

AIR POLLUTION CONTROL DISTRICT
REGULATORY COMPLIANCE DIVISION

POLICIES AND PROCEDURES

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Topic: Complaint Investigations - Agriculture

Distribution: All Policy Holders

This policy and procedure (P&P) document provides guidance to District enforcement personnel regarding the actions necessary to be taken when encountering dust or odor nuisance situations as the result of agricultural activities. In many areas of Santa Barbara County, residential neighborhoods have been built adjacent to agricultural lands. The District occasionally receives complaints from residents of such neighborhoods, not only of the odors emanating from the fields (such as chemical and organic fertilizer odors), but also of dust which may be blown from the fields into the neighborhoods during periods of high winds, especially when plowing operations are being conducted.

It is the policy of the Regulatory Compliance Division to investigate all complaints which may result from air contaminant emissions. The purpose of complaint response is to determine the source of air pollutants which are affecting citizens within the District, to determine whether a solution to the problem can be easily reached, and to mitigate the nuisance.

The inspector should investigate the complaints in a manner similar to any other complaint inspection, with one major difference; it is District policy that a Notice of Violation (NOV) not be issued to the agricultural operation by the inspector.

The following procedure will be used when responding to a complaint resulting from agricultural activities:

1. Follow steps 1-4 outlined in RCD P&P I.G.2 (Complaint Investigations).
2. The inspector will respond to and investigate the complaint using the following procedure:
 - A. The inspector will contact the complainant either by phone or in person as soon as possible (in any case not to exceed 24 hours) and conduct an interview to obtain a statement and description of the complainant's experience.
 - B. The inspector will go to the area where the complainant experienced the impact and attempt to verify the existence of the phenomenon described by the complainant.

- C. The inspector will attempt to ascertain the specific emission source causing the complaint.
- D. If the inspector is able to determine a potential source of the emissions, and the source is not from an agricultural operation, the inspector will follow the procedures listed in RCD P&P I.G.2. If the source is from an agricultural operation, the inspector will, after gathering as much information as possible offsite, contact their section supervisor or division manager for further direction.
- E. The section supervisor will contact the agricultural operation and notify them of the number and nature of the complaints received. If the number of complaints exceeds five (5) in a 24-hour period, or ten (10) in a 10-day period (consistent with RCD P&P IV - Nuisance), the section supervisor will set up a meeting with representatives of the agricultural operation and other concerned parties (i.e., complainants, county supervisor, agricultural commissioner) in order to resolve the situation.
- F. The inspector will document all findings of the investigation in the Complaint Investigation Report (see attached form).
- G. Within two working days of receipt of the complaint, the complainant will be contacted by the supervisor (or division manager) to inform them of the results of the investigation. If the duration of the investigation exceeds two working days, the complainant will be contacted with a progress report prior to completion of the investigation.
- H. The Complaint Investigation Report will be prepared and reviewed according to the guidelines in Section I.F., "Inspection Reports."
 - i. Confidentiality of complainant identity and complaint investigation results will conform with the disclosure requirements outlines in Attachment A of P&P I.G.2.

This policy is intended to be consistent with California Health and Safety Code Section 41705, which states that Section 41700 (implemented by District Rule 303) shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.