

**Advisory Council Minutes  
June 26, 2014  
Spokane Regional Clean Air Agency**

Members Present:

Jana McDonald, Air Pollution Control  
Chester Jahns, Jr., Agriculture  
Kevin Miller, Fire Protection  
Hal Ophus , Business Community  
Adriane Borgias, Environmental

Staff Present:

April Westby, Air Quality Engineer, PE  
Joe Southwell, Air Quality Engineer  
Margee Chambers, Public Information  
Debbie Riley, Administrative Assistant

The meeting was called to order at 8:00 a.m.

1. **Approval of the May 22, 2014 Minutes**

Chet Jahns made a motion to approve the May 22, 2014 minutes and Kevin Miller seconded it. Minutes approved.

2. **Potential Regulatory Issues for Growing & Processing Marijuana in Spokane County - Margee, Joe & April**

April, Margee and Joe gave a presentation on potential regulatory issues for growing and processing marijuana in Spokane County. April stated that marijuana is now legal and there are environmental concerns with growing and processing marijuana. In addition to the requirements of the Washington State Liquor Control Board (WSLCB), marijuana producers applying for licenses may be subject to additional local and state regulations. Margee and Joe are Spokane Regional Clean Air Agency's (SRCAA's) lead representatives on this topic. They have been trying to figure out what, if anything, our agency will be doing.

Margee presented a power point from the WSLCB that she briefly discussed recreational marijuana not medical marijuana. Recreational marijuana can have up to 30,000 square feet of an indoor outdoor operation. Most of the producers (growers) of marijuana in Spokane County that have been licensed by the WSLCB are tier 2, somewhere between 2,000 and 10,000 square feet. Most likely marijuana will be an indoor production throughout the year because we have such a short growing season and Spokane has cold winters. There are a number of environmental permits and regulations that may apply to greenhouse growing operations. These

permits are generally administered by state or regional agencies unless a local jurisdiction has been delegated by the state to issue the permit. Water quality permits address waste or storm water discharged from a facility or leaving facility grounds. Drainage from greenhouses may require permits, depending on the environmental conditions of the greenhouse location, the content, the amount of discharge water and the type of drainage system. Any system that drains into the ground may need a state Wastewater Discharge Permit. Land application of wastewater from greenhouses to cropland or other vegetation may also need a permit. A state Wastewater Discharge Permit is issued by the state Department of Ecology (DOE). Air quality permits regulate releases from industry that could contribute to an increase in air pollution and are issued by DOE or SRCAA depending on the location. If a greenhouse uses a boiler in its operations, such as for heating or CO<sub>2</sub> generation, that boiler could need a permit. In addition, clean air agencies have the authority to regulate odors that “may unreasonably interfere with another property owner’s use or enjoyment of his property.” Facilities that receive odor complaints can be subject to fines or be required to add air filtration equipment.

Joe discussed briefly the growing and processing operations of growing marijuana. The operation requires heat, water and CO<sub>2</sub>. Some design considerations will be the room dimensions, the plants CO<sub>2</sub> uptake rate, the required air exchanges per hour and the room air exhaust and recirculation points that might be exhausting from the greenhouse. The operation does have a high odor potential and odors are expected to be the primary concern in regulating and possible permitting. Joe gave a summary of the current SRCAA nuisance regulation and how our agency handles the complaints. Joe suggested three possible approaches for SRCAA regulating marijuana operations: Proactively require SRCAA registration, permitting and air pollution controls; reactively require SRCAA registration, permitting and air pollution controls; initially require SRCAA registration for all growing operations and require permit for air pollution controls if odor is a problem. Initial registration of all growing operations and require a permit if an odor problem arises which is a combination of the first two approaches where all growing operations are registered and if odor issues arise then require permitting. SRCAA is currently using this approach for batch coffee roasters with less than 10 pounds per batch, per Regulation I, Section 5.02.P. This approach provides periodic monitoring and inspecting of the operation and impacts of potential odor control measures. However, this is still a reactive approach which may allow for prior establishment of odor/nuisance sources without SRCAA input on the design and controls.

April briefly discussed what other air agencies have done throughout the state. The range varies with the different air agencies. Puget Sound in western Washington is going to permit all the growers. They will be doing the proactive approach, requiring a notice of construction (permit). When they did an inspection for a large medical marijuana grow they found the odors very detectable. This particular operation had carbon on to minimize odor and they still had a few odor issues. When the doors were left open you could still smell the odors from the road. One of the issues they had is they want to make sure the operation has carbon put on and they have the doors closed. Puget Sound did say that they may change direction as they go along. The notice of construction is a one- time permit and it costs quite a bit. Olympic and Southwest air agencies are going to permit the equipment if it’s already required. They will then permit them if there are odor problems. She isn’t sure how many grow operations there will be in the less populated areas. SRCAA looked at Colorado and their operations required a certain

odor standard of an eight to one dilution. Colorado has a program called the Nasal Ranger where you use the device to bring in the diluted air. If you can still detect the odor at an eight to one, the operation would have to do something because it didn't reach their dilution standard. Margee, with the help of staff has prepared a draft information sheet that she gave to the Advisory Council members. Margee said the agency has had a lot of inquiries from other agencies, vendors, applicants and municipalities on what the agency will be doing and requiring. April asked the Advisory Council to review the draft fact sheet and provide some comments. Margee has been the lead in trying to get some partnerships with other municipalities like the Liquor Control Board and others. Margee asked the Advisory Council for their input. Kevin Miller from the Spokane Valley Fire Department (SVFD) said that when the growers first began, they treated marijuana as agriculture not having any rules. The state is putting together some information on how it relates to the fire code and other issues. The issue the SVFD is dealing with is the extraction process; it needs to be in closed loop. The CO2 generation is being powered by propane and the growers are bringing in portable propane canisters into the buildings and then start their process which isn't good. This won't be allowed in commercial settings, it's happening in residential backyards. They have two locations where this is happening in the Spokane Valley. One location is being used for growing medical marijuana and one production for 502 and it's located almost to Barker Rd. right off Euclid. The location of the medical marijuana is located on about 8000 E. Liberty and the whole neighborhood smells. Kevin's question to staff was if our agency is going to try to control odors will SRCAA regulate an exhaust system that pulls the air through carbon? Joe's reply was yes, there are a couple different odor technologies, and carbon absorption is probably the most reasonable. Jana suggested leaning toward the registration process so that the agency knows where the operations are and have an idea of what is going on. April replied that the registration process is a lot easier to go into at the beginning rather than the permit. If you don't initially require anything up front getting it from the back side is always harder. Chet's question was would there be a fee involved and Margee replied yes an annual fee about three hundred dollars due every January. Chet asked if the Liquor Control Board is going to require registration fees also. Margee replied no. The Liquor Control Board is controlling the recreational marijuana and they are issuing licenses under Initiative 502 and they do require a fee. Adriane had a couple thoughts, the concept whether or not they would go out of business because our agency raised the permit fee is really an irrelevant discussion, this is a recreational activity, it's not like the work has to have recreational marijuana. The other question she had was, does the agency register and permit distilleries? April said no but the agency should probably look into it. Adriane thought that might be a model but apparently it's not. They are both similar and regulated by the Liquor Control Board. Adriane also thought that a distillery is a closer analogy than a coffee roaster. Kevin suggested that SRCAA partner with other agencies as far as inspections go. Adriane said that if our agency thinks the marijuana odors could be a resource hog for this agency, another argument for the agency to actually have a more formal permit process in the beginning. The agency can always drop back to lesser regulations if that is determined to be necessary. It's harder to up a regulation than to drop it down. Hal asked what exactly is the agency inspecting for. Margee replied the agency would be inspecting for odors, asbestos, boilers and generators. Basically, the agency would be looking at what type of equipment the processors are using. Hal asked if the permit would be under a general building permit. Margee replied "not necessarily," Jana replied there are boiler requirements and they could be using emergency generators. Hal

said he is wondering if the growers ask where is the agencies authority to get that permit when they say, why do I need to get a permit and what are you inspecting

. April said mostly the odors. Joe explained some of the building and exhaust requirements and regulations. There was some discussion between the Advisory Council and staff.

**3. Update on Director Review Committee – Jana McDonald**

Jana gave a brief update on the Director Review Committee. The Review Committee met Monday on June 16<sup>th</sup> for three and half hours. They reviewed five applications, ranked them and conducted 15 minute interviews with each applicant. Jana put together a review of what they discussed and what they thought of each applicant. She sent it out for the committee to review and forwarded it out to the Board on Thursday June 19<sup>th</sup>.

**The meeting adjourned at 9:00 A.M.**

The next Advisory Council meeting is scheduled for July 24, 2014, in Spokane Regional Clean Air Agency's office located at 3104 E. Augusta Ave.

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ADVISORY COUNCIL MEMBER

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WILLIAM DAMEWORTH, DIRECTOR