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October 25th 2012

Mayor Joe Fontana and members of Council
Attn: Planning and Environment Committee
The City of London
c/o City Hall
300 Dufferin Avenue, P.O. Box 5035
London On, N6A 4L9

Your Worship and members of Council:

Re: Proposed Odour By-Law

On behalf of the London Chamber's Board of Directors & its membership we would like to provide this letter in response a recent proposal that the City implement an Odour By-Law.

The Chamber's Municipal Affairs Committee members brought forward related evidence from within the London industrial community as well as Oakville's ongoing actions to administer a similar bylaw to the one proposed in London.

The London experience involves residents' concerns and complaints over emissions from a local manufacturer. The manufacturer developed their business in a part of the city zoned for this type of use. Historically, over time residential construction has moved within close proximity to the industry location and complaints of odour from a small group of neighbours have been ongoing for the past three years. The company has been brought before the Ministry of Environment (MOE) to address the concerns. Complaints have also been lodged directly with City of London elected officials and administration. After millions of dollars in capital investments, consultant fees, employee dedication and clearance by the MOE, the odour issue remains. Ultimately, the residents have never been completely satisfied with the outcome and the problem continues to exist today

In Oakville, they have been rolling out their new By-Law for some time. Area businesses have been involved in endless discussions with political leaders and residents. Millions of dollars are being consumed by the process with little likelihood of consensus over the By-Law's design and implementation. The stumbling blocks are:

1. Only The MOE has jurisdiction over air quality in Ontario.
2. Municipalities can enhance the regulations however - the MOE will not enforce them.
3. Area businesses face millions of dollars in investment to improve air quality without a scientific way to measure odour or limit the level of spending required to achieve compliance.
4. Under current air regulations, it only takes one resident to bring forward a concern and force a company to comply.

By design, Ontario municipalities allowed residents to encroach on the buffer zone around existing industrial businesses. In addition, Planners have not established land use requirements in support of the MOE's air quality standards for new industrial construction that insulate businesses from odour issues.

With this in mind, applying subjective standards to the situation after the fact is flawed and fraught with ineffectiveness and cost.

Recommendation:

As a result, it is our recommendation that the City not implement an Odour By-Law for the time being and instead we would further recommend that both neighbours and the City continue to utilize the MOE's compliance branch to deal with complaints.

If on the other hand, the city moves forward with an odour by-law, further attention must be given to the enforcement issues and what unintended consequences may follow. It's conceivable that plants such as Kellogg, Labatt Breweries, Ingredion Inc.(formerly Casco), The Cakerie, and Dr. Oetker to name a few, would also be subject to having their businesses negatively affected or potentially shut down if even one odour complaint is logged.

Sincerely,



Gerry Macarthy, CEO

London Chamber of Commerce

Copy: The Board of Directors, The London Economic Development Corporation