



## Nuisance Complaint Guide

### What is a nuisance under the Washington State Clean Air Act?

The State Clean Air Act regulates nuisance as air contaminants in the outdoor atmosphere in sufficient quantities and of such (1) characteristics and (2) duration as is, or is likely to be, (3) injurious to human health, plant or animal life, or property, or which unreasonably interfere with enjoyment of life and property.

All three aspects must be present in order for any air impact to be a nuisance.

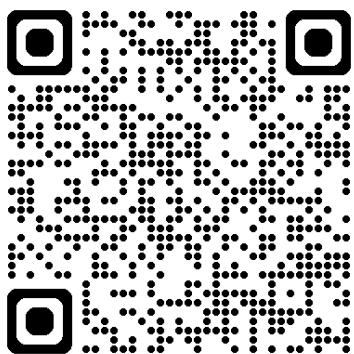
### Types of airborne nuisances:

- Odor
- Dust, soot, liquid droplets, smoke (from outdoor burning or agricultural burning)

### How to contact NWCAA about a nuisance:

By phone: 360-428-1617, press 0

Online:



Provide your **name, address, phone number, time, date and a description of the problem.**

Promptly submitting complaints (including after normal business hours via voicemail or online) helps the agency track potential nuisance issues better.

### How we respond

- First-time outdoor burning complaints – NWCAA mails an educational letter to the alleged source.
- If the nuisance is ongoing, 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 nuisance continues, the agency will continue investigating through site visits and observation. The agency is only aware an impact is happening if you report the nuisance.
- If the agency verifies a nuisance, the inspector may request that you complete and sign an affidavit documenting the impact you experienced.
- NWCAA may pursue enforcement of verified nuisances with fully documented impacts. The purpose of enforcement is to compel long-term correction of the actions causing the nuisance impact.

## What to expect:

- **Keep in touch.** The agency is only aware an impact is happening if you report the nuisance. If you do not call, we assume that the nuisance condition has been resolved. Cases can take significant time to investigate and document, and it is important that the agency is aware of continuing problems. The agency cannot solicit complaints from anyone.
- **Be patient.** The Northwest Clean Air Agency is not an emergency responder. We understand that nuisances are unpleasant. Investigating a nuisance takes time and coordination. We will work to understand the problem and toward a resolution as soon as possible.
- **Be prepared.** Nuisance cases hinge on your testimony. Once the agency verifies a nuisance, we will ask you to fill out a formal affidavit. We cannot pursue enforcement regarding nuisance without a credible affidavit. Your affidavit is key evidence establishing that a nuisance has occurred and enforcement is justified.
- **Know the limits.** Agricultural activities in accordance with best management practices are exempt from Clean Air Act odor nuisance. NWCAA prioritizes nuisance situations impacting multiple properties. Clean Air Act nuisance regulations are secondary to residential community nuisance ordinances.

## 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(E):** 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.

**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 50 years, we have been working to keep the air you breathe clean.