

SUMMARY OF THE ODOUR NUISANCE MANAGEMENT STRATEGY

Undesirable odours have traditionally contributed to air quality concerns and have affected human lifestyles. Because odours can be readily detected, odours have been and will continue to be the major trigger for many complaints to Manitoba Conservation from individuals concerned about air quality. People have varying abilities to detect odours resulting in a wide range in the minimum odour detection limit for an air contaminant, sometimes spanning orders of magnitude in concentration. Odours are, therefore, among the hardest air contaminants to manage because of the inherent subjectivity associated with measuring and defining what constitutes unacceptable odour levels.

Impacts from odorous contaminants are often nuisance-related rather than health-related. This strategy for managing odours is concerned solely with the nuisance aspects of the odours. When specific diseases have not been identified, odour nuisance can still impact peoples' lifestyles and well-being simply by being annoying, unpleasant, disagreeable or troublesome. In order to be considered an odour nuisance, the odour should be prolonged, repeated and should affect more than one person in the community.

Those odorous contaminants that do have health-related or other adverse, non- nuisance impacts are more appropriately managed using ambient air quality criteria. These criteria set the maximum acceptable concentration for the specific air contaminants in the environment and are designed to protect against adverse impacts to the most sensitive receptor (*e.g.*, human health, animals, vegetation, materials, aesthetic properties, *etc.*).

The *Manitoba Environment Act* identifies odour as a potential component of a "pollutant" that can "interfere with or is likely to interfere with the comfort, well being, livelihood or enjoyment of life by a person." The Act controls and regulates Developments through licensing, where a "Development" includes activities that cause or are likely to cause "the emission or discharge of any pollutant into the environment."

Many existing Developments with licences prior to 1995 have a clause which addresses odour nuisance through a quantitative, numerical limit on ambient odours in the vicinity of these facilities. Using this approach, however, the Department had found it difficult to handle odour nuisance in a manner which responded to the needs and concerns of both the local citizens and the Developments. Specific difficulties which had arisen included: the ability to administer the existing odour limits had proven difficult; the degree of protection offered by the current odour limits had been questioned; and portable, reliable monitoring equipment for sampling in the field was not readily available.

As a result of these difficulties, Manitoba Conservation had developed a new strategy to manage odour nuisance from Developments. The current odour nuisance management strategy has been in interim use in the Department since early 1995 and was formally adopted in 1998.

To be proactive, any new Development is encouraged to incorporate preventative measures into the design of the facility to anticipate and forestall the development of odour nuisance. A properly designed and operated facility is unlikely to cause odour nuisance problems to arise.

In the event that odour nuisance does occur as a result of the design or operation of a Development, then the odour nuisance management protocol of Manitoba Conservation would be applied. This protocol is based on two concepts. The first is that the members of the community affected by the odour nuisance should be the ones to decide what constitutes an unacceptable ambient odour level in their community. The second is that Manitoba Conservation should work with the community and the Development to resolve any odour nuisance problems. Depending on the circumstances, a mechanism such as alternative dispute resolution (ADR) may provide an appropriate means for the affected parties to communicate. The community is considered to include those people who live, work, or are present as members of the public in an area that is affected by the odour nuisance, excluding the property of the Development.

This management strategy is designed to handle odour nuisance that is of an ongoing or repeated nature. Single odour episodes resulting from, for example, an environmental spill would not be covered. This strategy also does not apply to odours from agricultural operations since those odours are addressed by the *Farm Practices Protection Act*.

The odour nuisance management strategy provides for the incorporation of an odour nuisance clause, as appropriate, in *Environment Act* licences and *Dangerous Goods Handling and Transportation Act* orders for Developments. Specifically, the clause states:

The Licensee shall not cause or permit an odour nuisance to be created as a result of the construction, operation or alteration of the Development, and shall take such steps as the Director may require to eliminate or mitigate an odour nuisance.

The odour nuisance clause makes the Development responsible for taking the necessary action to resolve odour nuisance complaints. This clause also enables enforcement action to be taken against the Development if the measures taken fail to resolve an ongoing odour nuisance problem. In particular, action can be taken if five or more complaints are received from five different individuals, who do not live in the same household, within a 90-day period.

A departmental Protocol is available which details how odour nuisance complaints from the public will be handled and the responsibilities of Manitoba Conservation, the public, and the Development in resolving odour complaints.

In 2008, after over ten years of operating experience with the strategy, the odour nuisance management strategy was reviewed by Manitoba Conservation. Though still viewed to be an effective approach for addressing environmental odours, several modifications were made to enhance the strategy, including:

- an enhanced scrutiny of *Environment Act* development proposals to avoid or greatly minimize the potential for odour issues to arise with a Licenced operation,
- a more user-friendly odour complaint form which has been placed on the Department's web site for easier access by residents, and
- improvements to the administration of Licence odour nuisance clauses, especially with regard to remedial action plans to resolve odour situations.



