

## Executive Summary:

### Update to Nuisance Odor Provisions of the Air Pollution Control Ordinance, Chapter 4 of Denver Revised Municipal Code

Updates to Denver's current nuisance odor provisions are intended to address concerns about odors and their negative impacts on quality of life in Denver's Globeville and Elyria/Swansea neighborhoods and other impacted neighborhoods.

Odor was identified as a top priority of the community in the 2014 Globeville and Elyria/Swansea Health Impact Assessment, as well as the Globeville (2014) and Elyria/Swansea (2015) Neighborhood Plans. Complaint and survey data, as well as feedback gathered in community meetings, reinforces this concern. The odors come from pet food manufacturers, marijuana grow facilities, and other odor-producing facilities.

The proposed updates to Denver's nuisance odor provisions of Chapter 4, DRMC, were developed through research of odor policy best practices, examination of odor concern and complain data, and key informant interviews. The proposed updates are as follows:

- **Who can complain:** Business owners and employees, in addition to residents, would now be able to lodge formal complaints.
- **Complaint time period:** The time period within which 5 complaints must be received to trigger enforcement would be lengthened from 12 hours to 30 days.
- **Specific industries:** Businesses within certain industry types (pet food and marijuana, among others) would be automatically required to develop an odor control plan.
- **Odor control plan requirement:** Instead of receiving a citation, facilities covered by the provisions (facilities that exceed the complaint or dilution thresholds, or fall within the specified industries) will now be required to develop an odor control plan. An odor control plan would identify odor sources and control measures that will be taken to reduce odors from those sources. Enforcement actions would only ensue if the facility failed to submit a plan, or failed to follow its approved odor control plan.

The project team undertook, a thorough outreach and communications effort regarding the proposed provisions updates. The feedback received was overwhelmingly positive, and concerns have been taken into account and addressed.