

~~040.055 ODOROUS OR GASEOUS CONTAMINANTS (Amended 1/89)~~

~~It is unlawful for any person to discharge, or cause to be discharged, from any source whatsoever, any quantity of odorous or gaseous emissions, materials, or air contaminants of any kind or description, which is, or tends to be, offensive to the senses, or injurious or detrimental to repose, health, and safety, or which in any way unduly interferes with or prevents the comfortable enjoyment of life or property by any property owners, residents or the general public.~~

~~The Control Officer may deem an odor complaint a confirmed violation if he is able to verify the odor episode by reliable methods including, but not limited to: 1) actual ambient measurements of a known substance at a level greater than its odor threshold; or 2) verification of odors on site by the Control Officer; or 3) at least 75% of a group of eight or more people selected by the Control Officer, when exposed to the odor, find it objectionable to their senses at ambient levels in areas accessible to the public.~~

~~The Control Officer may require, by notice in writing, any source with two or more violations of this regulation within a one year period, to submit a plan to reduce odorous emissions. This plan must demonstrate how the source will reduce emissions to a level that will eliminate any odor episode occurrences in the future. The plan must be submitted within 60 days of the receipt of the Control Officer's notice, and must be implemented within a reasonable period of time thereafter, as determined by the Control Officer.~~

040.055 ODOROUS EMISSIONS

SECTION A – GENERAL

1. PURPOSE: To limit odorous emissions which tend to be:
 - a. Offensive to the senses; or
 - b. Injurious to health or safety; or
 - c. Prevent the enjoyment of life or property.
2. APPLICABILITY: The provisions of this rule shall apply to any anthropogenic odorous emissions into the ambient air.

SECTION B - DEFINITIONS: For the purpose of this regulation, the following definitions shall apply:

1. Anthropogenic. Caused or produced by humans.
2. Odor Mitigation Plan. A written plan to bring an affected facility into compliance with the standards set in this rule.
3. Residentially Zoned Area. Includes any residential regulatory zone as described by the local municipalities.

SECTION C - STANDARDS

1. ODOROUS EMISSIONS PROHIBITION: The Control Officer may deem an odorous emission a violation if the odor is detectable on a property which is not the source if:
 - a. The odor is detectable when one (1) volume of odorous air has been diluted with eight (8) or more volumes of odor free air on any Residentially Zoned Area; or
 - b. The odor is detectable when one (1) volume of odorous air has been diluted with fifteen (15) or more volumes of odor free air on any property.

SECTION D – ADMINISTRATIVE REQUIREMENTS

Odor Mitigation Plans as required in **Section E** of this regulation, must be approved by the Control Officer.

SECTION E – COMPLIANCE AND RECORDS

1. COMPLIANCE DETERMINATION: Measurement by the Control Officer with any instrument, device, or method capable of determining if a prohibited odorous emission has occurred.
2. ODOR MITIGATION PLAN: Upon notice by the Control Officer of a violation of **Section C** of this rule, the operator of the source facility shall submit an odor mitigation plan within 30 days of receipt of notice. Odor mitigation plans should include the following elements:
 - a. Facility information:
 - Name of the facility, physical address of the facility, mailing address of the facility;
 - Name of the facility owner, phone number of the facility owner, and email address of the facility owner;
 - Name of the facility operator, phone number of the facility operator, and email address of the facility operator;
 - Description of facility operations, hours of operation; and
 - Air Quality Permit to Operate permit number (if applicable).
 - b. Odorous emission information:
 - Location and description of odor causing activities; and
 - Timing and length of odor causing events.
 - c. Odor Mitigation Practices and Controls:
 - Staff training;

Procedural activities;

Engineering controls;

Other applicable controls;

System maintenance; and/or

Monitoring of control efficacy.

- d. Timeline for implementation of the Odor Mitigation Plan, commencing upon notice from the Control Officer that the Odor Mitigation Plan has been approved.
3. EQUIPMENT FAILURE: All upset or breakdown conditions resulting in increased emissions or air pollutants shall be reported in compliance with District regulations, Section 020.075 and 020.076.
4. RECORDKEEPING:
 - a. Odor Mitigation Plans shall be made available to all staff in the source facility.
 - b. All records shall be made available to the Control Officer immediately upon request.
5. RECORD RETENTION: Records required to be maintained in **Section E.4** of this Rule shall be retained for at least five (5) years.