



FACT SHEET

In re: Proposed Amendments to 250-RICR-120-05-17, “Odors”

Introduction

The Rhode Island Department of Environmental Management’s Office of Air Resources is proposing to amend air pollution control regulation, 250-RICR-120-05-17 “Odors” (Part 17). Part 17 prohibits the release of air contaminants which may create odors beyond a facility’s property line.

Description of Proposed Amendments

The proposed amendments will strengthen the Departments ability to enforce this odor prohibition. As currently written a violation of the regulation occurs when an inspector determines an objectionable odor is present beyond a facilities property line. Objectionable odors are often very difficult and subjective to determine, and as a result, the regulation was difficult to understand and enforce. To correct this Part 17 is being amended to clearly define odors and prohibit the emissions of any air contaminants that create or contribute to an odor that constitutes a nuisance beyond a facilities property line. As proposed an odor will be considered to constitute a nuisance beyond a facilities property line if one or more representatives of the Department determine that an odor exists with such intensity, characteristics, frequency, and duration that it is, or can reasonably be expected to interfere with a reasonable person’s enjoyment of life and/or property. The proposed amendments will allow the Department to respond to community complaints and evaluate the odors on a more consistent and accurate basis.

Demonstration of Need

The Department responds to numerous complaints of odors emanating from suspect facilities, but as noted above objectionable odors are often complex and subjective to determine making the current rule difficult to enforce. The amended regulation clearly defining odors and considering odors to constitute a nuisance beyond a facilities property line if one or more representatives of the Department determine that an odor exists with such intensity, characteristics, frequency, and duration that it is, or can reasonably be expected to unreasonably interfere with a reasonable person’s enjoyment of life and/or property will less subjective and easier to enforce.

Alternative Approaches Considered

A Benefit Cost Analysis provides all alternatives considered and can be found under additional documentation in the rulemaking documents for Part 17 at: <https://rules.sos.ri.gov/regulations/part/250-120-05-17>

Identification of Overlapped or Duplicated State Regulations

There are some overlap with State agencies outside of the RIDEM, however DEM has determined that these proposed changes are not duplicative of current requirements. State agencies include: Quonset Development Corporation, Narragansett Bay Commission, Rhode Island Resources Recovery Corporation, Coastal Resource Management Council, Division of Capital Asset Management and Maintenance (Department of Administration), and Division of Municipal Finance (Department of Revenue).

Determination of Significant Adverse Economic Impact on Small Business or Any City or Town

A full Benefit Cost Analysis can be found under additional documentation in the rulemaking documents for Part 17 at <https://rules.sos.ri.gov/regulations/part/250-120-05-17>

For more information or copies of the proposed amendments contact:

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