

Using the Tools You're Given

How one LEA Dodged the
Hearing Panel, Placed
“Conditions” on an EA Notification
and “Minimized” Odors with the
“Aid” of Angry Citizens at a
Problematic Composting Facility

Brief History

- 1970s-Commercial Nursery
- 1980s-Adjunct Composting Operation began
- 1999-Notice & Order (Cease & Desist)
- 2000-Registration Permit issued
- 2001-Notice & Order (Terms & Conditions)
- 2003-Compliance
- 2003-Notice & Order (Terms & Conditions & Cease and Desist)
- 2004-Lawsuit/Settlement Agreement/EMS Plan
- 2005-5-Yr. Permit Review/EA Notification
- Current Status-Compliance

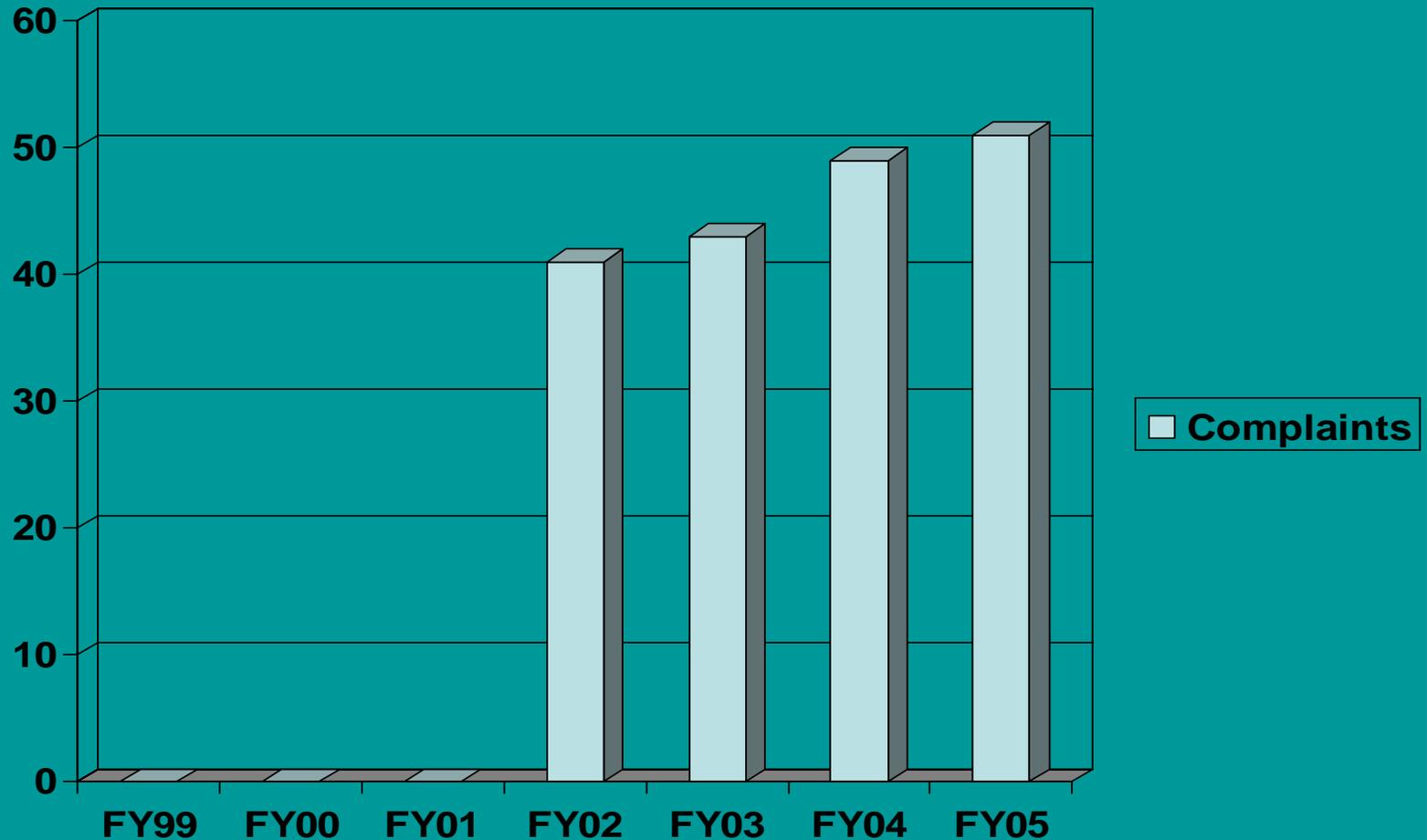
Exceedances



Aerial Photo



Odor Complaints Received by LEA by Fiscal Year



2003-Notice & Order



Appeal to Hearing Panel

- Operator had no real desire to appear before Hearing Panel
- Preservation of client's rights
- Began negotiations for Settlement Agreement
- Environmental Management System EMS

Lawsuit



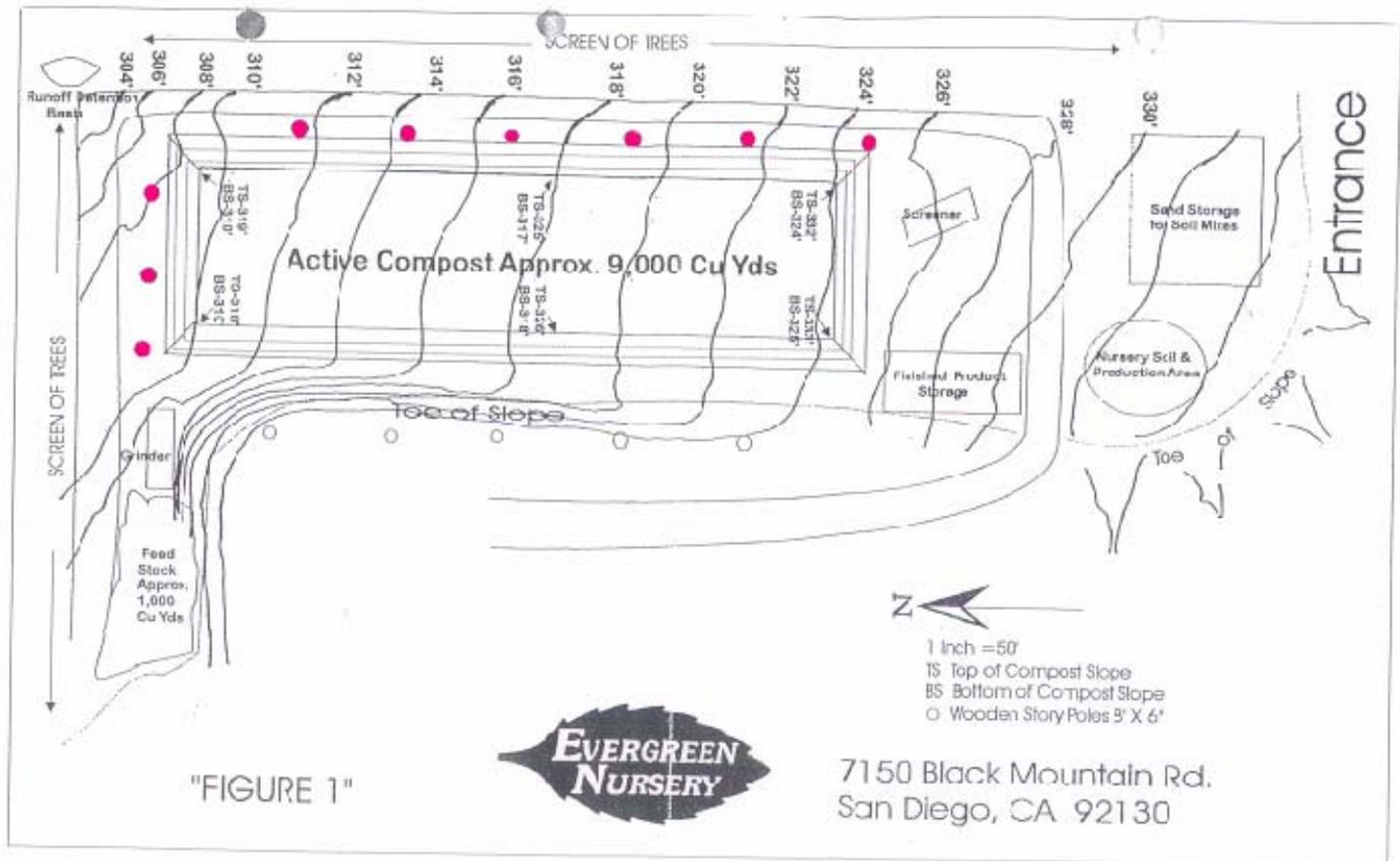
Settlement Agreement

- Avoided Hearing Panel Appeal
- Facilitated out-of-court Settlement of Lawsuit
- Required Environmental Management System (EMS) Plan to be prepared by a qualified consultant
- Placed “Terms and Conditions” on the Registration Tier Permit

EMS Plan Features

- Identified 7 Critical Control Points
- Meteorological Monitoring-Weather Station
- Diversion Strategies
- Placement of Story Poles

Story Poles







Odor/Dust Minimization



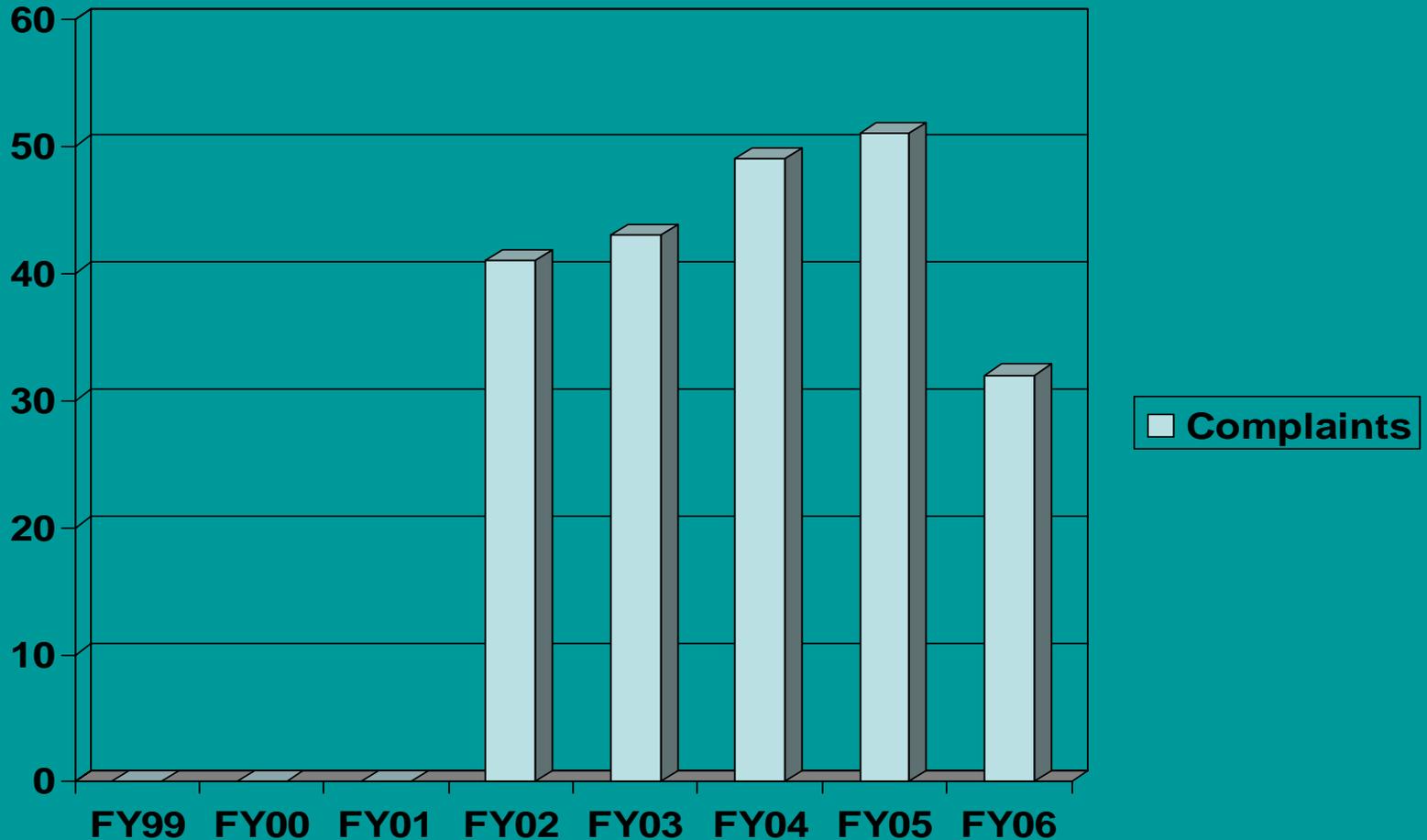
Five Year Permit Review

- LEA Directive:
 - Change of tier to EA Notification
 - Update OIMP

EA Notification

- Limit volume to 10,000 cubic yard
- Notification of Development Services Department
 - Renewed CUP enforcement
- Settlement with Code Compliance

Odor Complaints Received by LEA by Fiscal Year



Conclusion

Thinking outside the enforcement box

Tiered permits limit LEA's abilities to address local concerns

Create enforcement options based on unique circumstances