

Complaints and Nuisance Violations

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Complaint and Public Nuisance Investigations

- Complaints and Notices of Violations
 - Greenwaste/composting complaints and frequency of issuance of Notices of Violation have decreased in recent years
 - Complaints
 - Fugitive Dust
 - Odors
 - Rotting greenwaste
 - Manure or sludge
 - 1-800-CUT-SMOG

Public Nuisance Investigation

- AQMD Rule 402 and California Health and Safety Code 41700 - Nuisance

“A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public”

AQMD Public Nuisance Investigation

- Inspector responds to air quality related complaint received by the District:
 - Proceeds to general area where incident is allegedly occurring
 - Conducts surveillance activities in an effort to detect / confirm the presence of the contaminant
 - Checks / records wind speed and direction. Makes relevant observations
 - Attempts to verify alleged odor or other reported nuisance situation
 - Traces complaint of odor to likely potential source
 - Investigates / eliminates other potential sources
 - Inspects likely source; verifies or eliminates as a source

Public Nuisance Investigation

- AQMD Public Nuisance Investigation
 - Need a minimum from 6 to 10 complainants (verified) for issuance of a public nuisance Notice of Violation
 - Inspector obtains signed affidavits from each confirmed complainant
 - Inspector reviews investigation with supervisor
 - Notice of Violation issued to verified source facility
 - Notice of Violation referred to AQMD legal division for follow up

Nuisance Odors from Composting

- Health and Safety Code 41705 – Agricultural Odors
 - (a) Section 41700 does not apply to odors emanating from any of the following:
 - (2) Operations that produce, manufacture, or handle compost as defined in Section 40116 of the Public Resources Code if the odors emanate directly from the compost facility or operations
 - (3) Operations that compost green material or animal waste products derived from agricultural operations . . .
 - (b) District refers the complaint to the enforcement agency

Nuisance Odors from Composting

- Determining composting facilities for odor complaint referral to LEA
 - SWIS Database, CalRecycle website
 - (<http://www.calrecycle.ca.gov/SWFacilities/Directory/Search.aspx>)LEA notifications and permits
 - Consultation with LEA
- AQMD still investigates odor complaints for greenwaste operations