

## Nuisance Odor Strategy

### Why did DEQ implement a Nuisance Odor Strategy?

Due to increasing density and close proximity of residential, commercial and industrial uses, DEQ has been receiving a growing number of nuisance odor complaints. Nuisance odors are those that substantially and unreasonably interfere with use and enjoyment of public areas or real property. DEQ's strategy will implement state rules that prohibit regulated businesses from creating nuisance odor conditions.

DEQ recognizes that the nuisance strategy will not eliminate odors and the goal is to ensure that businesses causing nuisance odors are taking reasonable measures to mitigate them. The nuisance strategy ensures that DEQ staff respond to, monitor, track and investigate odor complaints and enforce against nuisance odors fairly and consistently across the state.

Concerns about odors often prompt additional concerns about the potential health effects or toxicity of odorous chemicals. While some air pollutants are toxics, most of the air toxics of concern in Oregon cannot be detected by smell. DEQ's programs to address toxic pollution in the air, land and water are distinct from the nuisance odor strategy. However odor control measures may result in co-benefits for reducing non-odorous pollution to land, air and water.

### Which odor sources are within the scope of the strategy?

There are thousands of permitted facilities in Oregon and DEQ must maximize its resources to focus on odors with the greatest impacts.

DEQ has limited the scope of the strategy to odors from DEQ-permitted facilities. Hundreds of those permitted businesses have potential odor emissions including pulp and paper mills, wood preserving, steel foundries, painting operations, fiberglass manufacturing, coffee roasters, ethanol plants, asphalt plants, food processing, landfills, composting facilities, wastewater treatment plants, and biosolids land application sites. In the future, and as resources allow, DEQ may consider expanding the nuisance strategy to include other types of non-permitted businesses.

### How does the strategy work?

Nuisance odor complaints come to DEQ through its complaint system. After initial intake, DEQ will contact the complainant to first determine if the likely source of the odor is within the scope of the nuisance strategy. If not, DEQ will inform the complainant that the agency will not proceed further with the investigation and suggest other options including neighborhood mediation programs, local land use authorities, and good neighbor agreements between sources and residents.

If the likely source of the odor is within the scope of this strategy or still unknown, DEQ will ask the complainant to provide detailed information about the odor in a telephone interview or through the submission of an Odor Intake form.

DEQ will not assume violations based solely on the existence of complaints, and will only follow up after independently determining the



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source of the odor. However, DEQ will communicate with potential odor sources shortly after receiving a complaint to keep them informed, as this may lead to early and informal resolution of the complaints.

DEQ's goal is to resolve the majority of odor complaints through cooperative voluntary remedies. This approach is designed to increase efficiency and achieve a high level of mutual satisfaction among sources, complainants and DEQ. Formal negotiation of odor abatement agreements between DEQ and the source also are possible.

When voluntary resolution is not possible, the strategy provides clear and detailed steps to follow up with enforcement action that can involve civil penalties and orders to come into compliance.

### **How was this strategy developed?**

DEQ's team researched other state nuisance programs, identified and analyzed nuisance implementation problems, and developed a draft improved nuisance strategy. The goal was to create a reliable and defensible way to apply DEQ's nuisance rules beginning with odors at businesses DEQ regulates under air, water and waste permits.

### **For more information**

Contact Bryan Smith at 503-229-5376 or [smith.bryan@deq.state.or.us](mailto:smith.bryan@deq.state.or.us).

### **Alternative formats/accommodations**

Please notify DEQ of any special physical or language accommodations needed for the hearings as far in advance as possible. Alternative formats of this document can be made available by contacting the DEQ Office of Communications and Outreach, Portland, at 503-229-5317.