ambient temperature, approximate wind speed and direction and sunny versus cloudy, inversion versus clear and windy, etc. at the time of the complaint;
    - (ie) details of the complaint;
    - (if) actions taken to remediate the cause of the complaint; and
    - (ig) proposed actions to be taken to prevent reoccurrence in the future.
  - ii. The Owner upon receipt of the complaint shall initiate appropriate steps to determine all possible causes of the complaint and proceed to take the necessary actions to eliminate the cause of the complaint and forward a formal reply to the complainant.
  - iii. The Owner upon receipt of the complaint will immediately notify the Ministry's Spills Action Centre at 1-800-268-6060 of the receipt of the complaint.



- iv. The Owner shall submit, within seven (7) days of the occurrence, a written report to the District Manager identifying the source(s) of the complaint and details of what action was taken to rectify the problem and prevent a recurrence.

Please see also the Complaint Response Protocol set out in Part 8.0 of the attached *Orgaworld Operations Manual*, dated October 2015.

4. What measures in the last two to four years has Orgaworld undertaken to address local community impacts especially from odours?

As described above, Orgaworld has undertaken substantial modifications to its odour abatement and monitoring systems in order to respond to community concerns. We have regularly communicated these improvements to community members through the Public Liaison Committee.

5. Can you identify any change that occurred in the local community from the measures implemented?

Over the last five years, the number of complaints Orgaworld received has diminished. In 2010, Orgaworld received 261 complaints. In 2016, Orgaworld received 69 complaints. We believe that the measures we have taken as described herein are helping to reduce the number of complaints over time, and we are hoping to continue this work to reduce the number of complaints even further.

6. Community concerns have been expressed in the last 12 to 24 months. Have these been tied to specific issues or operational events at Orgaworld. If yes, what remedies were introduced?

As described in the *Operations Manual*, dated October 2015, and as required in the C of A Waste, Orgaworld reviews its operational activities at the time it receives a complaint to verify that all components of the odour abatement system are operating with the required parameters. In the last 2 years, our records indicate that all odour abatement systems and protocols were operating as required at the time of each of the complaints received. We did not identify any issues that required corrective action.

7. Has Orgaworld received complaints directly from the public or residential property owners complaining about loss of enjoyment of property due to odours from Orgaworld?

As required as a condition of the C of As, Orgaworld accepts complaints directly from the public via a 24-hour reporting hotline. Certain residents have attributed observed odours to Orgaworld. For the reasons outlined above, we do not believe that the source of odours complained of is Orgaworld.

8. What additional measures are being considered to address community concerns for 2017 or 2018?

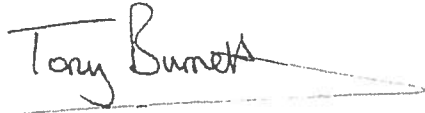
Orgaworld is examining the implementation of a new e-nose trial at a cost of approximately \$150,000. Rather than using the e-nose outside the Facility, as in the previous trial, the new e-nose would be located in the stack to provide ongoing monitoring of the stack emissions which can be used to model the potential for adverse effects in the community. The project is described in more detail in the attached document *Orgaworld London Proposal to the London District MOECC for the Installation and Operation of an Electronic Nose*. We have also attached a brochure describing the OdoWatch e-nose technology.

9. Other details that Orgaworld deem appropriate to this matter (e.g., odour management, community impact mitigation, etc.).

We strongly urge the City to expand the scope of its enquiries into the source of the observed odour impacts in the community beyond the two organics processing facilities. Although these facilities may be the most visually obvious, and have historically been the source of some odour issues, our observations have found that other sources may have more significant impacts in the area around the Facility. In order to fulfill the mandate of the report, and also to ensure that any recommendations will be effective, a more comprehensive enquiry should be undertaken.

We trust that this letter responds fully to your requests. Please let us know when the PEC meeting to discuss this issue will occur as soon as possible as we may wish to prepare some materials for presentation to the committee.

Sincerely,

A handwritten signature in black ink that reads "Tony Burnett". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

Tony Burnett  
General Manager

Attachments:

- Certificate of Approval (Waste Disposal Site) No. 5250-6V4HX2, as amended
- Certificate of Approval (Industrial Sewage Works) No. 0528-6UJQ8E
- Certificate of Approval (Air) No. 2450-8KVG84
- *Operating Procedures and Maintenance Program for Odour and Noise for Compliance with C of A (Air) No. 5161-6TJPL5*, February 2007 (Amended February 2012)
- *Operations Manual*, dated October 2015
- *Orgaworld London Proposal to the London District MOECC for the Installation and Operation of an Electronic Nose*
- OdoWatch brochure

# APPENDIX I

## Response from StormFisher Environmental Ltd.



August 4, 2017

Jay Stanford, M.A., M.P.A.  
Director - Environment, Fleet & Solid Waste  
300 Dufferin Avenue  
PO Box 5035  
London, ON  
N6A 4L9

Re. Response to Request for Information

Dear Mr. Stanford:

StormFisher Environmental Ltd. ("StormFisher") is responding to your inquiry on July 28<sup>th</sup>, 2017 for an update on our original submission dated February 28, 2017. The original submission was responding to your inquiry the letter dated January 25, 2017 from the City of London ("City") requesting relating to its operations at 1087 Green Valley Road. City staff were directed by the Planning and Environment Committee ("PEC") to examine the resident concerns relating to odour in the area south of the Highway 401 known as the Shaver-Brockley communities. It is StormFisher's understanding that the community meeting held on November 10, 2016 raised an issue with the odours in the area from numerous industrial facilities. StormFisher is one of the industrial facilities located in this area as is Ingredion, and OrgaWorld. Thus, we wanted to refresh the City on our activities since the last submission and to provide additional information where appropriate.

StormFisher owns and operates the biogas facility located at 1087 Green Valley Road. StormFisher provides a reliable, environmentally sustainable solution for organic waste from Ontario's food processors, food retailers, and waste haulers. StormFisher processes approximately 80,000 tonnes of local organic waste per year. StormFisher turns the organics into renewable energy and organic fertilizer. StormFisher produces enough electricity to power approximately 3,000 local households (2.85 megawatts) and provides economic, sustainable food waste disposal services to the majority of London's food processors, commercial outlets such as the local malls, and many restaurants. StormFisher also provides free food waste disposal services to the London Food Bank, the Your Turn program and supports food waste diversion initiatives undertaken by the London Environmental Network.

StormFisher purchased the facility through a court administered bankruptcy process from the prior owner, Harvest Power, in the Fall of 2015. Since StormFisher purchased the facility it has improved operational performance, attracted new customers, and brought on 10 additional staff including several skilled trades.

1087 Green Valley Road, London, ON  
[www.stormfisher.com](http://www.stormfisher.com)

## APPENDIX J

### Response from StormFisher Environmental Ltd.



August 4, 2017

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StormFisher encourages the City to follow up on the written responses provided below should it have any questions or require clarification. StormFisher is more than willing to cooperate with the City and requests that it be allowed to present to the PEC in the near future to explain the StormFisher facility.

StormFisher requests and encourages the City complete a thorough investigation of all potential sources of odour in the south London community including both the industrial facilities as well as other sources such as nearby landfills. It has been StormFisher's experience that the residents readily confuse the odours and associate it with the incorrect industrial facility. An example of this occurred in April 2017, where the residents complained about our facility which was later determined to be from a neighboring industrial facility.

**1. Provide a copy of the Facility Odour Management Program and any amendments approved by the Ministry of Environment & Climate Change (i.e. part of the Environmental Compliance Approval)?**

We have attached a copy of our Dust and Odour Management Plan. The facility does not have any amendments approved by the Ministry of Environment and Climate Change ("MOECC") during 2016. As an update, we are proceeding with an amendment as of August 2017 which includes an updated dust and odour management plan.

**2. What additional odour management measures have been implemented by StormFisher?**

Since StormFisher took over the facility in late 2015, it has undertaken the following measures:

- Completed tightness testing of the various building on site and sealed any gaps/leaks that were found;
- Repaired interior walls and pit lids that may contribute odours at the facility;
- Replaced carbon in the carbon beds and added the alumina media;
- Replaced the biofilter irrigation system;
- Implemented a quarterly third party assessment of the biofilters;
- Installed a heater in the stack to assist in dispersion of air from the stack ;
- Installed an odour neutralization system in the facility ducting;
- Installed timers on exterior doors to ensure that they are closed in a timely manner;
- Installed trees on the berms at the facility;
- Completed an air balancing for the facility;
- Completed an assessment of the odour concentrations in the various process areas of the facility;
- Installed a pressure release valve on a reception tank;
- Replaced media in water scrubbers ahead of biofilters;
- Installed door alarms to ensure that doors are closed;
- Completed biofilter maintenance;
- Acquired negative pressure monitoring equipment; and



- Fabricated an accelerator cone for the stack.

**3. What is the public reporting protocol for odours that may or may not be associated with StormFisher?**

StormFisher, in compliance with its ECA, follows a number of protocols to address odour related feedback that it receives from the public.

The first protocol consists of a public liaison committee that was established in 2007 at the outset of the project. The PLC committee meets on a quarterly basis. Since StormFisher took over the facility in late 2015 the PLC meetings discussed the operations of the facility, any modifications that the facility has made, any complaints received from the area residents in addition to any other relevant points that have been brought up by the public.

The second protocol consists of responding to complaints received from the community. StormFisher has a third party telephone line that has been set up to receive calls. The information related to these calls is sent directly to StormFisher as well as the MOECC district office and the MOECC Spills Action Centre. Complaints have also been received in the past by StormFisher directly. All calls are logged by StormFisher and investigated as quickly as possible. Once StormFisher has completed an investigation that may consist of a site visit to the location that the complaint was received from along with an assessment of the weather conditions using StormFisher's on-site weather station, StormFisher then provides a response to the MOECC generally within 24 hours of receiving the complaint to the following questions:

- i. Determination of the activities being undertaken at the Site at the time of the complaint/emission event;
- ii. Meteorological conditions including, but not limited to the ambient temperature, approximate wind speed and its direction;
- iii. Determination if the complaint/emission event is attributed to activities being undertaken at the Site and if so, the possible cause(s) of the complaint/emission event; and
- iv. Determination of the remedial action(s), including but not be limited to those included in the Emergency Response and the Contingency Plan required by Condition 25 of this Approval, to address the cause(s) of the complaint/emission event, and the schedule for the implementation of the necessary remedial action(s).

StormFisher also provides feedback on whether it has detected another facility at the location of the complaint along with any other relevant information that would assist the MOECC in addressing the complaint.

The third protocol is that StormFisher then sends out a notification letter to the complainant on a monthly basis acknowledging that it has received the complaint.



**4. What measures in the last two years has StormFisher undertaken to address local community impacts especially from odours?**

StormFisher took over ownership of the facility on December 15, 2015 and is unable to comment on the activities completed by the previous owner. StormFisher has also outlined a number of odour management measures that it has implemented since taking over the facility in response to Question 2 including recent improvements/modifications that have been made. It has undertaken other measures to address local community impacts such as noise attenuation boxes, timing of activities on site, turning off lights, etc. that are unrelated to odour and has commenced a community action fund that will be administered in conjunction with the facility's public liaison committee.

**5. Can you identify any change that occurred in the local community from the measures implemented?**

Yes, StormFisher has seen a significant drop in the number of calls that have been received by the third party complaint line or direct calls to the MOECC and StormFisher through the implementation of the measures that have been outlined above.

In the most recent PLC meeting (July 2017), the MOECC provided data from its proactive odour observations in the south end of London including our facility. It has consistently not detected odours from the StormFisher facility on Dingman Drive or Wilton Grove Road over the past few months.

**6. Community concerns have been expressed in the last 12 to 24 months. Have these been tied to specific issues or operational events at StormFisher. If yes, what remedies were introduced?**

StormFisher takes all community concerns seriously. The summer of 2016 was the hottest on record and it had an impact on the StormFisher facility as well as the other facilities in the area. StormFisher has undertaken numerous improvements to the facility since it purchased the facility in 2015 (see above) and will continue to improve the operations to ensure that it is being a good neighbour to all associated uses in the area. It has also implemented a community action fund as outlined earlier in the letter which is retroactive to January 1, 2017.

**7. Has StormFisher received complaints directly from the public or residential property owners complaining about loss of enjoyment of property due to odours from StormFisher?**

See above, StormFisher receives calls directly as well as to the MOECC or the third party complaint line and provides a response to all complaints.

**8. What additional measures are being considered to address community concerns for 2017 or 2018?**





StormFisher's goal is continuous improvement and is investigating improvements for the facility during the remainder of 2017 and in 2018. StormFisher continually strives to update its facility with the newest and most effective technology.

**9. Other details that StormFisher deem appropriate to this matter (e.g. odour management, community impact mitigation, etc.)**

StormFisher understand that since the last letter that the City has begun to complete a thorough investigation of all relevant industrial sources in the area in addition to the two facilities that were outlined in the original City's letter. We appreciate the City's efforts to conduct the same investigation of the other industrial sources that emit odours in the area as well as the local landfill. As outlined earlier, an incident unrelated to StormFisher was initially blamed on the facility in April 2017 and is a relevant example to this point.

We are proud of the work we do at StormFisher to reduce waste going to landfill and produce clean, renewable energy that helps the residents of the City and the Province to meet their waste diversion and climate change goals. We would be happy to host a tour of our facility for any councillors who would be interested in learning more about our operations.

If you have any questions or require further information, please don't hesitate to contact us at 519 573 8719.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Moffatt".

Brandon Moffatt, P.Eng, MBA

Vice President – Development

cc. Chris Guillon – VP – Finance, StormFisher Environmental

Pearce Fallis – VP – Operations, StormFisher Environmental

Orest Katolyk – Chief Municipal Law Enforcement Officer, City of London

Gregg Barrett – Manager – Long Range Planning and Research, City of London

1087 Green Valley Road, London, ON  
[www.stormfisher.com](http://www.stormfisher.com)

## APPENDIX J

### Response from Ingredion Canada Corporation



Ingredion Canada Corporation  
1100 Green Valley Road  
London, ON, Canada  
N6N 1E3

March 24<sup>th</sup>, 2017

City of London  
300 Dufferin Ave.  
London, ON N6A 4L9

Attention: Jay Stanford,  
Director, Environment, Fleet & Solid Waste

Re: Request for Information

Dear Jay,

Please find Ingredion Canada Corporation's response to the City of London's request for information pertaining to facility odours.

**1) Provide a copy of the Facility Odour Management Program and any amendments approved by the Ministry of Environment and Climate Change (i.e. part of the Environmental Compliance Approval)?**

Ingredion operates two pieces of equipment for odour management: an enclosed waste gas burner at our pre-treatment facility, and an afterburner at our refinery carbon furnace. Both pieces of equipment are monitored and operated as per the requirements set forth in the facility's Environmental Compliance Approval (ECA) issued by the Ministry of Environment and Climate Change (MOECC). A copy of the ECA is attached as reference.

**2) What additional odour management measures have been implemented by Ingredion?**

Ingredion maintains operational procedures and engineering controls such as to minimize conditions in which fugitive odours can be created and released. In 2012 staff members received training for odour identification and will proactively survey the property. Furthermore, the facility has monitoring sensors installed at strategic locations at the pretreatment facility. The threshold alarm level was verified in 2015 by a third party consultant. If an alarm is activated then the facility will perform an immediate survey of the area, according to procedures. The site maintains an on-site weather station to aid in investigation of odour concerns.

**3) What is the public reporting protocol for odours that may or may not be associated with Ingredion?**

Ingredion has a formalized procedure for promptly responding to any public concern. This includes logging and immediate investigation of any concern raised. If the source is verified to be derived as a result of operational activities then appropriate corrective actions will be taken to remedy the situation. All odour concerns are logged and a follow-up is done with the issuer of the concern with further follow-up with the MOECC when deemed necessary.

**4) What measures in the last two to four years has Ingredion undertaken to address local community impacts especially from odours?**

Ingredion is dedicated to proactively engaging in our local community and introduced an outreach call center in 2013 where for questions or concerns from the community. However, calls were coming directly to the plant and the service was recently discontinued for lack of use.

**5) Can you identify any change that occurred in the local community from the measures implemented?**

We have not received any odour complaints in the past two years and only one in the past four years. (See response to #6).

**6) Has Ingredion received complaints directly from the public or residential property owners complaining about loss of enjoyment of property due to odours from Ingredion?**

In the past four years Ingredion has received one odour complaint which was responded to according to established procedures. Ingredion did not receive any complaints pertaining to loss of enjoyment of property due to odour related concerns.

**7) What additional measures are being considered to address community concerns for 2017 or 2018?**

Ingredion is in the final phases of enclosing the corn receiving operations as a means to further mitigate dust and odours that arise as a result of its operations. The facility is also investigating alternatives to flaring at our pre-treatment facility. Such a project will have a two-fold impact; it could potentially eliminate fugitive emissions from the waste gas burner, and it could reduce the carbon emissions from the facility.

**8) Other details that Ingreddion deems appropriate to this matter (e.g. odour management, community impact mitigation, etc.)**

Ingreddion is committed to being both a neighbor and employer of choice. We have been operating in the City of London since 1981, we are dedicated to engaging in the local community and addressing their concerns. We have been working with the MOE since 2009 on an odour management program and continue to welcome input from the ministry and our neighbors.

Additionally, we support the local community through financial contributions to area charities, including St. Joseph's Health Foundation, Fanshawe Pioneer Village, the London food bank, and various volunteer events at the London Food Bank, the Ark Aid mission, and local schools.

Should you have any concerns please contact me by phone at (519)-680-4401 or by email at [David.Wilcox@ingredion.com](mailto:David.Wilcox@ingredion.com).

Regards,



Dave Wilcox  
Plant Manager  
Ingredion Canada Corporation

## APPENDIX K

### Response from City of London W12A Landfill

1. **Provide a copy of the Facility Odour Management Program and any amendments approved by the Ministry of Environment & Climate Change (i.e., part of the Environmental Compliance Approval)?**

The City of London Odour Management Strategy (Strategy) for the W12A Landfill Site (Site) is a site specific program that includes daily operational practices, engineering control elements and policies and programs endorsed by City Council. The strategy is not specifically listed as part of the Environmental Compliance Approvals (ECAs) for the site however certain elements of the Strategy such as the various engineering controls (e.g., landfill gas collection and flaring system, and leachate collection and disposal system) are approved by the Ministry of Environment & Climate Change (MOECC) via the Design and Operations Report and the ECAs for the Site.

The Strategy is comprised of three tiers which are summarized in the following table with further description of the associated activities within each tier provided below the table.

Odour Control Tier	Activity	Intent
Daily Operational:	<ul style="list-style-type: none"> <li>• Daily Cover</li> <li>• Limit Size of Working Face</li> <li>• Deodorant Mister Deployment</li> <li>• SOPs for Certain Wastes (Asbestos &amp; Bioset)</li> </ul>	Minimize potential for localized fugitive emissions
Site Engineering Controls:	<ul style="list-style-type: none"> <li>• Landfill Gas Collection and Flaring System</li> <li>• Leachate Collection and Disposal System</li> </ul>	Capture, destroy and prevent odour from W12A
Policies and Programs:	<ul style="list-style-type: none"> <li>• Community Enhancement and Mitigative Measures Program</li> <li>• W12A Land Strategy</li> </ul>	Establish and maintain land buffer

Tier 1 - Daily Operational:

- Interim and Daily Cover - cover material is placed on all active and inactive tipping faces to control odour. Interim cover is placed on temporarily deactivated tipping faces, while daily cover is placed and removed from active tipping faces at the start and at the end of each days' waste disposal activities.
- Final Capping – areas that have reached the maximum design elevation for waste disposal are capped with a combination of clay and top soil and then seeded. This is done to contain odours, and reduce the production of leachate through infiltration.
- Mister Deployment – Site operations staff have access to odour masking misters that can be deployed if required.
- Standard Operating Protocols for Disposal of Certain Wastes (Asbestos and Bioset) – specific disposal requirements and the general nature of certain waste types have the potential for fugitive odour emissions. Standard Operating Procedures (SOPs) have been developed to minimize the potential for emissions to occur and to ensure these waste types are handled consistently once received.

Tier 2 – Site Engineering Controls:

- Landfill Gas Collection and Flaring System – the system consists of a series of landfill gas extraction wells connected to a flare. Landfill gas is collected via centrifugal fans

that apply a vacuum to the extraction wells. The landfill gas that is collected is destroyed by burning it in the flare.

- Leachate Management – leachate is continuously removed from the site through the leachate collection system and pumped via a forcemain system to the City’s Greenway wastewater treatment plant. Removal of leachate as it is generated limits the potential for odour generation.

Tier 3 – Policies and Programs:

- Community Enhancement and Mitigative Measures Program – the program is part of the City’s overall efforts to reduce and address the negative effects of the Site on neighbouring properties and is comprised of the following three components:
  - Property Value Protection and Property Acquisition Plan (including Right of First Refusal payments to nearby neighbours);
  - Community Mitigative Measures (fund for projects and programs to enhance community around Site); and
  - Public Liaison Committee (forum for general community and site neighbours to provide direct feed-back to the City on the general operation of the Site)
- W12A Land Strategy – staff have prepared and Council has endorsed a land strategy to establish and maintain an appropriate land buffer around the Site to limit encroachment of incompatible land uses.

## **2. What additional odour management measures have been implemented by the City of London?**

Over the last approximately two years the City has undertaken design enhancement trials of the landfill gas collection and flaring system as an attempt to enhance odour management measures at the site. An overview of the design enhancements are provided below.

Increased Landfill Gas Extraction Well Density:

- Radius between landfill gas extraction wells was reduced to increase the gas extraction well density in newly capped areas.

Installation of Geomembrane over Leachate Collection System in Waste Disposal Cell 6 North Pilot Project:

- In October 2015, as a pilot project, a geomembrane was placed on the exposed leachate collection system on the west side of cell 6 north to prevent air from intruding into the leachate collection system. This in theory allows gas to be drawn from the three leachate collection clean-out pipes on the north end of cell 6 north. This increased gas flow in the landfill gas collection and flaring system. A picture of the installation is presented below.



**3. What is the public reporting protocol for odours that may or may not be associated with the City of London?**

Odour complaints can be conveyed by the general public to City staff (either site operations staff or staff at other City offices) at any time via phone or email. In addition to notifying City staff of odours, complainants are also encouraged to register the complaint with the local MOECC office. All odour complaints received by City staff where the complainant indicates that the source of odour is the landfill site are summarized and recorded each year in the Annual Status Report for the site that is submitted to the MOECC for review. Submission of the Annual Status Report is a requirement of the ECAs of the site. A copy of the Annual Status Report is also provided to the Chair of the W12A Public Liaison Committee (W12A PLC) for review.

The local MOECC and surrounding residents are notified in advance of undertaking planned maintenance, construction and/or operational activities that have the potential to generate odours. The notice includes the expected duration of the activity and the relatively likelihood of odour generation.

The W12A PLC meets every two months, standing meeting agenda items include an operational update from City staff and an update provided by the local MOECC office (if they are able to attend), each of these updates generally includes comments with respect to complaints or operational items that have the potential to cause odour. Further, the bi-monthly meetings provide an opportunity for the PLC members to request information from City staff regarding the operation of the W12A landfill, which is provided either at the time of the question if a simple verbal response is sufficient or at the next meeting if a more detailed request is presented.

**4. What measures in the last two years has City of London undertaken to address local community impacts especially from odours?**

The answer to question 2 outlines design enhancement trials that have been undertaken with the landfill gas collection and flaring system to enhance site odour controls.

The City has acquired 7 properties over the last two years (2014-2016) as part of the W12A Land Strategy to establish and maintain a land buffer.

The W12A Public Liaison Committee (W12A PLC) Point of Source Water Treatment Program was proposed by the W12A PLC and approved by Council in late 2016. The program established a subsidy fund from the Community Mitigative Measures Fund to assist owners of qualifying local properties with installation costs of water treatment equipment to address aesthetic water quality issues.

To date 18 subsidy agreements with owners of qualifying properties have been signed and approximately half of the money in the fund has been distributed.

**5. Can you identify any change that occurred in the local community from the measures implemented?**

Through ongoing local resident engagement via the W12A PLC, the City has been able to maintain a constructive and informed relationship with the local community. In addition to the formalized information exchange of the W12A PLC, site operations staff regularly correspond directly with individuals in the local community to address any questions or concerns that they may have.

Examples include, requests for illegal dumping clean-ups, questions about general daily operations, and general site use. This more frequent and informal interaction with the local community by site operations staff suggests a degree of trust from the local community that any concerns or questions they have will be addressed appropriately and in a timely manner.



**6. Community concerns have been expressed in the last 12 to 24 months. Have these been tied to specific issues or operational events at W12A. If yes, what remedies were introduced?**

Other than concerns raised about odours from time to time, City Staff are not aware of other specific community concerns that have been expressed with respect to the operation of the site. The MOECC has not informed the City of any community concerns that have been lodged with the MOECC regarding the operation of the Site.

**7. Has the City received complaints directly from the public or residential property owners complaining about loss of enjoyment of property due to odours from the W12A Landfill?**

Over the period of 2014- 2016, the City received approximately 20 complaints in each of the years within this period as follows 2014 (23), 2015 (21) and 2016 (20). The complaints received were regarding odour from the site. Over this period, none of the complainants discussed loss of enjoyment of property as a result of the odours.

Our experience with odour complaints is that a single call may or may not represent others who did not call from the community; therefore a single call reported to the City has just as much weight as multiple calls for many circumstances. We have also experienced that the number of complaints recorded per year does not represent the number of individual complainants (i.e., some residents call more frequently than others).

**8. What additional measures are being considered to address community concerns for 2017 or 2018?**

In general and as noted in the answer to question 6 City staff are not aware of, and the MOECC has not informed the City of specific community concerns that have been raised regarding the operation of the site.

An expansion of the landfill gas collection system was completed in 2016 to a recently completed and capped area of the site. This expansion has now increased the volume of landfill gas collected at the site from approximately 900 cubic feet per minute (cfm) to 1500 cfm. This increase in landfill gas capture from the Site will reduce the potential for fugitive emissions of landfill gas from the site.

**9. Other details that the City deems appropriate to this matter (e.g., odour management, community impact mitigation, etc.).**

The City of London Solid Waste Management Division conducts operations under a philosophy of continuous improvement. In accordance with this, and as discussed in the answer to question 2, the City has previously undertaken design enhancement trials and continues to evaluate, review and initiate design and operational enhancements intended to improve the overall function and operation of the Site.