

ODOR FACT SHEET

How is odor regulated?

The Air Pollution Control Act prohibits the emission into the outdoor atmosphere of air contaminants in quantities that result in air pollution. Air pollution is defined as “the presence in the outdoor atmosphere of one or more air contaminants in such quantities and duration as are, or tend to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property.” Odor is an air contaminant and therefore may be considered air pollution if it is present in a way that unreasonably interferes with the enjoyment of life or property.

What triggers an odor investigation?

The Department or a local health department will initiate an investigation in response to complaints from one or more citizens regarding objectionable odors.

Do all odor complaints result in violations?

No. In order to verify a complaint and issue an enforcement action, an investigation must be performed and the investigator must verify the odor on the complainant’s property and concur that the odor “unreasonably interfered with the enjoyment of life or property.” In making this determination, the department considers the character, severity, frequency and duration of the odor and the number of persons affected thereby. **(Note – the use of a monitoring device is not necessary to verify an odor complaint.)**

How do we investigate an odor complaint?

1. After receiving a complaint, the inspector will first go to the complainant’s location and attempt to verify the presence of the air contaminant at that location. The inspector will then ask the complainant(s) to complete a “Statement of Complaint form.” By completing the form, the complainant is attesting that the odor “unreasonably interfered with the enjoyment of life or property.” Although this form is the primary basis for the violation, the investigator must independently verify that the odor “unreasonably interfered with the enjoyment of life or property” by performing his/her own investigation.
2. The inspector then proceeds upwind of the complainant in an attempt to identify the source of the odor. Once the inspector believes that he/she has identified the source, the investigator will proceed upwind of the facility and around the entire perimeter of the facility to ensure that no other sources are contributing to the odor in question. At that point, the inspector will enter the facility and attempt to identify the specific process or area of the facility from which the odor is emanating.
3. Before the inspector leaves, he/she will tell the facility representative whether or not a violation was verified. If a violation was verified, the inspector will issue the appropriate Enforcement Action to the facility.

What is the penalty for an odor violation?

First offense of a violative odor release may be assessed penalties ranging from \$150 up to \$1,400. Subsequent or continuing violations may be subject to penalties of up to \$15,000 per violation.

Are all odors treated similarly?

No. Odors have different severity, duration and characteristics. All of these factors are taken into account when investigating an odor complaint and determining whether the odor constitutes “unreasonable interference with the enjoyment of life or property.” The inspectors use a scale to rate the odors:

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| 0-not detectable | Odor not detectable; no odor perceived by the sense of smell |
| 1-very light | Odor present, which activates the sense of smell but the characteristics, may not be distinguishable. |
| 2-light | Odor present, which activates the sense of smell and is distinguishable and definite but not necessarily objectionable in short durations, but may be objectionable in longer durations. |
| 3-moderate | Odor present in the outdoor air, which easily activates the sense of smell, is very distinct and clearly distinguishable and may tend to be objectionable and/or irritating. |
| 4-strong | Odor present, which would be objectionable and cause a person to attempt to avoid it completely, and may cause physiological effects during prolonged exposure. |
| 5-very strong | Odor present, which is so strong, it is overpowering and intolerable for any length of time and causes physiological effects. |

Are the above procedures and information published anywhere?

Yes. As required by the Air Pollution Control Act, the guidelines for investigating air pollution were published in the New Jersey Register on January 2, 1996.

Who can I call if I have a question about odors?

You may call the regional field office that corresponds to your geographical area:

Northern Regional Office (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, Union and Warren)

973 656-4444

Central Regional Office (Burlington, Mercer, Middlesex, Monmouth and Ocean)

609 292-3187

Southern Regional Office (Atlantic, Camden, Cape May, Cumberland, Gloucester, Salem)

856 614-3601

CALL IN COMPLAINTS OF ODORS TO THE DEPs 24 HOUR TOLL-FREE ENVIRONMENTAL HOTLINE at 1-877 WARN DEP (1-877-927-6337)