



**DENVER**  
THE MILE HIGH CITY

## Denver's Odor Control Plan Frequently Asked Questions

Denver's Department of Environmental Health (DEH) is responsible for regulating odors.

For more information, visit [www.denvergov.org/OdorOrdinance](http://www.denvergov.org/OdorOrdinance).

### Getting Started

#### 1. Who is required to submit an Odor Control Plan (OCP)?

Any facility that:

- a. Receives five or more complaints from separate households or businesses *within* the City/County of Denver in a 30-day period
- b. Exceeds the one-to-seven dilution threshold
- c. Engages in any of the following activities:
  - a. pet food manufacturing
  - b. marijuana growing, processing, or manufacturing
  - c. rendering and meat byproduct processing
  - d. asphalt shingle and coating materials manufacturing
  - e. petroleum refining
  - f. sewage treatment
  - g. wood preservation
- d. Is required to submit an OCP pursuant to an Odor of the Manager of DEH.

#### 2. Is an OCP template available on the web?

Yes, you can view the templates [here](#).

#### 3. Do the floor plans required to be submitted as part of OCPs need to be stamped and approved by Zoning of the Department of Community Planning and Development (CPD)?

No.

4. **Do a facility's administrative and engineering controls need to address activities in every single area of the facility's premises?**

No, odor-mitigating controls may be focused to areas of the facility where odor-generating activities take place, so long as such controls effectively mitigate odors for all odor sources.

5. **Are engineering controls required by all businesses?**

Most facilities will need engineering controls to effectively mitigate odors for all odor sources. However, some facilities may need only administrative controls to do so. If a facility owner or operator reasonably believes that engineering controls are not necessary to effectively mitigate odors for all odor sources, and does not intend to install engineering controls, the owner or operator must submit as part of the facility's OCP the basis for such belief. In its review of the facility's OCP, DEH will determine whether the facility may operate without engineering controls.

6. **Does DEH recommend that facilities use specific odor control technologies?**

The rule encourages the use of industry-specific best control technologies, but allows facilities to utilize other control technologies if it can be demonstrated that such technologies will effectively mitigate odors for all odor sources. The rule recognizes carbon filtration as the current best control technology for marijuana cultivation and marijuana infused product facilities.

7. **Can you provide names of companies who specialize in odor mitigation?**

The City is not in a position to endorse private businesses, and consequently cannot provide a list of odor mitigation companies.

**Is an OCP review checklist used by DEH available to the public?**

Yes, you can view the checklist at [www.denvergov.org/OdorOrdinance](http://www.denvergov.org/OdorOrdinance).

8. **Is OCP submission and approval a one-time process? Will renewals be required?**

The rule contains no renewal requirement. However, the owner or operator of a facility must submit a modified OCP if:

- a. DEH determines that the facility's existing plan does not effectively mitigate odors for all odor sources
- b. A modification is made to the facility, or a facility process, that has the potential to impact the nature or degree of odor, or affects the control of odor

## Licensing and Permitting

**9. Must a business with multiple marijuana-impacted licenses co-located at the same facility submit a separate OCP for each license?**

No. If appropriate, a business may submit one OCP applicable to multiple marijuana-impacted licenses co-located on the same premises. Marijuana-impacted licenses may include: medical marijuana optional premises cultivation licenses, retail cultivation facility licenses, medical marijuana infused product manufacturer licenses, and retail marijuana infused product manufacturer licenses. The OCP must list all marijuana-impacted license numbers co-located on the premises. For example, a marijuana business that has a license for both marijuana-infused products and cultivation co-located on the same premises may elect to submit one OCP for the entire facility. However, where multiple businesses are co-located on the same premises, each business must submit a separate OCP, even if the OCP content is similar and uses the same odor control technology.

**10. If I already have a building or zoning permit under review with the CPD, and I must now submit a new permit application to satisfy the installation of new odor mitigation technologies, can I submit a second permit application while the first is pending?**

Yes, a facility owner or operator may submit an additional building or zoning permit with CPD even if an existing permit application is currently pending for that facility. Learn more about zoning or building permit requirements at: [www.denvergov.org/ds](http://www.denvergov.org/ds).

**11. If I already have a modification of premises application under review with the Department of Excise and Licenses (EXL), and I must now modify it to include installation of new odor mitigation technologies, can I submit a second modification of premises application while the first is pending?**

No, a facility owner or operator must either complete its first modification application and then

submit a second application to EXL, or withdraw its existing modification application and then submit a new application to EXL including all changes.

**12. Must a facility owner or operator submit its OCP with the DEH at the same time it submits its application for a new Cultivation or Marijuana Infused Products (MIPs) license with EXL?**

No, the owner or operator need not submit its OCP to DEH at the same time it submits its license application to EXL. However, EXL will not approve the license application until DEH has approved the facility's OCP. In other words, the OCP can be submitted to DEH at any time during the EXL license application process, with the understanding that the business will not be granted a new license until DEH approves its OCP. New license applicants should submit OCPs to DEH as early in the licensing process as possible, as DEH will sign off on the license application only after it has approved the facility's OCP and subsequently conducted a site visit.

**13. Do OCPs need to be submitted to EXL and DEH?**

No, OCPs should be submitted to DEH only. Once an OCP is approved, DEH will forward a copy to EXL. OCPs may be submitted in the following ways:

- a. by postal mail or hand delivery of a printed copy or CD to Denver Department of Environmental Health at 200 West 14<sup>th</sup> Avenue, Suite 300, Denver CO 80204
- b. by email to [EQcomments@denvergov.org](mailto:EQcomments@denvergov.org).

**14. Will facilities planning to relocate soon after OCPs are due be required to submit a new OCP for the new location?**

Yes.

**15. Does a facility that is relocating need to wait for its new OCP to be approved by DEH before submitting its transfer of location license application to EXL?**

No, a facility may submit a transfer of location license application with EXL before DEH has approved its OCP. However, the facility will not receive its license until DEH has approved its OCP.

## Review and Operations

### 16. **Who can complain about odors to the City and County of Denver?**

Any person from any geographical area can submit a complaint to the City and County of Denver by phone at 311 (720-913-1311), or email at [311@denvergov.org](mailto:311@denvergov.org). DEH will investigate as soon as it receives a complaint.

### 17. **How does the DEH determine whether a complaint counts towards the 5 or more complaints within 30-days threshold that requires a facility to submit an OCP?**

To be considered an odor complaint, the complainant must provide:

- a. His or her name, address, and phone number
- b. The time and date of observations
- c. A description of nuisance odor, including the estimated location or source of complaint, and if possible, prevailing wind or weather conditions observed

Upon receiving an odor complaint, DEH will investigate and evaluate the complaint's validity on a case-by-case basis.

### 18. **How does the DEH determine that odors are coming from one specific facility and not another facility down the street?**

DEH inspectors investigate each complaint individually. DEH inspectors are certified by the State to make a qualitative assessment of odor intensity and source. Factors that inspectors consider when determining the source of odors include an evaluation of weather conditions at the time of the complaint, the proximity of the suspect facility to the complaint location, and the suspect facility activities at the time of the complaint. DEH reviews any discrepancies between the complaint and its investigation results on a case-by-case basis.

### 19. **If I have an approved OCP but still receive a complaint about my business, what will happen?**

DEH will investigate and evaluate the complaint's validity, and will seek to determine whether the facility complies with its OCP. If DEH determines that the facility complies with its OCP, DEH will work with the facility on a case-by-case basis to determine whether mitigation actions are appropriate. If DEH determines that the facility is not in compliance with its OCP, DEH may cite the facility for violating the requirements of D.R.M.C. § 4-10.