

PROPOSED AMENDMENTS TO SENATE BILL NO. 2365

Page 1, line 2, after "to" insert "the regulation of odors by the" and remove "odor readings"

Page 1, replace lines 6 through 8 with:

**"Regulation of odors.**

1. Except as otherwise provided in this section, a person may not discharge into the ambient air an objectionable odorous air contaminant that measures seven odor concentration units or higher outside the property boundary where the discharge is occurring.
2. Odor measurements may be taken only on a properly maintained scentometer or other instrumental method approved by the department, and only by a department-certified inspector who has successfully completed a department-sponsored odor certification course and demonstrated the ability to distinguish various odor samples and concentrations.
3. In areas located outside a city or the area over which a city exercises extraterritorial zoning, odor measurements must be taken at least two-tenths of a mile [.32 kilometers] from the source discharging the objectionable odorous air contaminant, or at the property boundary, whichever is greater.
4. Except for a chronic violator, the department may send a certified inspector to take odor measurements for the purpose of determining compliance with this section only after receiving a complaint from the public. For a chronic violator, the department may take or require odor measurements until the chronic violator has no more than two odor measurements of seven odor concentration units or higher within a three hundred sixty-five-day period and no odor measurements of thirty-one odor concentration units or higher within that period.
5. A chronic violator is a person who:
  - a. On separate days, has no fewer than three measurements of seven odor concentration units or higher, or two measurements of fifteen odor units or higher, within a thirty day period; or
  - b. On separate days, has no fewer than seven measurements of seven odor concentration units or higher, or four measurements of fifteen odor units or higher, within a ninety day period.
6. A person is exempt from this section while applying animal manure or other recycled agricultural material to land in accordance with a nutrient management plan approved by the department. A farmer is exempt from this section while applying animal manure or other recycled agricultural material to land owned or leased by the farmer in accordance with rules adopted by the department."

Renumber accordingly