

# Reporting Odors in Delaware

## Q & A Fact Sheet

The Department of Natural Resources and Environmental Control (DNREC) is the lead agency in Delaware for enforcing odor problems. This fact sheet provides information on what to do if you notice an offensive odor outside and how DNREC will respond to your complaint.



1. What are Delaware's laws and regulations on odors?

Odor issues fall under 7 Delaware Code Chapter 60, Environmental Control. The definition of an "odor" is an air contaminant that affects the sense of smell. DNREC also has an odor regulation (Air Regulation Number 19), which requires the "control of odorous air contaminants which significantly affect the citizens of the State outside the boundaries of the air contaminant source." In plain English, this means odors that prevent you from enjoying your property or make you physically ill.



2. How do I report an odor and what happens after it is reported?

All environmental complaints, including odor complaints, should be reported to DNREC's toll free complaint line (1-800-662-8802, in-State only). Callers will be asked the nature of their complaint, where they are calling from, a phone number where an Environmental Protection Officer can reach them for possible follow up and any other information the dispatcher thinks is necessary in order to respond to the complaint. In the case of odors, other information would include a description of the odor, the weather conditions and if the caller has an idea of where the odor is coming from. The names of all complaint line callers are kept confidential and will not be shared with the party thought to be the source of the odor.

After all the information is collected, a DNREC Environmental Protection Officer (EPO) is called. The EPO will attempt to find the source of the odor and take either enforcement action and/or will share the information with the Department's regulatory program staff to determine if changes can be made at the facilities to reduce or prevent future odors. This is often difficult when it comes to odors. Odors can develop and disappear quickly and can be difficult to trace. In addition, not all odor complaints that are received on nights and weekends (between 8 p.m. and 7 a.m., Saturdays after 4 p.m. and all day on Sunday) are handled immediately. If, in the judgment of the dispatcher, the incident is causing a serious problem within the community, such as making people sick, an EPO will be dispatched. Otherwise, complaints will be handled when an EPO comes on for the next shift.



3. What is an EPO? What is that person's job and how is it performed without testing equipment?

An Environmental Protection Officer (EPO) is responsible for enforcing Delaware's laws and regulations on air, water, solid and hazardous waste, wetlands and related issues. They investigate complaints made to the agency including those that come in through DNREC's toll-free complaint line. DNREC has 11 EPOs statewide and receives approximately 7,000 complaints annually. Some EPOs are equipped with mobile monitors and sampling equipment. However, citizens should be reminded that the human nose is, in most cases, able to detect odors at lower levels than any equipment.



4. Who are the callers speaking to when they call the toll free number to report odors? What type of training has that person received to help them make the decision to alert an EPO or not?

From Monday through Friday, 8 a.m. - 4:30 p.m., a caller will be speaking to an employee of DNREC. After those hours, callers will be speaking to 911 dispatchers employed by the Delaware Department of Homeland Security. DNREC has provided all those answering the calls with specific guidelines on how to determine the severity of the odor. In addition, EPOs and supervisors are always available to assist the dispatchers when there is a question on how to proceed.



5. Is DNREC responsible for odor identification, Public Health notification and source location?

Yes, but to a point. If an odor is keeping you from being outside or forcing you to shut your windows, but doesn't appear to be making anyone sick, the Department will investigate and take action as described in Question 3. In some circumstances, DNREC has coordinated with the Division of Public Health, which employs staff that can determine if the odors are the cause of illness in the community. DNREC is always interested in trying to identify the source of an odor when it receives a complaint from the public.



6. Are those responsible for odors ever fined?

Delaware law sets the fine for odor violations at \$75, or the amount of a "mail-in" ticket at \$50 plus \$25 in court costs. Because of their case burden, the courts have requested that we use these "mail-in" tickets whenever possible. The only other option our EPOs have is to issue a ticket that requires a court appearance. The court then sets a fine that can range from \$50 to \$500. EPOs can also refer information to the Department's technical programs, which may pursue administration or civil enforcement actions. Civil fines are limited to \$10,000 per day.



7. How can I find out more information about odors in Delaware?

The Department's Air Regulation No. 19 (the Odor Regulation) is available on-line at [http://www.Dnrec.state.de.us/air/aqm\\_page/regs.htm](http://www.Dnrec.state.de.us/air/aqm_page/regs.htm). For general information on Delaware's air quality, read the DNREC's Annual Air Quality Report available at [http://www.dnrec.state.de.us/air/aqm\\_page/reports.htm](http://www.dnrec.state.de.us/air/aqm_page/reports.htm) or call the Air Surveillance Branch at (302) 323-4542.



February 4, 2004