



## ***Facts about* Odors, Noise, and Dust for Local Governments**

A citizen has called your city or town office to complain about a nauseating odor, or dust coming from a local road or business. Or perhaps the complaint is about noises that interrupt sleep or conversations. What do you do?

Sometimes you call the Minnesota Pollution Control Agency (MPCA) or you direct your resident to call the MPCA instead. This fact sheet is designed to let you know what you can expect from the MPCA in these situations and suggest steps you can take when you receive such complaints.

### **Odors**

A high percentage of the air pollution complaints the MPCA receives involve odors. Not only can unpleasant odors spoil residents' enjoyment of the outdoors and seep into their houses to disturb their home environments, but a persistent unpleasant odor can raise concerns about health effects. Even odors that have no real physical effects on the human body can cause temporary nausea and headaches if they are strong enough or unpleasant enough. We have all had the experience of smelling something that has "made us sick."

The MPCA is concerned about odors. However, the MPCA's odor rule has been repealed, because it was difficult, if not impossible, to enforce. Odor problems are generally not constant. Odors travel, linger,

### **Here's what we recommend you do when you receive a citizen complaint about an odor:**

1. Determine the probable source of the odor.
2. Determine whether the odors should be considered nuisances or whether they may indicate the release of toxic air pollutants. The MPCA can help you here. If the source has an MPCA permit, agency staff may be able to suggest possible cause of the odorous emissions. In any case, if the emissions may be toxic, the MPCA wants to know about it for our enforcement records, and so that it can consider the need for emission control measures in future permits.
3. Document the complaint. City and town records of citizen complaints can be of value to the MPCA for enforcement purposes and will also be useful to you if you choose to enforce against the source. Items to document include weather conditions and time, duration, and description of the odor.
4. If you receive many complaints about a local source of odors that cannot be regulated as a toxic air pollutant, decide whether or not to handle the problem under your nuisance ordinance or advise the complainant to take legal action as an affected individual.

or dissipate depending on local weather conditions and activities causing the odors.

The odor rule included procedures for odor testing, using a six-member panel of people to determine whether a particular smell was detectable at various levels of dilution. It established “odor units” and limits on the number of odor units in the air at various points (at the stack, at the property line, in adjacent industrial or residential areas). In 1969, when the rule was adopted, the testing procedure was approved by the American Society for Testing and Materials. In 1986, that organization dropped its approval of the odor-testing procedure. Because the MPCA would not be able to present a good case if an industry were to contest alleged violations in court, the MPCA dropped the odor rule.

**That does not mean that the MPCA is giving up on protecting the public from odors in situations where odorous emissions are actually harmful to the environment or public health. It does mean that odors that can be considered merely “nuisance” in nature can be best handled either by the local governing authority or by legal action by the affected parties.**

For those odorous emissions that are “pollution” in the sense that they harm human health or the environment, the MPCA will limit emissions in its permits for the facilities causing problems. Substances considered to be toxic air pollutants similarly will be regulated by limiting emissions through permit conditions. Testing of emissions from the stacks or in the ambient air determines how much of these substances are being released and provides reliable data for enforcing the permit terms.

## Noise

Noise that disturbs resident’s rest, conversation, and peace of mind is another

**Here’s what we suggest you do when your residents call with complaints about continuing problems with noise.**

**Remember, sometimes businesses are unaware of the noise problems they create, and the solutions can be simple.**

1. Contact the source of the noise to attempt an immediate, voluntary solution ( or encourage your resident to do so). As with odors, we suggest that you maintain records of these complaints.
2. You may want to take action based on your local nuisance ordinance. Even if the noise violates the state rule, the MPCA’s enforcement process is relatively cumbersome, and enforcing noise violations is not as high a priority for the agency as enforcing more serious threats to public welfare and the environment.
3. You may ask the MPCA to monitor the noise. If the noise violates the state noise rule, local or MPCA enforcement is the next step.
4. If the noise does not violate the state rule, your nuisance ordinance is your best bet. The affected resident also has the option of initiating legal action against the facility causing the noise.

frequent subject of complaints to local governments and the MPCA. Obviously, barking dogs, noisy parties, and similar events are not situations in which the state should get involved.

Minnesota has a noise rule enforced by the MPCA for continuing situations in which noise may be a problem. Many municipalities have adopted the state noise rule as a local ordinance and are able to enforce it successfully. However, many noises may be unquestionably annoying to your residents and still not violate the noise rule. Those are most effectively regulated by local nuisance ordinances.

The state rule is based on one-hour statistical measurement of noise levels received by a listener. It regulates sources that emit loud noises for more than six minutes out of an hour and persistent noises that occur for more than 30 minutes out of an hour. Limits are lower for night hours and depend upon the type of land usage, requiring lower noise levels in areas that are residential or that require quiet because of health, religious, or cultural facilities, for example.

The MPCA can assist municipalities by sending staff and equipment to monitor noise levels. Local or MPCA follow-up generally has been successful in enforcing the noise rule.

MPCA staff usually work with city planning staff to resolve local noise problems. Enforcement of state motor vehicle noise limits is the responsibility of local law enforcement officials.

The state noise rule does not regulate what is termed “impulse noise.” Impulse noise is a brief but loud noise that disrupts normal activities. Because of its short duration and often unpredictable occurrence, monitoring is difficult and usually does not reveal levels above the state noise rules. Impulse noise cannot be effectively regulated by nuisance ordinances.

## Dust

A third source of citizen complaints is blowing dust.

State and federal rules include standards for the amount of fine dust particles (less than 10 microns in size) allowed in the air around us. That is because the fine particles have the potential to lodge in our lungs and affect our health. The rules include limits on the emission of dust, and the MPCA includes limits on the release of particulate matter in its air emissions permits for the kinds of facilities that have a potential for releasing particulates

from stacks. The permits also require dust-control measures to control the amount of dust produced from sources other than stacks, such as loading and unloading activities. Thus, cement and asphalt operations, grain elevators, and other materials-handling facilities must meet rule and/or permit conditions to limit dust.

Under Minnesota Rules, no one is allowed to cause avoidable amounts of dust to become airborne. This applies to all facilities, regardless of their permitting status.

If these kinds of operations are routinely causing dust problems, the MPCA wants to know about it. The MPCA needs the information in order to enforce the rule and permit conditions. Other dust sources such as roads, construction sites, parking lots, and stockpiles of sand and gravel often can more readily be controlled by your local nuisance ordinances.

## Who to Call

Air Quality Complaints: (651) 296-7300

Noise: (651) 296-7898

Toll-free / TTY: (800) 657-3864

TTY: (651)297-5332

*Names of complainants remain confidential.*



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