

June 30, 2021

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Public Works

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Re: ERO 019-2768 Guideline to Address Odour Mixtures in Ontario

Dear Mr. Avery:

The Region of Peel (Region) staff appreciates the opportunity to comment on the Ministry of Environment, Conservation and Parks (Ministry) proposed updates to the *Guideline to Address Odour Mixtures in Ontario* (Odour Guideline). The following comments from the Regional staff are submitted for your consideration as you finalize the Odour Guideline.

Implementation of the Odour Guidelines

While the proposed Odour Guideline provides clear guidance for new or expanding developments that have not yet been approved, it is unclear how these new guidelines will apply to existing developments facilities, sites and operations where the new requirements are not currently being met. Further, it is unclear how these requirements apply to proposed facilities that are progressing through the planning process and obtaining an Environmental Compliance Approval (ECA). The Region recommends the Ministry clarify the impact of the proposed requirements on existing sites and operations, and for facilities that are far along the planning process but not yet constructed or have not yet received an ECA. It is also recommended that the Ministry clarify if it will introduce a “grandfathered” clause to allow municipalities to maintain the criteria of the current guidelines, instead of the proposed guidelines when in place.

The Ministry has stated that it is the responsibility of the proponent to ensure development or facilities are environmentally acceptable and that input from surrounding landowners and users is considered. Proponents must undertake additional studies, provide information on constraints and impacts, and measures to mitigate or avoid potential odour impacts. However, with the potential increase in studies required, it is important that the Ministry clarify how they will manage the extra demand, and how will this impact the timelines of their review and approval process. Regional staff proposes that a ‘Standard of Service’ be established.

Regional staff recommends that definitions of ‘Sensitive Receptor’ (in the Land Use Compatibility Guideline) and ‘Point of Odour Reception’, as well as descriptions of ‘odour receptors’ include the qualification that the land use must conform to the in-effect zoning.

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Recommendation Summary

- Clarify the impact of the proposed requirements on existing sites and operations, and for facilities that are far along the planning process but not yet constructed or have not yet received an ECA.
- Clarify if it will introduce a “grandfathered” clause to allow municipalities to maintain the criteria of the current guidelines, instead of the proposed guidelines when in place.
- Definitions of ‘Sensitive Receptor’ (in the Land Use Compatibility Guideline) and ‘Point of Odour Reception’, as well as descriptions of ‘odour receptors’ include the qualification that the land use must conform to the in-effect zoning.

Best Management Practices Plan for Odour

While it is clear that the proposed Odour Guideline requirements for a Best Management Practices Plan and Odour Control Report will apply to existing facilities that apply for an amendment to their ECA, it is unclear if these requirements will also apply to existing facilities in general or if existing facilities will be exempt. The Region recommends the Ministry clarify the expectations for existing facilities. The Region also recommends existing facilities that provide essential services, such as water treatment plants, and are without a history of adverse effects on the neighbouring environment.

Recommendation Summary

- Clarify the expectations for existing facilities and exempt existing facilities that provide essential services, such as water treatment plants, without a history of adverse effects on the neighbouring environment

Tiers for Odorous Activities and Processes

The proposed Odour Guideline defines three tiers of activities to address different levels of adverse odour impacts. Some projects may not clearly be included in the Environmental Activity and Sector Registry (EASR) Publication or Tier 1 to 3 in Appendix A of the Odour Guideline. For such projects, it is important that the Ministry confirms that ultimately, it is the proponent’s responsibility to determine the tier classification, and that direction is given on if and what studies are necessary. It is also important to know whether the Ministry will provide direction early in the process regarding the assigned Tier level of such projects. Section 5.7 of the Proposed Odour Guideline does not provide a clear indication on how this is decided; thus, clarification would be required.

Clarification is also needed regarding what types of adverse effects to human health are considered for each level of risk and what is considered “significant levels of risk”. The current primary focus is on existing or proposed sensitive land uses within the odour

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setback distance of a major facility. Additional odour control measures may be required to ensure odours are minimized and mitigated.

Recommendation Summary

- Confirm that it is the proponent's responsibility to determine the tier classification and give direction on what studies are necessary.
- Clarify what types of adverse effects to human health are considered for each level of risk and what is considered "significant levels of risk".

Technical Bulletins Outlining Minimum Expectations

The Region of Peel welcomes the Ministry's acknowledgement that concentrations to the detection threshold of 1 Odour Unit may be too stringent for existing facilities as noted in the draft technical bulletin. The Region recommends the Ministry move forward with the consideration for an existing facility to provide justification for an odour concentration greater than 1 Odour Unit based on surrounding environment and nearest receptors.

The Draft Technical Bulletin indicates "Odour sampling methods only provide a snapshot of the odour emissions; therefore, sampling must be strategically scheduled to coincide with the maximum emission scenario for any source." Where odour emissions may vary, and worst case scenario circumstances may be temporary or resulting from emergency situations, it is suggested that a sampling framework selected is justified as it may not always be easy to plan.

Compliance with the minimum requirements of future technical bulletins will be a significant permitting threshold. The Region recommends structuring the technical bulletins to clearly present the minimum requirements. The Region also recommends specifying a process for developing technical bulletins and ensuring it includes stakeholder input.

Recommendation Summary

- Move forward with the consideration for an existing facility to provide justification for an odour concentration greater than 1 Odour Unit based on surrounding environment and nearest receptors.
- Structure the technical bulletins to clearly present the minimum requirements.
- Specify a process for developing technical bulletins and ensuring it includes stakeholder input.

Odour-based Requirements for ECA Application

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It is noted that the Guideline applying for an ECA mentions “For instance, Odour Impact Assessments or Odour Management and Control Plans for ECA applications for waste disposal sites (such as composting facilities and landfills, etc.) may no longer be required.” It is unclear if Waste Water Treatment Plants (WWTPs) can be exempted under the same rationale as waste disposal sites. It is requested that the Ministry provide clarification. Also, per these proposed Guidelines, waste disposal sites require a Neighbour Notification. Its purpose is unclear and there is also uncertainty if it can be applied similarly for WWTPs which (similar to solid waste management) process human and municipal waste as their community function.

The Odour Guideline does not provide clarity regarding how an assessment is to be carried out. Different assessment tools and techniques are available, such as air dispersion modelling or air sampling/monitoring. Where air dispersion modelling is used, it is not known if it is expected that the same tools as for developing an Emission Summary Dispersion Modelling (ESDM) Report are to be used, or an Odour Assessment Report as applicable for nuisance odour effects.

With the Area of Influence (AOI) and Minimum Separation Distances (MSDs) increasing in many cases as recommended in the proposed Land Use Compatibility Guidelines, the number of sensitive receptors will also likely increase. This may ultimately have implications for the scope of the air dispersion modelling or air sampling and monitoring programs, and subsequent reporting. It is recommended that the Ministry confirms if they will have procedures for scoping necessary modelling and analysis as a result of the increased AOI and MSDs.

Odour mixtures will be added to ESDM report, yet it is not known how this will be done and how ESDM will be expanded. Currently, the contaminants Naphthalene and H₂S are used as odour indicators in the model. It is unclear if the Ministry plans to add other contaminants or Odour Units for future use. Also, if Odour Units are going to be used, it is unknown how the value at property line is determined and what are the value limits for 1 hour and 24 hours.

There is a proposal that an Odour Screening Form (OSF) be completed and submitted with every ECA application. The question arises whether this same requirement is applicable to the Environmental Assessment (EA) submission. If only one OSF is required for submission, it should be clarified at what stage in the process the form should be complete, whether it be part of the EA or the design stage.

The Tier 3 facility may be required to prepare a Best Management Practices Plan (BMPP), Odour Technology Benchmarking Report (OTBR) or Odour Control Report (OCR). It should be clarified whether the same requirement applies to the EA submission. If a BMPP, OTBR and/or OCR are required for an EA submission, it must be known at what stage in the process they should be completed; whether it be part of the EA or the design stage.

Recommendation Summary

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- Clarify if Waste Water Treatment Plants (WWTPs) can be exempted under the same rationale as waste disposal sites.
- Confirm if the Ministry will have procedures for scoping necessary modelling and analysis as a result of the increased AOI and MSDs.
- Clarified at what stage in the process the form should be complete, whether it be part of the EA or the design stage.
- Clarified whether the same requirement to prepare a Best Management Practices Plan (BMPP), Odour Technology Benchmarking Report (OTBR) or Odour Control Report (OCR) for the Tier 3 facility should be applied to the EA submission.

Comment Specific to the Region of Peel

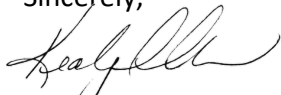
The Region of Peel currently has a System Wide ECA for its wastewater collection system, which includes sewage pumping stations throughout the Region, and an odour control facility for sewer odours. Many existing sewage pumping stations have some form of odour abatement installed, which is described in the ECA. Select updates to sewage pumping stations are allowed through a pre-authorized approval process under the ECA. It is unclear what odour-related studies would be required when modifications to the pumping stations leads to changes in odour production. The Region recommends that the Guideline provides direction whether these scenarios will be handled on case-by-case basis, or through a formalized process.

Recommendation Summary

Provide direction whether the above noted scenarios will be handled on case-by-case basis, or through a formalized process

Again, thank you for the opportunity to provide input on the proposed Odour Guidelines. Regional staff are available to answer any questions or provide further details.

Sincerely,



Kealy Dedman, P.Eng., MPA
Commissioner of Public Works

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