

Shaver – Brockley Summary Statement

The Shaver – Brockley Communities of South London have been in crisis for the last 6 years without intervention by the City of London.

The crisis concerns the continuing episodes of **malodour from Orgaworld London Canada**, a composting facility constructed by a Dutch firm (owned by the Shanks Group) with its location midway between the two residential communities of Brockley and Shaver. The plant was constructed in 2006 without notification of any sort or consultation of any kind with residents in the area—including the home owner whose property abuts the Orgaworld fence. **The plant continues to offend 150 homes south of the 401**, and malodour often extends as far north as the Whiteoaks subdivision, and on occasion west to Lambeth, although residents in these two areas generally have not known the origin of the odour. **These offenses have been allowed to continue unarrested by the City for 6 years.**

Bear in mind that in the earliest days of operation, when neighbours were already challenging offenses of malodour, an OCL company official announced at a public meeting that the plant would issue **zero odour**. Representatives from the liaison Canadian engineering firm of Conestoga Rovers were present at that meeting, and none retracted that promise. And for the record, the comment was also reported in the *London Free Press*. For six years our communities have participated in hundreds of hours of public liaison committee work, ERT hearing, endless rounds of meetings, many with officials at the MOE and City Hall, some with the mayor and councilors, some with the politicians in our riding, and of course Coalition members sat through hours and hours of the **Zero Odour Advisory Group** which met for a full year. All of our energy was expended with the promise of **“zero odour.”** However, at the recent PLC Meeting on July 31, 2012, all in attendance were informed in public by Dr. Greg Mariotti, Site Operations Manager for London and Ottawa Orgaworld Plants, that **there will always be odour on and off site**. So **the official local narrative has changed**, and this is the line in the sand for residents in the area. We are absolutely not willing to live with the nearly daily breaching—in one or the other of our neighbourhoods—of *legislated acceptable levels of odour*.

Following is a partial list of **violations and failure on the part of Orgaworld**:

1. **Continual excess of the allowable 1-odour unit** is being experienced nearly everyday in either Shaver or Brockley or the Treasure Island Plaza area, depending on wind direction.
2. At least **2000 odour complaints have been filed in 2000 days**, so statistics would indicate that one might multiply this number by 10 to reflect more accurately the real number of offenses. At times, the odour can penetrate up to a 3-4 kilometer radius of stink offending London citizens and hardly welcoming

travelers to London at what in reality is the *real* gateway to London: Wellington Road and the 401.

3. **30+ charges have been laid against Orgaworld by the MOE.** In our view, if anything, the MOE has been *much more than fair* in allowing OCL to try to “fix” itself into acceptable performance over the last 6 years, but surely 30 charges in that time should be more than a harbinger that this plant is a failed experiment. Residents are simply not willing to wait the years these charges would take to move through a court system. Clearly OCL will simply try to use this slow process as a tactic to keep operating while violating the community.
4. **The forced “voluntary” shutdown** for 4 months in the summer of 2010 for “retrofitting” for the umpteenth time ended up being **precursor** to this summer’s being the **worst summer ever** in the plant’s short sad life in London—this admission even by local MOE officials. Clearly a **forced “voluntary” shutdown without resulting amelioration**—even after an additional \$5 million mis-expenditure”—should trumpet not just the wild experiment this plant has been, but its **absolute failure**.
5. The fact the plant has **morphed into heavy industry** at a site only approved for at best “light industry” is clear evidence of a **mislocated plant**; and we know for a fact that prior to the plant’s construction local MOE officials advised against this location, but were ignored by City officials who went ahead in issuing building permits anyway. (Perhaps they regret that unwise decision now.) The former operation included burning of yard clippings, and who doesn’t enjoy the smell of leaves burning in the fall? **Yard clippings are hardly human and pet feces and rotten organic waste all happily cooked in plastic bags**, even before it comes into the plant. The dissonance between the use of the former McCaig site and that by Orgaworld today is as opposite as heaven and hell.
6. Residents in the area have suffered through and been offended by **six years of final fixes that have not been fixes at all**. The catalogue has become almost laughable, were it not so serious; and the list is far too long to itemize in this summary, but it has been submitted to City officials in previous documents.
7. **5 years of futile PLC, ZERO ODOUR Advisory Group (ZOAG) meetings, aborted ERT hearing, and endless rounds of documents and meetings with officials** have produced no tangible results.
8. We have in six years seen **six plant managers come and go**. Engineers have been shuttled back and forth from Holland. Specialists in the field of composting have been parachuted in. Advisory Boards have convened. **One can’t even begin to compute the person-hours and dollars expended** by the local MOE, and person-hours sacrificed by residents in the area. The one sad constant in all of this are the victim-citizens. Shaver – Brockley Coalition members, on behalf of the twin residential areas, have collaboratively attended thousands of hours of meetings and reviewed thousands of pages of material—all in vain. **The reality is that the plant still stinks.**
9. Finally, **the end product is not proving to satisfy its “satisfied” customers.** Farmers who have been in receipt of Orgaworld’s “compost” have started to

realize it's not the panacea fertilizer they were promised. One reported that as the compost is absorbed into the ground, the bits of plastic and glass remaining at surface make the field a glittering spectacle after rain. Another said he would not be able to harvest a crop growing close to the ground (peas or beans, perhaps?) because other bits of debris including glass and plastic would be harvested in with the crop. But in fact would any of us want this fertilizer—produced from in part chemically saturated human waste—used to grow peas or beans or table corn we eat? Hardly “peaches and cream.” Is it the case that the composting process may kill pathogens, but chemicals—although the process may alter them, may still be in the end product? Isn't this why “organic farming” has become so desirable? (We know farmers who went “organic” with their farming, and it took them 7 years to “cleanse” their land to qualify as “organic” farmers.)

The ultimate question has to be: **given Orgaworld's sad history; given the above offenses; given the plant's flagrant breaching of the 2010 post-retrofitting contract it signed with the MOE (one condition of which was “No SSO Odours”, another “only 2 noticeable odours within a 6-month time frame”); and most auspiciously, given its breaking of the law as set out in the EPA and the Municipal Act, why do the MOE and the City let the plant go on violating the lives of innocent citizens in South London?** Something simply must be done immediately.

So where does the City of London go from here?

1. We believe the City has a clear right to shut Orgaworld down because of its **flagrant violation of the Environmental Protection Act, Part II, Section 14** which forbids

* *impairment of the natural environment for any use that can be made of it* (No question the golfing at Westminster Trails is impaired by odour);

* *harm or material discomfort of any person* (we are all reacting negatively to the plant's continual malodour);

* *loss of enjoyment of normal use of property* (like barbequing or using back yard swimming pools.)

This is all pretty straight forward, is it not? Orgaworld is breaking the law.

2. Secondly, residents have long been pointing City officials to Orgaworld's **flagrant violation of the Municipal Act** which protects citizens from things which would have negative **social, environmental or health impact**. If any one of us had an offending fish fertilizer-making shed in our back yard, that little operation would be shut down in a flash—even after complaint by one or two neighbours. Yet the City has allowed **clear violation of the one-odour unit for six years—and this after thousands of complaints impacting thousands of citizens**. Council needs to have the guts to say “Enough has been too much.” And one should note that the Act according citizens the above rights is called the **Municipal Act**—not the MOE Act. It is time for the City to stop saying this is a matter for the MOE. Believe us, the local MOE has done a great deal to the moment.

3. Additionally, and related to the above, residents have begged the City to **revisit the clauses of its Nuisance Bylaw**. The City immediately had a knee-jerk response to the

shame Fleming Drive brought to the City because of a bizarre episode that for a few hours violated the **social order** the Municipal Act accords to citizens in the vicinity of the riot—and indeed, we wonder if even 150 homes were *directly* impacted? As we all know, in the wake of that, the City hurriedly drafted a bylaw to safe-guard against similar social disorder in the future. Yet **the very same clause** that assures citizens of **the right to *social* protection, also guarantees the rights to protection from *negative environmental or health impact***, and we believe the Nuisance Bylaw should incorporate this tri-partite protection. We are daily experiencing a negative environmental impact: our noses are offended, and we have genuine concern for the air we breathe; additionally, we have concern for our waterways. And no one can assure us unequivocally that health issues might not be a concern in the future. So we believe that **the Nuisance Bylaw should be revisited by the City.**

The Final Solution

Interestingly the City of Newmarket found a way to close a plant that offended its citizens. The City of London should have the courage to do the same. Surely the Mayor, the Councillors, the MOE, and our local politicians have no recourse but to **shut the plant down. It is a misplaced and failed experiment. The narrative must stop here.**

Submitted by the Shaver – Brockley Coalition, 2012-08-17