



**Roll Call Number**

**Agenda Item Number**

51

**Date** September 28, 2009

Request to speak from Bruce Gerleman, 303 Locust St., Ste. 150, regarding odor in downtown Des Moines.

Moved by \_\_\_\_\_ to receive and file comments.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
<b>TOTAL</b>				

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

REGISTRATION FORM TO SPEAK AT CITY COUNCIL MEETING

51

To: The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines, Iowa  
c/o City Clerk

I/We Bruce Gerleman  
(Please Print)

hereby request permission to speak at the Des Moines City Council  
meeting of September 28, 2009, regarding

REGARDING: ODOR IN DOWNTOWN DES MOINES

Name: Bruce W. Gerleman  
(Signature)

Address: 303 Locust # 150 Des Moines

Daytime Phone: 244-1005

PROCEDURAL RULES OF DES MOINES CITY COUNCIL:

Part III. Agenda

Rule 16. Citizen Agenda Requests. Any citizen may request the right to have an item placed on the Agenda (including a request to speak) by filing such request in writing with the City Clerk prior to noon on the Wednesday preceding the Council meeting.

Part V. Citizen Participation

Rule 27. Citizen's Right to Address Council. Persons other than Council Members shall be permitted to address the Council only upon specific Agenda Items.

FILED  
SEP 23 10 35 AM  
DES MOINES, IOWA

September 16, 2009



The Honorable Mayor  
and  
Members of the City Council  
City of Des Moines

**Re: Downtown Odor Control**

At the Council meeting of August 10, 2009, by Roll Call No. 09-1479, Council directed that staff review a request from Bruce Gerleman to evaluate the odor problem in the downtown area and identify any needed changes in the ordinance, including a review of the current hotline system used for receiving complaints.

Mr. Gerleman voiced his concerns over three basic issues: 1) odors he believes are being generated by the Darling International (formerly National By-Products) rendering plant at SE 18<sup>th</sup> and Scott; 2) the adequacy of the City's Odor Ordinance; and 3) the functioning of the Odor Hotline.

***Darling International Rendering Plant:***

In 1999, Darling International/National By-Products (DI) was declared by the City to be a "Significant Odor Generator"; under the odor control ordinance, this designation occurs when a single source is found to be the cause of three "Odor Alerts" in a 90-day period. Under terms of the ordinance, staff then required DI to hire an engineering consultant at their expense to determine the odor emission points from the plant, and to prepare a compliance plan to mitigate those odors using Best Available Control Technology (BACT).

In late 1999, DI did submit a compliance plan, staff reviewed it with the assistance of an engineering consultant, and the plan was finally accepted by staff and the Citizen Odor Board, with most mitigation work completed by August, 2001.

No odor alerts were attributed to DI for a three year period following, which allowed the company to apply for and receive an Odor Control Permit. The terms of the permit allow staff to inspect the plant site twice a year to insure that BACT is still in place and being operated according to the specifications set forth in the compliance plan. DI is no longer considered a Significant Odor Generator as long as they continue to operate under the terms of the Odor Control Permit.

DI has not had an Odor Alert attributed to it since the series of complaints in 1999; staff has found their management to be extremely cooperative and conscientious in following their compliance plan. With the purchase of the National By-Products Company by the much larger Darling International, they are voluntarily entering into another round of process and odor control upgrades not financially feasible under the old ownership. DI management reports they have spent in excess of \$5 million over the past 10 years on odor control equipment, supplies, parts, and chemicals to help mitigate odors.

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***Adequacy of the City's Odor Ordinance:***

This ordinance was written in 1989-90 using consultants with national experience in odor mitigation issues with input from citizen activist organizations, affected industries, and industry organizations. Staff has performed an internal review of the ordinance and has contacted one of the original consultants, Mr. Charles McGinley of St. Croix Sensory, St. Croix, Minnesota, for his input and opinion.

At staff's request, Mr. McGinley has provided an estimate for an in-depth review of the ordinance; however, he has stated to staff that he has held up Des Moines' ordinance as "an exemplar" of a well crafted ordinance to other jurisdictions considering the passage of such a law. Staff concurs with this and recommends the ordinance be left as is at this time.

Staff conducted a semi-annual inspection of the DI facility on September 2<sup>nd</sup> and found odor control operations were being conducted in accordance with their compliance plan. Staff will continue to closely work with DI management and actively monitor odor complaints over the next few months. If the situation would somehow deteriorate or it is otherwise deemed necessary, staff can elect to hire an engineering consultant to participate in the first semi-annual 2010 inspection to be held sometime in January or February to provide a much more detailed analysis of DI's operations.

***Functioning of the Odor Hotline:***

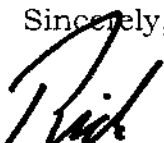
Mr. Gerleman stated to Council that he tried to call the Odor Hotline approximately 15 times on the night in question and was not able to get through to anyone.

The company hired to staff the Hotline on a 24 hour, seven day a week basis, Answer Plus, Inc., has a state-of-the-art computerized phone logging system which does not support his assertion. Their records indicate a total of three calls were made to the Hotline that night; this would include dropped and abandoned calls.

Staff has worked with Answer Plus to refine the questions callers are asked when they contact the Hotline in order to be more "user friendly." Staff has also made numerous random evening and daytime calls to the Hotline to check its functioning and has found no problems with the system.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Richard A. Clark  
City Manager