

Policy and Forms Impact Analysis (PFIA) Template

Policy/Guide <input checked="" type="checkbox"/> Form <input type="checkbox"/> Other <input type="checkbox"/> (please specify):
Title of Policy/Guide/Form: Proposed Guideline to Address Odour Mixtures in Ontario
Ministry: Environment, Conservation and Parks Date prepared: March 16, 2021

Background

Context
<p>We are proposing a new Guideline to Address Odour Mixtures in Ontario (odour guideline) for high risk facilities. The new guidance will help facilities, municipalities and other land use planning authorities avoid or minimize and mitigate potential adverse effects due to odour. The odour guidance and tools will support and link to the separate Land Use Compatibility Guideline (LUCG) proposal to replace several existing D-Series Guidelines by outlining an approach to assess odours as part of the land use planning stage, and if required, a process to minimize and mitigate odours.</p> <p>The proposed odour guideline provides a clear, consistent and flexible set of technical requirements and tools for the ministry, planning authorities and regulated facilities. These resources will help:</p> <ul style="list-style-type: none"> Focus on preventing odour impacts rather than simply reacting to them; Support industry investment in best practices/management technologies, resulting in cost savings down the line; Speed up remediation efforts; and Reduce regulatory uncertainty for any facility with potential odour issues and clarify requirements related to Environmental Compliance Approvals (ECAs). <p>The odour guideline is intended to be read with the separate LUCG proposal for an awareness of what to include as part of compatibility studies related to odour. Together with the LUCG, the requirements outlined in this odour guideline will inform the ministry, planning authorities, proponents and/or owners and operators of sensitive land uses and major facilities on how to prevent potential adverse effects resulting from odour and ensure odour is assessed and addressed at the land use planning stage or ECA application stage.</p>

Costs and Benefits

Baseline Scenario	New Scenario
<p>Odour accounts for the majority of air pollution-related complaints received by the ministry, resulting in significant workload for Provincial Officers and others across the ministry.</p> <p>Odour is identified as a contaminant in section 14 of the Environmental Protection Act and</p>	<p>We are providing new guidance to reduce complaints and associated costs.</p> <p>New scenario:</p> <ul style="list-style-type: none"> Guidance for ECA applications and odour compatibility studies will inform proponents about proactive abatement for odour.

<p>the ministry has no comprehensive technical guidance on managing odour mixtures for facilities that are applying for an ECA or for land use planning applications.</p> <p>Current scenario:</p> <ul style="list-style-type: none"> • Odour issues are primarily addressed retroactively, through enforcement of individual ECA conditions or through regional complaint response procedures, resulting in inconsistent response and uncertainty for the regulated community. • Reactive abatement/mitigation usually results in more money being spent than would be on preventative abatement/mitigation. • The lack of guidance can result in facilities submitting deficient ECA applications/odour compatibility studies incompatible land use. 	<ul style="list-style-type: none"> • Proactive mitigation can be implemented as part of the LUC process and ECA application phase, rather than implemented after community complaints. • For existing facilities, guidance will inform decisions for expansion/abatement. • For new facilities, this guidance will inform their first ECA application and put in place appropriate mitigation strategies avoiding adverse effects and thus complaints that may require abatement costs. <p>Costs can vary based on the complexity of the facility. Consideration and flexibility will be given to facilities that are well sited or well operated.</p>
<p>Change in compliance costs or cost-savings</p>	
<p>Average annual compliance costs (+) or cost savings (-): \$unknown/ neutral (\$0)</p> <p>Some facilities in industries may be required to prepare a Best Management Practices Plan (BMPP) or Odour Technology Benchmarking Report (OTBR). If a facility needs to reduce odour, costs will vary widely, ranging from implementing a BMPP to adding control equipment. These costs are expected to be less than what would be incurred if facilities have to undertake these activities and/or purchase and install equipment after the fact, when odour has already caused concern.</p> <p>Some facilities would already be required to submit odour compatibility studies during the land use planning process. The odour guideline clarifies requirements for these studies (including submission of BMPP/OTBR, where required), simplifying the process.</p> <p>OTBRs or BMPPs developed as part of the ECA application process can be used as part of an odour compatibility study, and vice-versa.</p> <p>The odour guideline is targeted to potentially odorous facilities submitting ECA applications. Facilities without any potential odours or submitting non-odorous ECA applications will likely not have to prepare any additional documentation.</p> <p>For potentially odorous facilities, avoided costs are presumed to be equal to or greater than any one-time costs incurred. These can include:</p> <ul style="list-style-type: none"> • Administration costs - there can be significant administrative and personnel costs associated with responding to odour complaints. • Additional reactive abatement/retroactive mitigation costs – reactive abatement can result in more money being spent due to planning decisions that do not adequately consider future potential odour scenarios, resulting in money being spent ineffectively. 	

- Administrative monetary penalties (AMPs) - AMPs can be issued by the ministry to facilities that are causing an adverse impact.
- Money spent on inadequate reports - there is currently no odour guidance for facilities submitting ECA applications or for preparing an odour compatibility study as part of the land use planning process. This lack of guidance can result in facilities submitting deficient ECA applications/odour compatibility studies.

Regulatory Modernization Principles

Regulatory Modernization Principles	
<i>Principle</i>	<i>How proposal was developed to include each principle</i>
1. Recognized standards or international best practices should be adopted.	We reviewed jurisdictional approaches to managing odour when creating a scientifically and practically sound guideline.
2. Less onerous compliance requirements should apply to small businesses than to larger business.	The guideline simplifies the requirements for odour and in many cases exempts smaller facilities from additional requirements, provided they are not potentially odorous.
3. Digital services that are accessible to stakeholders should be provided.	While not a service, the guideline will be digitally available.
4. Regulated entities that demonstrate excellent compliance should be recognized.	Portions of the guideline would not be applicable to new or expanding facilities that are well sited, have low potential to cause odour, and/or follow established 'minimum expectations' published by the ministry.
5. Unnecessary reporting should be reduced and steps should be taken to avoid requiring stakeholders to provide the same information to government repeatedly.	As a guidance document, no reporting is directly imposed. If the guideline is incorporated into a facility's ECA and/or land use compatibility study, then the same technical report(s) could be used for both purposes.
6. An instrument should focus on the user by communicating clearly, providing for reasonable response timelines and creating a single point of contact.	The guideline is clearly written for the intended audience.
7. An instrument should specify the desired result that regulated entities must meet, rather than the means by which the result must be achieved.	The guideline is clearly written for the intended audience, and allows facilities to determine the best approach for developing an odour reducing strategy, where applicable.