

Procedure for Handling Agriculture Air Quality and Odor Complaints

Introduction

The Michigan Department of Agriculture (MDA) and the Michigan Department of Environmental Quality (MDEQ) Air Quality Division (AQD) are committed to working together to investigate and resolve environmental complaints concerning air quality issues involving livestock, poultry and other farm operations. This procedure, in conjunction with the Memorandum of Understanding between MDA and MDEQ Regarding State Agency Response Actions to Environmental and Nuisance Complaints about Farm Operations (MOU), is intended to improve the efficiency, effectiveness and consistency of both MDA and MDEQ in our individual and joint responsiveness to air quality complaints.

This procedure describes the steps MDEQ AQD and MDA Right to Farm Program (RTF) staff will follow to respond to and resolve farm odor nuisance complaints. The lead agency is responsible for investigating and resolving incoming odor complaints. Lead agency status depends on whether or not MDA has formally referred the farm to MDEQ due to non-conformance with the Generally Accepted Agricultural and Management Practices (GAAMPs). Refer to the attached flowchart for an illustrated layout of the entire procedure.

Staff should record complaint information and send to the appropriate agency. If the complainant prefers, they can call the appropriate department directly to report information on the complaint. All information regarding the complaint should be documented according to established complaint procedures. Please note: MDA will not investigate complaints without the name and address of the complainant and the name and address of the farming operation alleged to be the cause of the complaint.

Odor Complaint Procedure

MDA

1. RTF staff is responsible for investigating and resolving all new odor complaints regarding farms. The complaint information should be referred to MDA.
2. RTF staff will conduct an investigation and inspection per RTF Environmental Complaint Response Protocol. RTF staff will make a determination as to whether or not the farm is conforming to GAAMPs.
3. If the farm operation conforms to GAAMPs, the file will be closed. If the farm operation is not in conformance with GAAMPs and does not make the necessary changes to come into conformance with GAAMPs, the RTF supervisor will contact the appropriate MDEQ AQD district supervisor and multi-media coordinator, to apprise them of the situation. If there are additional

environmental concerns at the farm that are affecting media other than air, the multi-media coordinator will inform the appropriate DEQ district supervisor(s). A joint inspection will be scheduled and conducted by staff from RTF, AQD and other divisions as the situation dictates.

4. Following the joint inspection, if the farm operation is in conformance with GAAMPs, the file will be closed. If the farm is still out of conformance with GAAMPs, RTF may refer the farm to AQD. Upon receipt of the written referral, AQD becomes the lead agency and future odor complaints are the responsibility of AQD. MDA will notify the Michigan Commission of Agriculture of all complaints referred to MDEQ.

Odor Complaint Procedure AQD

1. AQD district office staff are responsible for investigating and resolving odor complaints about a farm referred to AQD by RTF because the farm is not in conformance with GAAMPs. All complaints should be referred to the appropriate AQD district office for follow up and resolution.
2. AQD field inspectors will evaluate odor complaints per internal AQD field procedures.
3. Depending on the compliance status of the referred farm, the farmer may be allowed the opportunity to request a GAAMPs determination from RTF and regain their previous non-referred farm status. These opportunities will occur when one of the below is met:
 - a) **No Violations Cited:** If over several months time, AQD has not cited any violations at the referred farm, they will inform RTF in writing of such. At that time, the farmer may request RTF to make another determination of GAAMPs conformance. AQD will remain the lead agency, until notified in writing from RTF that the farm is in conformance with GAAMPs. At that point, the farm will be considered a non-referred farm and RTF will be the lead agency on future complaints.
 - b) **Violations Cited and Resolved without Escalated Enforcement:** If violations were cited in a Letter of Violation, and the compliance plan submitted to resolve the violations is acceptable to AQD, AQD may request in writing to RTF, that another GAAMPs determination be made at the farm. AQD will remain the lead agency, until notified in writing from RTF that the farm is in conformance with GAAMPs. At that point, the farm will be considered a non-referred farm and RTF will be the lead agency on future complaints.
 - c) **Violations Cited and Resolved with an Entry of a Consent Order or Judgment:** If violations cited in a Letter of Violation are resolved by entering a consent order or judgment, AQD will remain the lead agency for the farm until the order or judgment is terminated. At that time, AQD will inform RTF in writing that the farm is in compliance. At that time, the

farmer may request that RTF make a determination of GAAMPs conformance. AQD will remain the lead agency, until notified in writing from RTF that the farm is in conformance with GAAMPs. At that point, the farm will be considered a non-referred farm and RTF will be the lead agency on future complaints.

Notice of Violation, Permitted, or Enforcement Facilities – Non AQD

If there are odor complaints at a farm operation that is under any DEQ enforcement action, including a notice of violation, permit, or escalated enforcement from another DEQ division other than AQD, MDA will conduct inspections to determine if the farm is in conformance with GAAMPs in accordance with the appropriate procedure.

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