



Submission to the City of London Planning and Environment Committee – November 13, 2012

RE: Proposed Nuisance Bylaw

WHO WE ARE

The Ontario Waste Management Association is the voice of the waste management sector in Ontario. OWMA represents over 300 member companies across the province including private sector companies; public sector municipalities and organizations and individuals involved in the waste management sector in Ontario. Together they manage over 85% of the province's waste. OWMA members have diverse interests and capital investments in areas such as waste and recycling collection, landfills, transfer stations, material recycling facilities, organics processing and composting and hazardous waste from both a recycling and disposal perspective.

The waste management sector provides an important environmental service by dealing with the roughly 12.5 million tonnes of waste generated annually by Ontario residents and businesses (which equates to almost a tonne per Ontarian). The sector contributes over \$3 billion in revenue, over \$300 million in capital expenditures and over 13,000 jobs to Ontario's economy. The average salary paid to those employed in the waste management sector is 122% of the provincial average in salary.

The OWMA has been an active stakeholder in the development and implementation of waste management regulatory initiatives at all levels of government – federal, provincial and municipal. We seek to positively affect provincial legislation as well as regulatory and financial policies that impact the industry and the broader economy.

There is tremendous potential in future of waste management in the recovery of resources from both an environmental or economic perspective. However, it is important to understand that while increasing the amount of waste diverted it is important for stringent standards in order to protect the environment.

ISSUE OF ODOUR

Odour can and does have a major impact on the well-being of individuals. The number of odour complaints received annually by the Ministry of the Environment (MOE) is increasing and this trend will likely continue as populations encroach on typically industrial areas.

For the waste management sector, controlling odour is a critical issue given the nature of the materials we manage. Generally, the higher organic content the greater the potential for odour. Likely we all have experienced this with our compost bins in our kitchens. For a waste management facility the concern is 1000s of times greater. We understand that finding

solutions is vital because waste management is an essential service for residents, businesses and the environment.

Waste management facilities can be and want to be good neighbours. Through proper management and the use of best practices, odours can be prevented, minimized and managed.

Depending on the situation this could include internal process changes (removing materials, varying process cycles); adjusting facility controls (ie eliminate fugitive emissions; wash vehicles or other external odour sources, limit operations during certain wind conditions; general housekeeping); increased dilution and dispersion (increase or move stacks, increase flow rates or exit velocities); installation of pollution control technology (wet-scrubbers, carbon adsorbents, thermal destruction units and bio-filters); implementation of an odour management plan (limit processes to specific times given wind conditions or operations). It is also important for facility operators to establish a good relationship within community which means actively engaging them to understand what concerns may exist and constructively reacting to them.

It is however important to stress that there is **no one solution for any given challenge; no foolproof system; and no waste facility that has zero odour.** The OWMA continues to work proactively within the sector to provide resources and outreach to raise the professional standards.

ROLE OF THE PROVINCE

The OWMA has concerns with the City of London's proposal to institute a nuisance bylaw. This is not because we do not believe rigorous standards need to be in place and enforced. Odour needs to have appropriate enforceable standards but these should be managed at the provincial level.

The Environmental Protection Act (EPA) under Section 14 (1) provides the provincial government with all the powers they need to oversee odour issues with specific facilities. It states:

Despite any other provision of this Act or the regulations, no person shall discharge a contaminant or cause or permit the discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect.

An adverse effect is defined as the loss of enjoyment of property, injury or damage to human, plant or animal life, and impairment of the safety or health of any person. This may range from actual physical ailments or symptoms to nuisance odour complaints. Therefore, if the emissions from any facility cause an adverse effect they are in contravention of the Act. Many approvals also contain specific provisions in order to manage odour issues and ensure communities are fully engaged.

The EPA provides the government with a complete range of enforcement tools from notices orders to financial penalties to establish compliance. They have also in a certain circumstances required facilities to be shut down in cases of non-compliance. The province has established enforcement capabilities and the expertise on how to oversee and address odour management issues.

Local nuisance bylaws not only duplicate these provincial efforts but create a patchwork quilt of regulation in the province which undermines the business environment. Odour issues should remain the jurisdiction of the province where they can be consistently managed and enforced.

Odour is not a simple issue; it is not well-defined; not easily quantifiable; its source not always direct; and the manner in which to address it not always straightforward. As such, a local nuisance bylaw and how it is enforced could have major ramifications for private and public waste management facilities in London and for other local businesses and industries that emit odour. This could have a major impact on economic investments in the area and potential major disruptions.

Again it is important to underline that the OWMA supports rigorous and enforced odour standards but they should rest with the province.

If you have any questions or concerns please contact me at your earliest convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Cook". The signature is fluid and cursive, with a horizontal line above the name.

Robert Cook
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