Monitoring Legislation Governing Air Quality

a. Florida Statutes concerning odors

i. Florida Administrative Code [F.A.C.] 62-210.200 Definitions.

"The following words and phrases when used in this chapter and in Chapters 62-204, 62-212, 62- 213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(179) "Objectionable Odor" – Any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance."

(180) "Odor" – A sensation resulting from stimulation of the human olfactory organ."

ii. [F.A.C] Rules 62-296.320 (2) "No person shall cause, suffer, allow or permit the discharge of air pollutants, which cause or contribute to an objectionable odor. An "objectionable odor" means any odor present in the outdoor atmosphere which by itself or in combination with other odors, is or may be harmful or injurious to human health or welfare, which unreasonably interferes with the comfortable use and enjoyment of life or property, or which creates a nuisance."

b. Federal Clean Air Act

42 U.S.C. SS 7401 et seq. (1970)

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants.

One of the goals of the Act was to set and achieve NAAQS (National Ambient Air Quality Standards) in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The Act was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines.

The CAA (Clean Air Act) requires major stationary sources and certain other sources subject to federal standards to obtain CAA operating permits that contain and assure compliance with all their CAA requirements. In most areas, state or local air agencies issue the permits. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source.

For major sources, Section 112 requires that EPA establish emission standards that **require the maximum degree of reduction in emissions of hazardous air pollutants**. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk.