



July 3, 2021

Mr. Sean Avery  
Engineer, Air Pollution Control  
Ministry of the Environment, Conservation and Parks  
Technical Assessment and Standards Development Branch  
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**RE: WIHL Comments to ERO Posting 019-2768: Guideline to Address Odour Mixtures in Ontario**

Dear Mr. Avery,

Walker Industries Holdings Limited (Walker) is pleased to provide comments related to the Guideline to Address Odour Mixtures in Ontario. For nearly 130 years, Walker has operated businesses in the aggregates, material recovery, residuals management, and emulsion production sectors in Ontario. Through our Environmental and Aggregates divisions, Walker has extensive experience with odour and dust management in Ontario through our landfills, compost facilities, pits and quarries. We apply best management practices in our operations to reduce nuisances to our neighbours and are committed to the communities we serve. Thank you for the opportunity to provide comments to the Ministry for consideration.

We are committed to engaging with governments as they develop policies and regulations that are consistent with our principles of sound science, sound environment and a sound economy. To that end, provide the following comments:

WIHL has been consistent in our support of the modernization of all policy and regulations related to the resource recovery/waste management industry. We are also supportive of changes that reduce red-tape and streamline regulations to create a business environment where new and/or improved technologies and methods for recovering the value inherent in our waste stream is for the benefit of Ontarians.

**1. WIHL believes that if the guidelines are passed as proposed, they will create significant red tape to doing business in Ontario. As a testament to the necessity of our businesses we were always deemed essential, and never stopped operating during the Covid19 pandemic. Our ability to deploy and operate this infrastructure, or to deploy new infrastructure will be significantly inhibited, if not stopped altogether if the proposed regulations are passed. In addition, WIHL feels**

**strongly the proposed guideline runs contrary to the Province's stated objectives in the Made-In-Ontario Environment Plan as well as efforts to reduce GHG emissions. The resource recovery industry, and other industries, may be forced to consider locating greater distances, which translates to more travel from the urban centres and the customers we serve.**

Further, the proposal adds to the regulatory burden on industry in Ontario. We feel strongly these guidelines will inhibit the investment in innovative technologies being developed in, or attracted to, the Province. Without this investment, Ontario risks not being able to achieve our waste diversion and circular economy objectives.

WIHL's concerns can be summarized under three key points, which are;

A) Process Ambiguity: Additional measures introduced in guidelines, including modelling and planning, create ambiguity for proponents of environmental technologies as the requirements of projects will change based upon the variable application of the guidelines by MECP regional and district offices;

B) Project Uncertainty: Expansion of existing facilities or the development of new facilities will be challenged by guidelines that introduce project uncertainty, which contradicts the government's economic development and environmental protection policies; and

C) Investment Risk: Costs associated with additional environmental studies and resultant mitigation measures or solutions creates investment risk without an environmental benefit, other than potential reduction of complaints, which is a highly subjective metric.

**2. WIHL Requests Further Consultation Be Undertaken: WIHL recognizes and supports science-based regulation to achieve environmental, social and economic benefit. Further consultation with industry will enable this objective and we respectfully request that the MECP commit to further engagement with industry before finalizing this guideline.**

We believe further consultation will ensure that opportunities for environmental benefit, innovation and investment are the likely outcomes from the Odour Guideline modernization. We also believe the proposed Land Use Guidelines and the Modernization of Environmental Practices proposal must also include further consultation given all three are linked.

## WIHL's Specific Comments And Questions On The Proposal

WIHL has a common purpose with the MECP to protect the environment, deliver the needed resource recovery solutions of the 21st century, and work together and in harmony with all stakeholders. WIHL members have provided significant input in the development of this submission. The detailed comments and questions expressed by the working group follows using the structure presented in the draft guideline.

### **Section 1.0 Background**

1. The proposal does not address official plans and the resource recovery/waste management industry as critical infrastructure under the Ministry of Municipal Affairs and Housing (MMAH) Provincial Policy Statement.
2. The modelling uses old climate data and eliminating extreme weather conditions is problematic given most of the situations that lead to adverse effects are related to hot, humid conditions. As the impacts of climate change grow, the frequency of these conditions and their impact is also expected to grow.
3. Can they look at WIHL has requested development of a D0 series guidelines for the design of odour management systems at organic facilities? In the past to allow for consistency in design and implementation of odour control systems. This would ensure that proper negative pressure systems were included using engineered treatment systems that were well within the operating parameters was utilized.

### **Section 2.0 Addressing Odour Based Mixtures**

1. How does the proposal address co-location sites such as landfills, composting, anaerobic digestion, waste water treatment facilities and industrial corn milling?
2. Proximity to the 401 and other major highway corridors, the area terrain, and other site-specific conditions will have a significant impact to the result and needs to be addressed in the modelling.
3. Why does the policy not apply to hauled sewage facilities?
4. What if the odours are not hazardous to human health but rather a nuisance and all required testing shows that levels are met?
5. The proposal does not address the proposed/expected changes to the Nutrient Management Act (NMA) to allow for expanded volumes of residential and commercial

organics to be received at farm-sited anaerobic digesters. The NMA policy change includes odour control equipment and odour plans.

### **Section 3.0 Odour Based Requirements For ECA Applications**

1. The Adverse Effect definition is ambiguous and needs clarification.
2. Are facilities with ECA's that only receive and recycle O. Reg. 347 exempt waste streams subject to this guideline?

### **Section 5.0 Assessing Odour In Compatibility Studies For Planning Act Applications**

1. There is a concern that Municipalities could “pick and choose” whether they have an issue with private or public infrastructure.
2. It appears that Municipalities will be allowed significant input and the possible actions they could take, such as area or site-specific moratoriums, are problematic.

### **Appendix A Tiers For Odourous Activities And Processes**

1. The use of setback distances is a blunt instrument that does not account for the influencing elements such as engineering controls, topography and wind directions.
2. What rationale/detail was used to determine the setback requirements for each tier of activities/processes?
3. The Farming and Food Production Protection Act (FFPPA) protects farmers against complaints made by neighbours about nuisance disturbances such as odour if the farmer is following normal farm practices. Is a farm based anaerobic digester considered normal farm practice under this proposal?
4. In the tier 1 description it differentiates industrial wastewater treatment from municipal or private communal systems. As an example, food processing facilities often have wastewater treatment on-site. I see they are listed as an odourous process, does this mean that their wastewater treatment odour would not be assessed during this process, just seems a bit contradictory the way it is written.
5. Under Table F, Tier 3, there is a reference to anerobic digesters with \*\*. The descriptor below only shows one \*, but the statement is that communal wastewater facilities with an anaerobic digester that only process wastewater sludge are not included. These systems/processes can also be odourous especially if it is sewage

wastewater. Any wastewater with an organic component has the potential to create odour. Why would these be excluded?

### **Technical Bulletin: Methodology For Completing An Odour Assessment For Odour Mixtures**

1. In the FIDOL approach it mentioned “offensiveness is subjective and cannot be qualified objectively”. If an ESDM and source testing show compliance with required standards does this mean that the facility is in compliance regardless regardless of if the odour is offensive to some?

2. Throughout this proposal are references to land use planning as a tool to help mitigate odours. How does this relate to existing facilities where growth in the community already has residential and industrial neighbours very close together?

3. In this proposal it refers to different scales of odour units that can be applied but it also states that source testing uses the OU method. How will odour investigations be performed in the field to assess odour to a standard so that it can be assessed against an appropriate scale? Will all ministry and other offices make observations that are then subjective still?

4. Under 6.0 it states that that ambient air monitoring is not a requirement of an odour assessment, but field surveys and community engagement results can be useful. Is this not basing odour studies again on subjective means?

5. Under 8.0 it states, “ an odour assessment cannot necessarily determine is an adverse effect will occur”, in this case where all of the factual testing documentation is provided and theoretically it also falls within the requirements, what would the ministries plan of action be if a neighbour complained that there was an adverse effect and there was already source testing and an up to date ESDM that showed otherwise?

6. Many facilities have a dust and odour plan in place that has looked at the same or similar conditions outlined in the proposal, including employing best management practices. Does the MECP view the odour assessment as a replacement to the current requirement for a dust and odour plan?

7. For clarity, will there be a requirement for facilities currently regulated by an ECA to complete any odour assessments or develop a BMPP, or will current facilities only be impacted by this guideline if/when they apply for an ECA amendment to an odour source/activity?

8. Will completing the newly proposed guideline tools impact the MECP's ability to deliver on the 1-year service standard expectation?

9. Did the MECP consult with odour study service providers and the resource recovery/waste management industry regarding the increased cost this proposal creates to satisfy the prescribed assessments?

### **Policy and Forms Impact Analysis (PFIA) Template**

1. Who is the arbiter that determines what a potentially odourous facility is?

2. In some cases We are looking for a fair and balanced approach across the Province. Our members as we have experienced issues related to the uneven application of the the odour requirements for facilities due to the hedonic tone of the emissions. The use of hedonic tone is challenging as it leads to subjectivity on that do not create what is considered an "offensive odour". Therefore, the design and approval process is focused on are they not held accountable to the 1 OU requirement, however, the field application of the standard is left to the field officers on what is deemed to be adverse effect. WIHL request that we work with the Province on how this policy will apply in a fair and consistent approach to odour of all types?

### **In Summary**

WIHL looks forward to working with the Province to modernize all waste related regulations and implement the needed changes to this proposal by participating in further consultations. We welcome the opportunity to discuss our position and comments further. Please contact Tim Murphy, at [TMurphy@walkerind.com](mailto:TMurphy@walkerind.com) or at (905) 351-7995 should you have any questions.



**Tim Murphy**  
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