

# **ODORS IN THE CITY OF SANTA MARIA**

## **SUMMARY**

The 2017-18 Santa Barbara County Grand Jury (Jury) received complaints about offensive odors in Santa Maria. The odor problems are an ongoing issue in this community surrounded by agricultural fields, composting and food processing plants, and a wastewater treatment plant. These odors affect the quality of life for some residents and complainants asked the Jury to identify the source(s) of the smells and determine if the odors can be mitigated.

Several agencies in Santa Barbara County respond to odor complaints. There is no clear point of contact for odor complaints on the City of Santa Maria website.

## **METHODOLOGY**

The Jury conducted interviews with key personnel of the following agencies:

- Santa Barbara County Air Pollution Control District/Compliance Division
- Santa Maria Wastewater Treatment Plant
- Office of the Santa Maria City Attorney/Code Compliance
- Santa Barbara County Public Health Department/Environmental Health
- Santa Barbara County Agriculture Commissioner/Weights and Measures Department

The Jury conducted site visits to the Santa Maria Wastewater Treatment Plant and one commercial composting facility. The Jury also researched laws and regulations pertaining to the odor issue.

## **OBSERVATIONS**

Much of the area adjacent to the City of Santa Maria, but not within the city limits, is home to many agriculture fields with multiple crops, some of which emit offensive odors during fertilizing and harvesting. In addition, just outside the city limits are a composting facility, two wastewater treatment plants, and abandoned oil wells, any of which may contribute to the odor problem. The number of fields and facilities that could generate unpleasant odors makes it difficult to pinpoint their exact source at any given time, as odors tend to dissipate over time.

Citizens may contact any number of entities when experiencing an objectionable odor. The Jury found it very difficult to locate information for filing an odor complaint on the City of Santa Maria's website. Some residents contact the Air Pollution Control District (APCD), an independent agency serving Santa Barbara County, which monitors certain gases and hazardous particulates. Staff at APCD will take complaints and investigate that same day if feasible. They will try to find the source of an odor. They are equipped with detectors for gases such as hydrogen

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sulfide and carbon monoxide. While these instruments are helpful in southern Santa Barbara County, where hydrogen sulfide can become noxious and even toxic, they do not differentiate odors that are the typical cause for complaints around Santa Maria.

Other citizens may contact the Santa Barbara County Public Health Department/Environmental Health Services, which will investigate complaints but will become involved only when safety or health is at risk. Public Health keeps a log of complaints and this can help further analysis and response to odor complaints in the area. The Environmental Health Services' jurisdiction is limited mostly to a permitting process for new facilities or operations. Staff often refer complaints to APCD because that agency can investigate existing operations and general odors.

When smelling offensive odors, residents may also complain directly to the City of Santa Maria Wastewater Treatment Plant, just west of the city limits. According to staff, the plant has never been cited for a violation. There are, however, some odors inherent in running a wastewater plant, such as from the sludge turning into compost and grease traps being unloaded. The Jury was told that on rare occasions the digester tanks that treat the effluent emit methane gas. An alarm notifies a staff member on duty, who remediates it by relieving the pressure.

The Jury learned that the City of Santa Maria office responsible for addressing complaints about odors is the Office of the City Attorney, Code Compliance. The Code Compliance Officer operates under the authority of a general nuisance ordinance, which includes the prohibition of any condition that creates an offensive smell in or around a property.<sup>1</sup> A call to this office will result in a response within 24 hours. The Code Compliance Officer has the responsibility to investigate odor complaints, identifying the offending property if possible. The Officer also has the authority to issue to the owner an abatement warning or a notice of violation, which may result in a fine or penalty if not abated.

Another common source of complaints around the City of Santa Maria is composting plants. Code Compliance could cite nuisances such as the presence of flies and rats, but typically issues a request for abatement, not a citation. The Jury was told composting is considered recycling in the State of California, and citations are discouraged. APCD informed the Jury that California Health and Safety Code Section 41705 exempts odors associated with composting operations from nuisance enforcement. The Jury learned, however, that under Health and Safety Code section 41705, subdivision (b), and Public Resources Code section 43209.1, subdivision (a), complaints received by air pollution control districts and air quality management districts "pertaining to an odor emanating from a compost [facility or operation]" are referred to local enforcement agencies with jurisdiction for "appropriate enforcement actions" in consultation with the districts. The "local enforcement agency" where APCD would report composting odor complaints-is the Santa Barbara County Public Health Department's Environmental Health Services Division: <http://www.calrecycle.ca.gov/lea/directory/default.asp>

Agricultural activities can produce objectionable odors in the Santa Maria area, particularly during harvesting. The City of Santa Maria and the County of Santa Barbara have limited jurisdiction

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<sup>1</sup> Santa Maria Municipal Code Section 5-6.202. Unlawful property nuisance.

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over nuisance odors emanating from farming operations that have been ongoing for three years or more and are operating under typical agricultural standards.<sup>2</sup>

## **CONCLUSION**

The 2017-18 Santa Barbara County Grand Jury found that all agencies involved in investigating offensive odors were responsive to complaints in a timely manner and attempted to locate the source of the odors, often without success, as odors tend to dissipate. The Jury found that the City of Santa Maria is aware of the problems, though limited in its ability to address the issue within its jurisdiction.

## **FINDINGS AND RECOMMENDATIONS**

### **Finding 1**

Identifying odors and locating their source is a challenging process that can involve county and local agencies, making it difficult to mitigate the odors.

### **Finding 2**

There is no clear point of contact for citizens to make odor complaints on the City of Santa Maria's website.

### **Recommendation 2**

That the City of Santa Maria create a section on its website that clearly directs citizens where to lodge complaints about odors.

## **REQUEST FOR RESPONSE**

Pursuant to California Penal Code §933 and §933.05, the Grand Jury requests each entity or individual named below to respond to the enumerated Findings and Recommendations within the specified statutory time limit:

Responses to Findings shall be either:

- Agree
- Disagree Wholly with an explanation
- Disagree Partially with an explanation

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<sup>2</sup> Santa Barbara County Code Chapter 3, Article V, Section 3-23(d)

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Responses to Recommendations shall be one of the following:

- Has been implemented, with a brief summary of the implemented actions
- Will be implemented, with an implementation schedule
- Requires Further Analysis, with an explanation of the scope and parameters of an analysis or study and a completion date of less than 6 months after the issuance of this report
- Will not be implemented because it is not warranted or reasonable, with an explanation of why

### **Santa Maria City Council- 90 Days**

Finding 2

Recommendation 2