

29TH REPORT OF THE
PLANNING AND ENVIRONMENT COMMITTEE

Special Meeting held on November 13, 2012, commencing at 6:04 PM, in the Council Chambers, Second Floor, London City Hall.

PRESENT: Councillor B. Polhill (Chair), Councillors J.P. Bryant, J.B. Swan and S. White and H. Lysynski (Secretary).

ABSENT: Councillor D.G. Henderson.

ALSO PRESENT: Councillor H.L. Usher, G. Barrett, G.T. Hopcroft, O. Katolyk, G. Kotsifas, D. Mounteer, J. Page, C. Parker, J. Stanford, R. Sharpe and A. Zuidema.

I. DISCLOSURES OF PECUNIARY INTEREST

1. That it **BE NOTED** that no pecuniary interests were disclosed.

II. CONSENT ITEMS

None.

III. SCHEDULED ITEMS

None.

IV. ITEMS FOR DIRECTION

2. Property located at 4675 Wellington Road South

Recommendation: 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; and,

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

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication from D. Harley, Orgaworld;
- a communication, dated October 25, 2012, from G. Macartney, CEO, London Chamber of Commerce;
- a communication, dated November 5, 2012, from J. Preston, M.P., Elgin-Middlesex-London;
- a communication from R. Cook, Chief Executive Officer, Ontario Waste Management Association; and,
- a communication, dated November 8, 2012, from J. Yurek, M.P.P., Elgin-Middlesex-London;

it being pointed out that at the public participation meeting associated with this matter, the following individuals made oral submissions in connection therewith:

- Dr. Greg Mariotti, Manager, Operations, Canadian Facilities and Sandra Drouillard, London Site Plant Operations Manager and Dale Harley, Canadian Plant Operations Manager, Orgaworld – see attached presentation.
- Peter White, London Economic Development Corporation – expressing concern with the negative affect a nuisance by-law would have on London businesses and businesses that may wish to invest in London, especially the food industry; advising that this will affect long-term expansion plans; and advising that there are new Ministry of Environment Regulations for the Toxic Reduction Act.
- Tim Mould, 230 Portsmouth Crescent East – advising that he has worked at Orgaworld for five years; indicating that this has provided him with a chance to own a home and raise a family; indicating that he previously cleaned industrial buildings; and advising that he has never worked with people who have put so much into what they do.
- Peter Firth, 4499 Wellington Road – see attached presentation.
- Darlene Nuvell, Westminster Drive – indicating that they don't have time to continue complaining about the odour issue; and advising that she has had company beside the pool ask to move indoors due to the odour.
- Ron Baldacchino 4542 Avenue Road – advising that he can smell the odour at night; indicating that he cannot smell the odour on Westminster Drive; indicating that he has contacted Orgaworld twice and has received no response; and enquiring as to why Orgaworld has offices off-site.
- Peter Hargreave, Ontario Waste Management Association – reading the Ontario Waste Management Association communication on the Planning and Environment Committee Added Agenda.
- T. Vinder, 578 Wyndham, Norfolk County – advising that she does not live in the community; indicating that she and three Councillors came to London to meet with the Coalition; noting that they drove by Orgaworld; indicating that they could smell Orgaworld ten times in one hour; indicating that the smell was so sour that it took your breath away; indicating that if she lived near Orgaworld, she would sell her house and take it at a loss; indicating that they had headaches and loss of appetite for the remainder of the day; advising that Norfolk is dealing with similar issues; indicating that Oakville has nuisance by-laws for odour; indicating that this should be regulated at the Provincial level; noting that the Provincial government is currently at a standstill; indicating that the Ministry of the Environment continually visiting the site, is not effective; noting that there have been cutbacks at the Ministry of the Environment; indicating that this problem would not have gone on so long if it was a massage parlour or a strip joint; indicating that her husband wants to sell their house because of this issue; indicating that this is not similar to a

septic system as a septic system is underground; and requesting the Committee listen to the Coalition.

- S. Kernohan, Home Hardware, 4425 Wellington Road South – advising that he relies on customer service in order to stay in business; indicating that customers have asked him about the stench; noting that any time a customer says something, others are thinking it, but not saying it; and requesting that the quality of South London be maintained.
- P. Hunstein, Dingman Drive – advising that she could not go outside this summer; indicating that the smells gives her headaches and makes her ill; advising that she has now been referred to a specialist for allergies; enquiring whether or not you are going to deprive residents for a stinky business; advising that a gentleman from Orgaworld came to her door and she told him what she thought of their business; indicating that this would not happen in Masonville; indicating that this is disgraceful; and advising that the City and Councillors want the residents to go away.
- Robert, 24780 Caroline, West Elgin County – advising that there is a 50 acre field beside him; advising that hundreds of tons of compost were dropped off in a massive pile; noting that another load was dropped off in a field on the other side of him; advising that the compost was spread on a field of soybeans and the soybeans were so pathetic, that it was not harvested; enquiring as to why the rest of the world is not composting like this; indicating that it is a weird experiment being done in London; advising that farmers have contaminants and glass on their fields; indicating that there are ways to test smell; and indicating that people are offended by the smell.
- Rick and Roxanne Ayers, 212 Centre Street, Dutton – advising that he has not been enticed or paid to be here; indicating that he has toured the Orgaworld plant; indicating that Orgaworld is doing everything possible to make people happy; advising that he has eight composters at home; requesting that Orgaworld be given a chance; indicating that we all use our blue boxes; advising that we all know what happens when you take food outside in 30^oC weather; indicating that they are very compassionate about this; advising that her husband does his own studies; advising that he added compost to his corn and it doubled in size; noting that there are 80 different components in his compost; advising that their vegetable garden is beautiful; noting that they have so much, that they give vegetables to other people; advising that her flower gardens are overflowing; indicating that if the City had green bins, the City would make the guidelines of what is able to be put in them; enquiring as to what goes on farmers' fields – manure and it stinks; indicating that she did a survey while her husband was in the hospital for a week and most of the nurses admit that they compost; indicating that they live in the country and smell the manure, but they still sit outside; advising that people cannot wear perfume to work; advising that Orgaworld is clean, passionate about what they do and are trying to keep everyone happy; advising that they have some office staff on-site; enquiring as to whether or not people take their children horseback riding; noting that there is manure at the farm; indicating that your children smell after playing hockey; and advising that, at the celebration for "Volunteer Day", Rick's compost is highly sought after.
- Steve Peters, on behalf of the Alliance of Ontario Food Processors – requesting the Committee to enforce Section 14 of the *Environmental Protection Act*; advising that London has companies in the beer business, the second largest dairy farm in Canada, a cereal plant and a glucose-fructose plant; and enquiring whether or not the City would enforce a by-law against itself.
- D. Rastin, 201 Westfield Drive – advising that for fifteen years he worked in grain processing throughout the world; indicating that he knows what pig manure smells like; advising that he has watched kids fight with goats over garbage in garbage bins in poor countries; advising that he has no interest in Orgaworld; indicating that he arranged a tour of Orgaworld and did not give them any of his background; noting that he toured the facility inside and out; indicating that he keeps hearing that the stench is horrible, but that was not his experience; advising that he was asked to change into a uniform for his tour so that his clothes would not smell; indicating that he noticed a few diapers, dog and cat feces in the facility; indicating that he also went into the humidity rooms; advising that he is

one of three grain dryer experts in the world; advising that he understands contaminants and the amounts allowed; indicating that Orgaworld was clean; advising that it is a business decision to have the offices on Kent Street; advising that smell is very subjective; noting that he loves the smell of Kellogg's; indicating that he has watched and listened to the amount of money that Orgaworld has spent on this facility; advising that if this was the United States of America, they would not listen to the neighbours complaints; indicating that Orgaworld is doing everything that it can; advising that shutting the plant down will affect 22 families; and indicating that Orgaworld is not being irresponsible, they are trying to meet the needs of the city.

- Robert Scott, 3044 Westminster Drive – advising that he lives one kilometer south of Orgaworld; noting that he loves his neighbourhood and his home; indicating that he is here for everyone in the Brockley-Shaver area; advising that their quality of life has been seriously impacted; advising that he has been embarrassed too many times when barbequing and had to go inside; advising that he has made numerous odour complaints; advising that twice this summer they turned off the air conditioner and opened the windows; indicating that they deserve a better quality of life; expressing sympathy for the lady who owned the driving range and had to sell it at a loss; expressing concern for his families health; noting that his wife has a chronic cough and has been to the doctor four times; enquiring as to where the value of their homes is going; noting that two realtors advised him that he needs to disclose the odour issue if he is going to sell his home and that he could lose of 40% of his property value; enquiring who is going to cover these losses; and enquiring why we are taking Toronto's garbage in south London.
- Allan Tipping, 2809 Dingman Drive – enquiring as to how many Councillors have been to a party and had to endure a terrible smell; advising that you offend everyone if you go to the bathroom and make an odour; advising that there have been no changes in the CSA and the intake; indicating that the previous owner of the lands composted steak bones and sawdust; indicating that he was advised that you never put diapers, mediations, plastic and animal feces in compost; advising that Orgaworld advised the area residents that there would be no odour; noting that, six years later, they are now coming back and saying there will be odour; requesting that they be made to pay for their crime; advising that if it is only moisture and hot air in the stack, there would be no odour; advising that Orgaworld had to enclose its curing pad due to the odour; advising that the City was pushed into giving Orgaworld a building permit as fast as they could; indicating that all you see is the ductwork on the top of the building; indicating that the stack was 40 metres tall and is now 60 metres tall; expressing opposition to the increased height of the stack; enquiring as to whether or not anyone has gone out a further distance to determine what the odour disbursement is; advising that a farmer who has worked near the W12A has advised him that the odour is not coming from the landfill; indicating that there is no fix for this odour; advising that the City is responsible for this facility because the City allowed the original permits and then allowed additional permits; advising that science and times change; enquiring as to where we go from here; enquiring as to how many months that it has been open has it been at a stable state; noting that there have been restrictions from the first day for odour issues; requesting that their property values be protected; enquiring as to whether the City is going to allow one facility to dictate what it can do; requesting that Orgaworld be shut down to protect the community; requesting that the original plans be revisited to see what was originally proposed; indicating that the facility now has five biofilters when two were originally approved; noting that there are a lot of people in the gallery to listen to this matter; and indicating that elections come and go, but the community needs your support.
- J. Pieteron, 5011 Wellington Road South – advising that he has spoken to the Ministry of the Environment with respect to the compost being dumped on farmers' lands; expressing concern with the amount of plastic in the compost; advising that he has spoken with a local farmer who noted that there is some nutritional value in the compost, but that there is lots of crushed glass and plastic; advising that contaminates come through in the beans that are grown on the land; indicating that with one bad test, the food industry shuns you; advising that Southwestern Ontario

is blessed with an abundance of good quality farmland; noting that why anyone would put this compost on their land is beyond him; advising that the Ministry used fine mesh nets in the Great Lakes and indicated that there is a lot of plastics in the water; expressing concern with the number of geese and ducks on the fields and what we are introducing into the environment; indicating that he is going to ask on the Andy Ooudman show for farmers who use the product if he can come out and see their lands; advising that the odour is terrible and that they have had to leave their home several times; indicating that he ordered fridge magnets with the Ministry of the Environment phone number on them and had no problem distributing them through the neighbourhood; and advising that there have been a lot of registered complaints as the facility affects a large area.

- David Gillis, 2753 Dingman Drive – see attached presentation.
- Roma-Lynn Gillis, 2753 Dingman Drive - see attached presentation.
- Bradley McLellan 4759 Wellington Road – advising that he lives directly east of the plant; indicating that the last six years have been the worst; indicating that he has bankers boxes of information and has lost a lot of time fighting the problem; noting that it has cost him thousands of dollars and time; indicating that his kids friends do not want to come over because of the smell; indicating that he removed his pool and no longer barbeques because of the smell; enquiring as to whether or not anyone has thought of the carbon footprint from the trucks driving to and from the Plant; advising that Europe has learned its lesson; advising that he composted on a farm in the 1980's; advising that the City has a chance to pass a by-law on waste; noting that Orgaworld and everyone else has been on the map for the last ten years; indicating that he went straight to the Ministry of the Environment; indicating that the City should use the by-law for the amount of compliance and pull their license; requesting the City take the initiative and pass a by-law; indicating that Orgaworld is the only facility of this type in Canada; indicating that their facilities are newer and are on the urban boundary; and advising that the South West Area Plan and Orgaworld need to be tied together.
- Margaret Sigmund, 2428 Dingman Drive – advising that they built their dream home and then Orgaworld was built; indicating that they are very involved in their Church; indicating that people complain about the smell when they have barbeques; and advising that they have a new puppy and attend Mr. P. Firth's veterinary clinic for obedience class and many people in the class complain about the smell.
- Leoni Westi, Cherryhill – advising that she lives in a city that has beer and cereal making facilities that stink; enquiring as to how much this meeting has cost; noting that it would be better spent helping abused children; indicating that she has lived in Dublin, Ireland, and cities stink; enquiring as to what normally happens with stinky diapers; indicating that by closing the facility, you are putting jobs in jeopardy; asking people to think about who cleans the sewers and asking them if you can imagine the stink; indicating that pig farmers stink and to get over it; and enquiring as to why research was not done to see what was being built.
- Rochelle Lambert, Norfolk County – indicating that Norfolk County is dealing with similar concerns; advising that she is appalled by what the residents have to deal with; indicating that the Mayor asked questions about the Ottawa Orgaworld facility; noting that the Ottawa facility does not accept diapers, sanitary products, plastics, etc.; recommending that the *Nutrient Act* be followed; indicating that an area farmer put quality compost on his land and had the best crop ever; advising that a different farmer used Orgaworld compost and his cows fed off the land and had no babies; noting that the farmer was advised to remove his cows because of the amount of female contraceptives they had consumed; indicating that the Town of Oakville has adopted an Air Quality By-law; indicating that this would cost Orgaworld millions of dollars to meet the Air Quality By-law; advising that area residents are experiencing health concerns; and indicating that what is occurring is disturbing.
- A. R. Patton, on behalf of the Shaver Brockley Coalition – emphasizing that his clients are not lunatics or constant complainers and are able to express substantive concerns; indicating that Orgaworld was welcomed when it first opened; advising that Orgaworld has been oversold, overpromised and is an underperformed business; indicating that the

complaints that have been heard are real; indicating that he has sat in Mr. Scott's backyard and the smell is offensive; indicating that he has spoken with area business employees and they do not go for a walk at lunch because of the smell; indicating that the smell is an unintended consequence; indicating that the Chamber of Commerce is disingenuous in its comments in its letter; requesting that a nuisance by-law be passed; recommending that recourse be sought; indicating that the City is leaving it to the Shaver Brockley residents and others to file a class action suit against Orgaworld; indicating that the City has the power to lead; advising that the Shaver Brockley community is a well-established community; and requesting the City establish a nuisance by-law that is fairly drafted and enforced.

V. DEFERRED MATTERS/ADDITIONAL BUSINESS

None.

VI. CONFIDENTIAL

(Confidential Appendix to the 29th Report of the Planning and Environment Committee enclosed for Members only.)

The Planning and Environment Committee convened in camera from 9:42 p.m. to 10:08 p.m., after having passed a motion to do so, with respect to the following matters:

C-1 A matter pertaining to litigation or potential litigation with respect to potential remedies available to the municipality in connection with public complaints concerning the operation of a compost facility located at 4675 Wellington Road South, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, in connection with potential remedies available to the municipality in connection with public complaints concerning the operation of a compost facility located at 4675 Wellington Road South.

VII. ADJOURNMENT

The meeting adjourned at 10:10 p.m.