

What is a nuisance?

Everyone has a right to breathe clean air. To preserve that right, state law prohibits a person or a business from unreasonably affecting neighboring properties with smoke, odor or particulate matter.

The Northwest Clean Air Agency responds to nuisance complaints by following up with you and investigating your complaints.

Types of nuisances:



Smoke



Smoke



Particulates



Odors

What you can do when you have a nuisance complaint:

Call our office at 360-428-1617, press 0 and file a complaint. Leave a message if calling after hours. You will be asked to provide your **name, address, phone number, time, date and a description of the problem**. It is important that you provide a way for us to contact you so that we can follow up.

How we respond:

- Once we receive a complaint, we record it in our database and assign it to an inspector for follow up.
- An inspector may contact you for more information. For first-time wood stove complaints, we will send an educational letter to the alleged source.
- We will attempt to verify the source of the nuisance, contact the source, and inform the source about the complaint and nuisance regulations.
- If the complaints continue, the inspector will continue investigating through site visits and observation. Inspectors need a complaint in order to follow up, so **please call our office each time you are affected**.
- Once the nuisance is verified, the inspector may issue a violation to the person or business causing the problem.
- Enforcement actions may include a penalty. We will ask you to fill out an affidavit to document the nuisance you experienced.

What to do after you file a complaint:

- **Keep in touch.** We need a formal complaint registered with our office before our inspectors can respond. **Please call our office each time the nuisance occurs.** Cases can take time to resolve, and it is important that the agency is aware of continuing problems. If we don't hear from you, we might think that the situation has been resolved. The agency cannot solicit complaints from anyone.
- **Be patient.** The Northwest Clean Air agency is not an emergency responder. Nuisances are unpleasant, but resolving a nuisance can take time and coordination. We will work hard to get the problem resolved as soon as possible.
- **Be prepared.** Nuisance violations are based on your experience. Once a nuisance has been verified, we will ask you to fill out a formal affidavit. We can't pursue enforcement on nuisances without an affidavit to document it. In the rare instance that a violation is contested in court, your affidavit will be key evidence establishing that a nuisance has occurred and a notice of violation is justified.

Nuisance regulations

NWCAA SECTION 530- No person shall discharge from any source quantities of air contaminants, with the exception of odors as addressed in Section 535, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.

NWCAA SECTION 535 – ODOR SPECIFIC REGULATIONS

535.3 Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his or her property must use recognized best practices and control equipment to reduce these odors to a reasonable minimum.

535.4 Odor emissions detrimental to persons or property. No person shall cause or permit the emission of any odorous air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

NWCAA SECTION 502 – OUTDOOR BURNING SPECIFIC REGULATIONS

502.4(F): It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance.

NWCAA SECTION 506 – WOOD HEATING APPLIANCE SPECIFIC REGULATIONS

506.8 (A): No person shall cause or permit the emission of any air contaminant from any solid fuel burning device, in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interfere with enjoyment of life and property.

The Northwest Clean Air Agency is responsible for enforcing local, state and federal air quality regulations in Island, Skagit and Whatcom counties. For more than 35 years, it has been our responsibility and privilege to ensure that the air is clean for you and for future generations.