



Nuisance, Complaints and Lack of Authority

Angela Thompson, Program Manager

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Presentation Outline

- Introduction
- Nuisance
- Example 1: Rendering Plant
- Example 2: Bio Digestion
- Example 3: Cannabis Cultivation
- Lessons Learned



Introduction

- Sac Metro Air District
 - Population 1.5 million
 - 4400 permitted facilities
 - Approximately 880 annual complaints
 - Annual increase in complaints

California Air Districts



Elements of Public Nuisance

A person or business is emitting air contaminants

Air contaminants are harmful, offensive or annoying

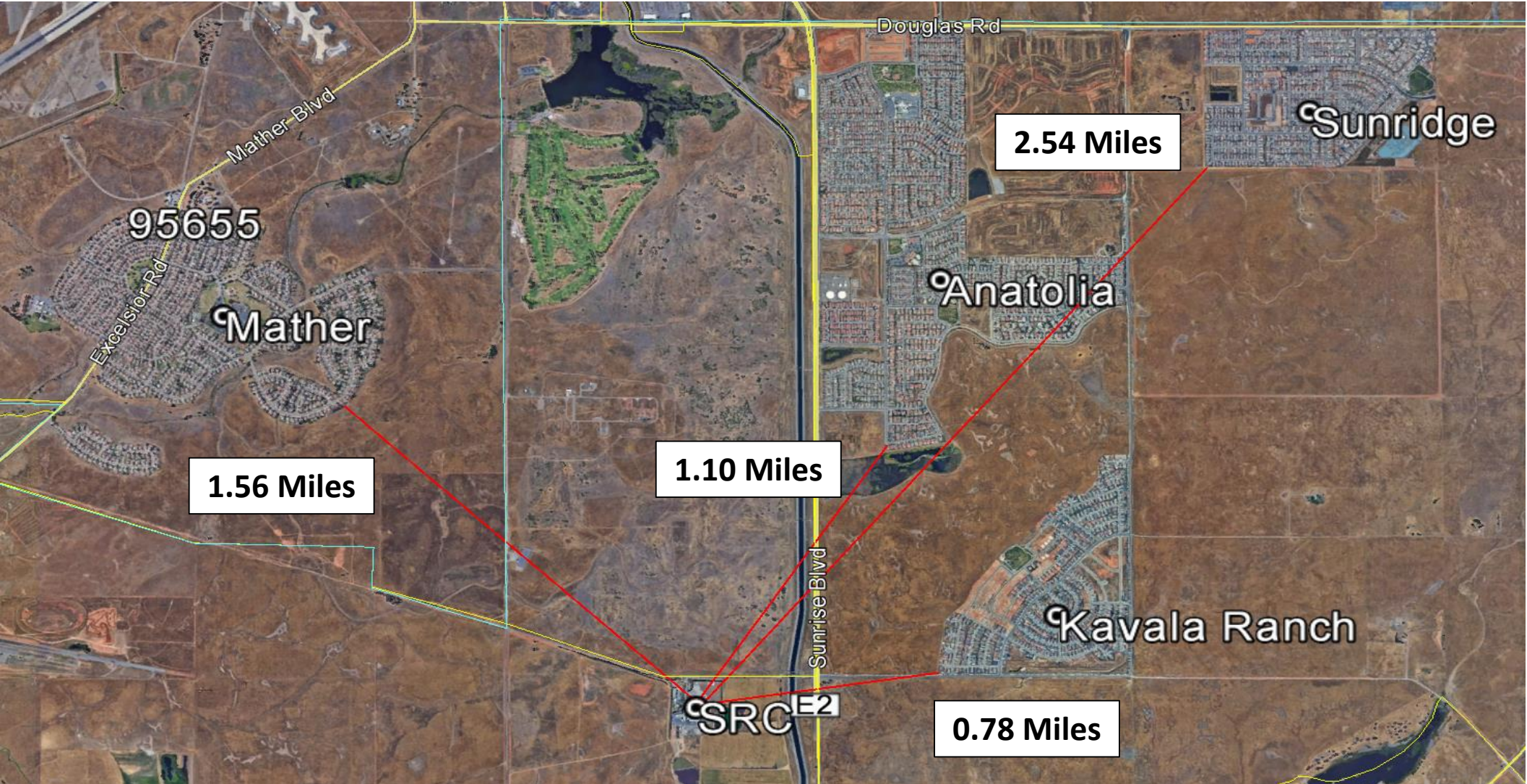
Air contaminants are affecting a considerable number of people

Example 1: Sacramento Rendering Company – Background

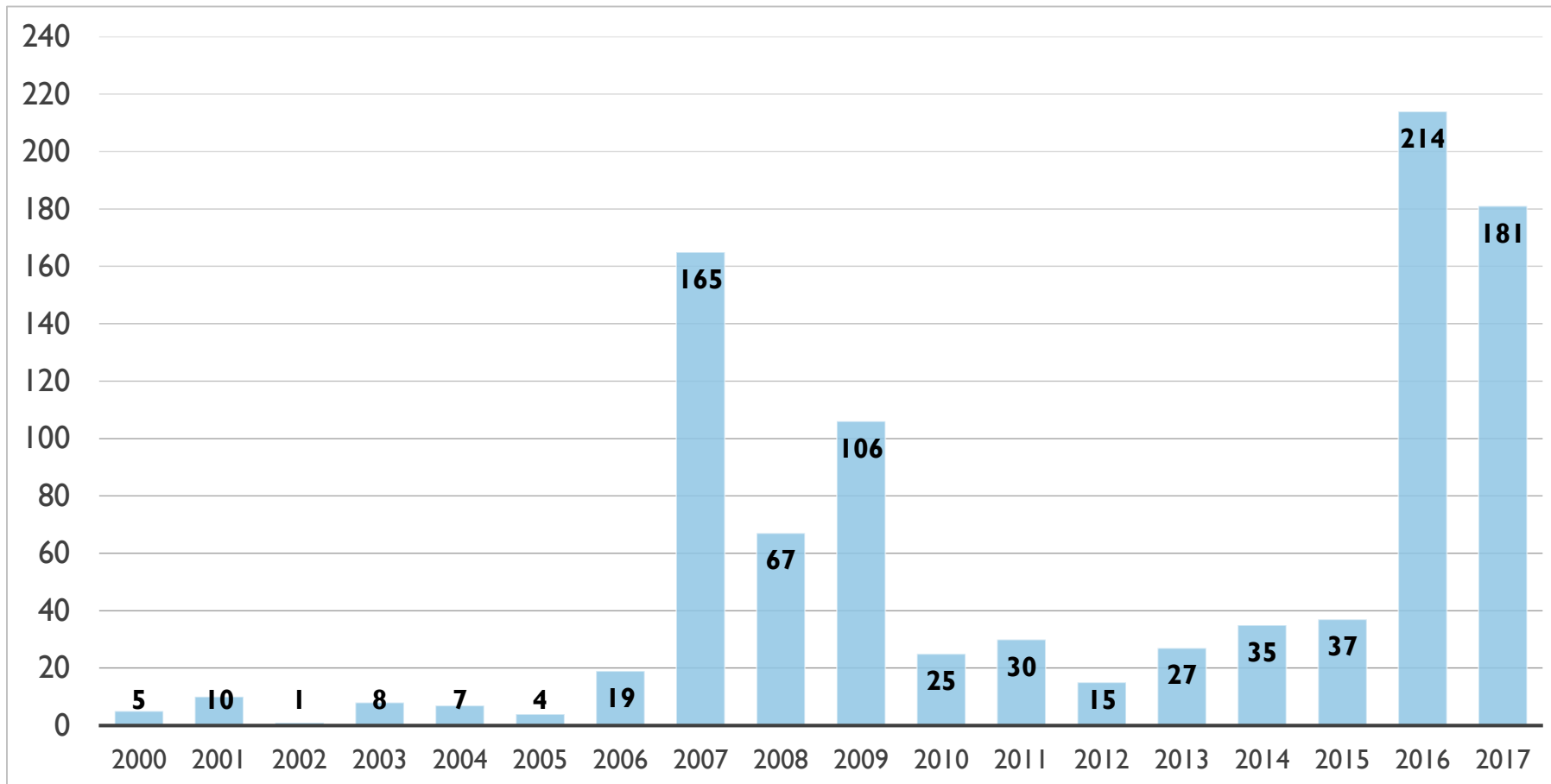
- In operation since 1913; at current location since 1955
- Under permit with Sac Metro Air District since 1976
- Nearby housing developments approved in 2002
- Installed enhanced odor control system prior to building permit issuance for structures located downwind of the plant



Sacramento Rendering Company



Rendering Odor Complaints



Right to Farm Act

§ 3482.6. Agricultural processing activity not a nuisance; increase in activity; construction with other laws

- (a) No agricultural processing activity, operation, facility, or appurtenances thereof, conducted or maintained for commercial purposes, and in a manner consistent with proper and accepted customs and standards, shall be or become a nuisance, private or public, due to any changed condition in or about the locality, after it has been in continuous operation for more than three years if it was not a nuisance at the time it began.

- (b) If an agricultural processing activity, operation, facility, or appurtenances thereof substantially increases its activities or operations after January 1, 1993, then a public or private nuisance action may be brought with respect to those increases in activities or operations that have a significant effect on the environment. For increases in activities or operations that have been in effect more than three years, there is a rebuttable presumption affecting the burden of producing evidence that the increase was not substantial.

What We Could Do

- Use the Authority We Have

- Complaints
- Permitting Authority
 - Toxics
- Right To Farm Act
 - Proper and Accustomed Standards
 - Substantially Increase Production
- Teamwork
 - Water Quality Agency
 - Board of Supervisors
 - Community
 - Plant Owner



Engage Stakeholders

- Hold Public Meetings
- Include other agencies
 - County representatives
 - City representatives
 - Other regulatory agencies
 - Water



Air test results from Sacramento County rendering plant safe but stinky

Results from an air quality test done at the Sacramento Rendering Company show neighbors the air is safe. That doesn't make it any less stinky.

Author: Becca Habegger

Published: 11:44 PM PDT July 31, 2017

Updated: 11:44 PM PDT July 31, 2017

Something stinks in the county of Sacramento and neighbors are unhappy.

Where We Are

- Working with Elected Officials on plan to relocate plant
- Continue to enforce permit conditions and respond to complaints
- Ensure plant is operating “according to proper and accustomed standards”

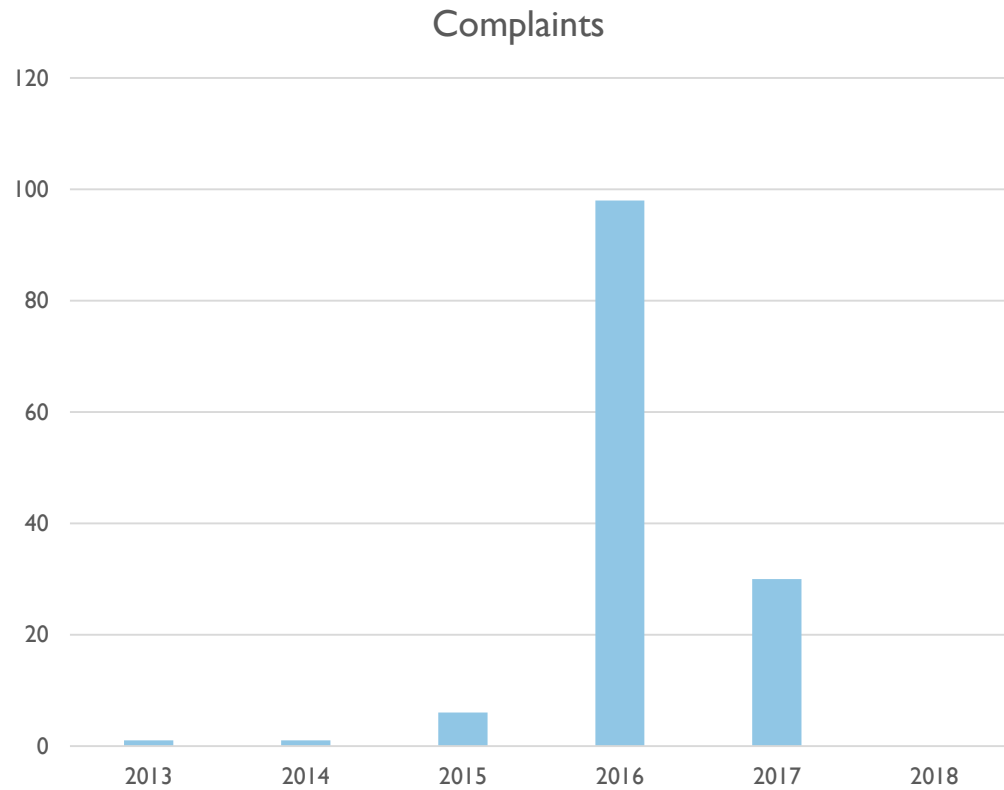


Example 2: Clean World SATS Facility – Background



- Previously a transfer station
- R&D for Bio Digester in 2012
- Alternative disposal for food waste
- Bio Gas
- Counties only site to meet State waste diversion goals
- Production increased in 2015

Complaints & Nuisance



State Law Exemptions

CHSC

- Except as provided in section 41705 ... no person shall discharge air contaminants that cause nuisance ...
- Section 41700 shall not apply to odors emanating from composting

PRC

- “Compost” means the product resulting from the controlled biological decomposition of organic wastes
- “Composting” means the controlled or uncontrolled biological decomposition of organic wastes.

CCR

- “Digestion” means the controlled biological decomposition of organic solid wastes
- Addition of Regulatory Requirements for “In-vessel Digestion Operations”

What We Could Do

- Challenged City on initial planning and facility siting
- Coordinated with Solid Waste
- Met with State Authority on Waste
- Communicated with County Officials
- Worked for resolution with District Hearing Board
- Worked with Source for toxics testing
- Used settlement tools to improve site (SEP)



Where We Are

ORGANICS > ANAEROBIC DIGESTION

Sacramento, Calif., Anaerobic Digester Goes Back to the Drawing Board

Incline Clean Energy is working to overcome challenges with an anaerobic digestion plant in Sacramento, Calif.

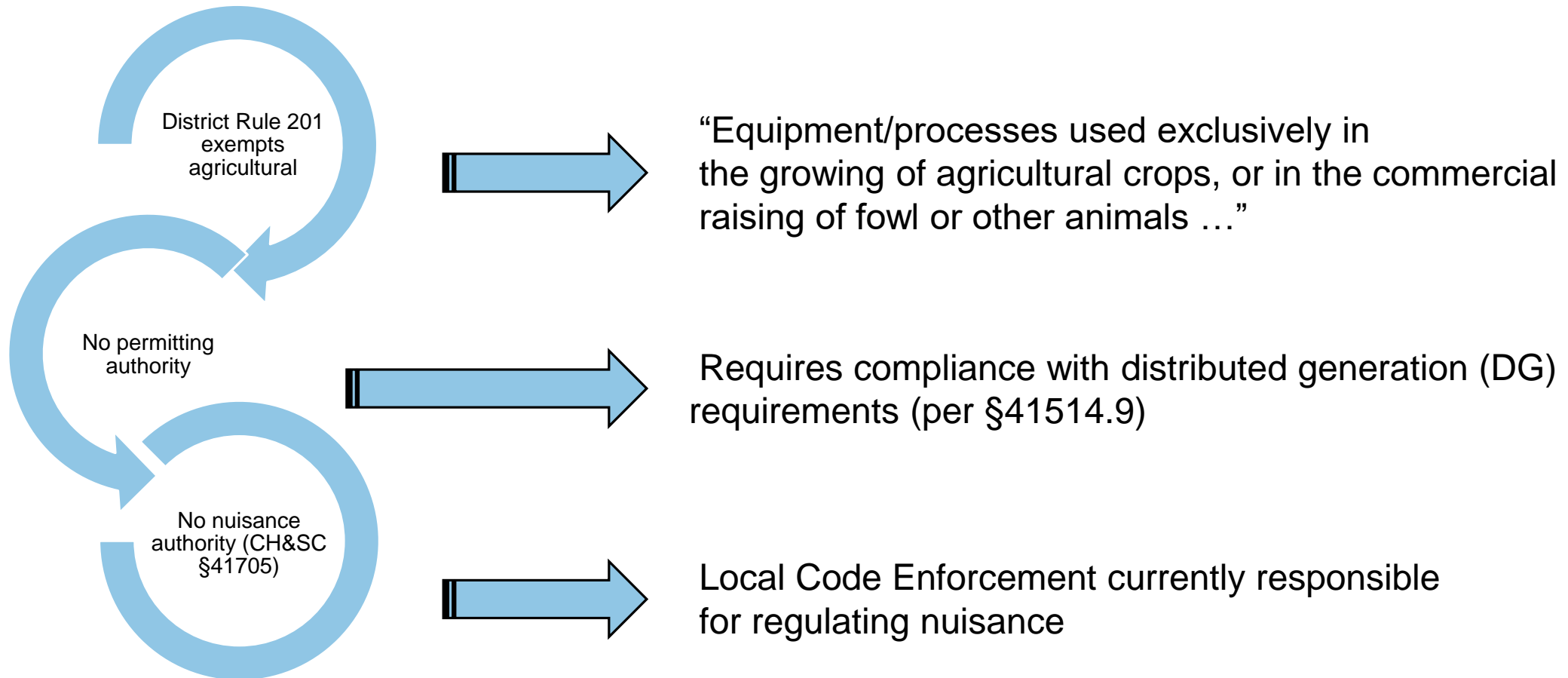
Arlene Karidis | Apr 16, 2018

Example 3: Indoor Cannabis Cultivation – Background



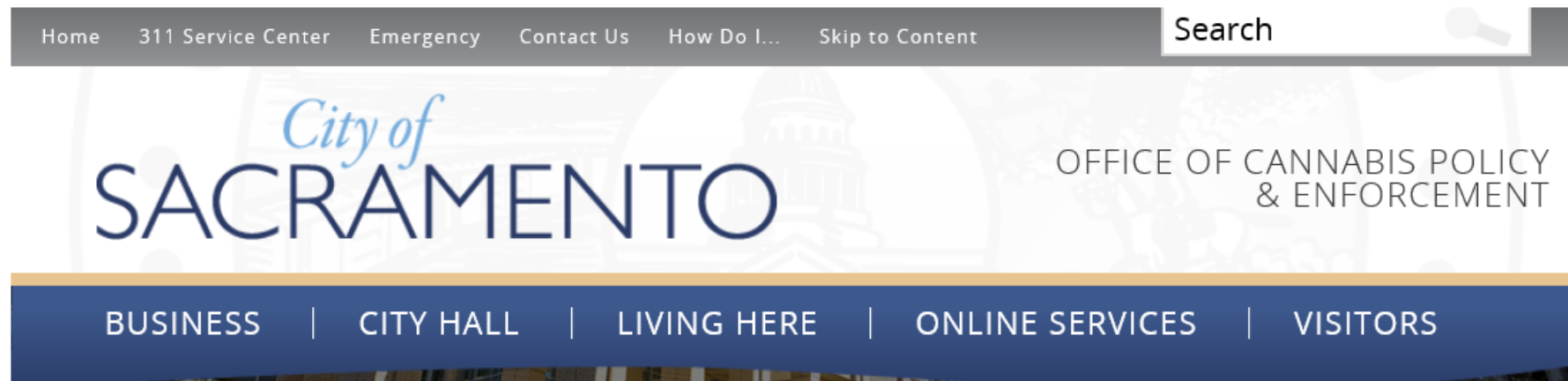
- Legalized in California in 2017
- Cultivation and Manufacturing Approved in City of Sacramento
- Concerns about Permitting and Nuisance

Assessment for Indoor Cultivation



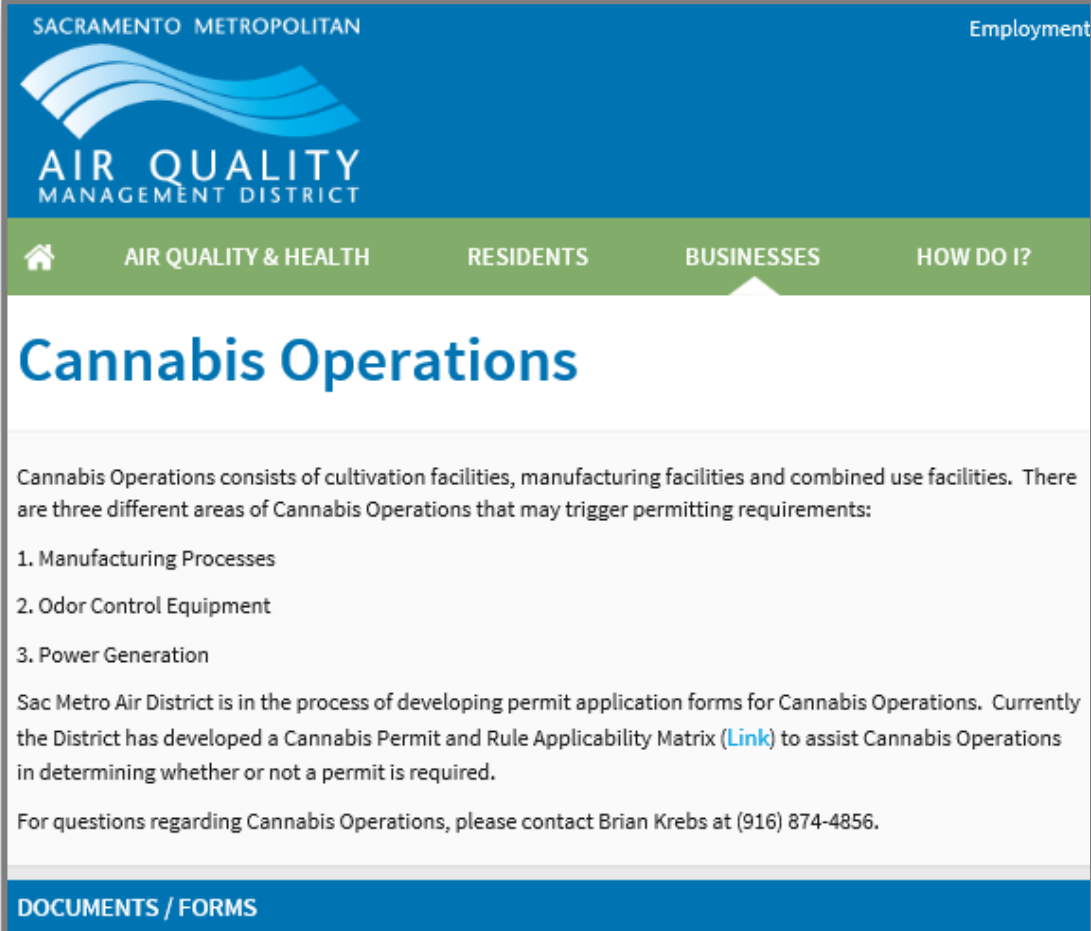
What We Could Do

- Worked with our Board of Directors that includes City Council Members
- Harmonized lack of Authority with City Requirements
- Communicating with Regulated Community



Where We Are

- Webpage
- Advisory
- City of Sacramento Stakeholder Meeting



The screenshot shows the Sacramento Metropolitan Air Quality Management District website. The header includes the district's name and logo, with "Employment" in the top right corner. A navigation bar contains links for "AIR QUALITY & HEALTH", "RESIDENTS", "BUSINESSES", and "HOW DO I?". The main heading is "Cannabis Operations". The content explains that Cannabis Operations includes cultivation, manufacturing, and combined use facilities, and lists three areas that may trigger permitting requirements: 1. Manufacturing Processes, 2. Odor Control Equipment, and 3. Power Generation. It also mentions that the district is developing permit application forms and has created a Cannabis Permit and Rule Applicability Matrix (linked) to assist in determining permit requirements. Contact information for Brian Krebs is provided at the bottom of the main content area. A footer bar contains the text "DOCUMENTS / FORMS".

SACRAMENTO METROPOLITAN
AIR QUALITY MANAGEMENT DISTRICT

Employment

AIR QUALITY & HEALTH RESIDENTS BUSINESSES HOW DO I?

Cannabis Operations

Cannabis Operations consists of cultivation facilities, manufacturing facilities and combined use facilities. There are three different areas of Cannabis Operations that may trigger permitting requirements:

1. Manufacturing Processes
2. Odor Control Equipment
3. Power Generation

Sac Metro Air District is in the process of developing permit application forms for Cannabis Operations. Currently the District has developed a Cannabis Permit and Rule Applicability Matrix ([Link](#)) to assist Cannabis Operations in determining whether or not a permit is required.

For questions regarding Cannabis Operations, please contact Brian Krebs at (916) 874-4856.

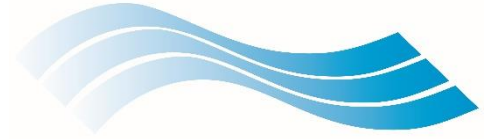
DOCUMENTS / FORMS

Lessons Learned

- Know Your Authority
- Exercise Your Authority
- Collaborate
- Stay Involved in Process
- Get Creative



SACRAMENTO METROPOLITAN



AIR QUALITY
MANAGEMENT DISTRICT

Thank You!
