

FAQs: Air Quality Regulations for Marijuana Production & Processing in Spokane County

(This is a dynamic document; as commonly-asked questions arise, they will be incorporated)

Why regulate marijuana production and processing?

Producing and processing marijuana releases volatile organic compounds and odors, which are air contaminants. Establishing standards ([SRCAA Regulation I, Section 6.18](#)) to minimize air contaminants from marijuana production and processing operations should reduce odors.

Standards include, for example: *indoor* producers must have controls in place to minimize the release of air contaminants; *outdoor* producers may only operate during the customary growing season and cannot control environmental conditions; *other* producers who apply and receive an exemption have to meet exemption conditions, including no odors at level 2 (odor is distinct and definite, any unpleasant characteristics are recognizable) or higher at their operation's property line or beyond.

What is air pollution and what are air contaminants?

State law defines air pollution as, "the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonable interferes with enjoyment of life or property." [RCW 70.94.030\(2\)](#). Air contaminants are defined in state law as "dust, fumes, smoke, other particulate matter, vapor, gas, odorous substances, or any combination of these." [RCW.70.94.030\(1\)](#).

Who determines "sufficient quantities" of an air contaminant?

For most air contaminants, the term "sufficient quantities" is tied to federal, state or local regulations, permit conditions, emissions standards, and/or emission limits. Per SRCCA's odor regulation, [Section 6.04](#), the term "sufficient quantities" is tied to the odor detection scale (Section 6.04.D.1.). The odor scale is only part of the determination; other factors are outlined in Section 6.04.

Are monoterpenes considered Volatile Organic Compounds?

Federal, State and SRCAA regulations define Volatile Organic Compounds (VOCs) as any compound of carbon which participates in atmospheric photochemical reactions. Monoterpenes meet the definition of a VOC. **excluded from the VOC definition are carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.*

Are marijuana production and processing VOC emissions higher or lower when compared to VOC emissions from other source categories?

It depends on the source category being compared. VOC emissions from marijuana production and processing are relatively lower than many other industries. However, it is enough to create an odor impact due to the very low odor threshold for the VOCs emitted by marijuana plants.

Does SRCAA regulate agricultural commodities?

Yes. Examples include agricultural drying and dehydrating operations; grain handling; seed, pea and lentil processing facilities; hay cubing operations and pelletizers; mills; grain, seed, feed and flour production and related operations. [Exhibit "R" in Article IV](#) lists the most common operations we regulate.

What about air pollution from other businesses and residential activities?

Some of our regulations are industry-specific, others are general meaning that they apply to all businesses and some to residents as well. For example, regulations related to odors, dust, smoke, asbestos, outdoor burning, apply to everyone.

How do odor complaints about marijuana operations compare to odor complaints about other business operations?

Between July 1, 2014 and August 31, 2017, there were 282 complaints about odors coming from 24 locations that housed a total of 41 licensed marijuana production/processing operations. During that same period, there were 52 complaints about odors coming from 15 businesses.

What if my business has confidential or proprietary business information?

Spokane Clean Air adheres to the criteria established under state law [RCW 70.94.205](#), Confidentiality of records and information.

Will my operation be inspected?

Yes, as are all sources registered with SRCAA. Initial inspections are conducted at facilities that are newly registered with SRCAA. Thereafter, periodic inspections are conducted. Registered sources are rarely inspected more than once a year unless an issue is identified or a complaint is received. Investigations related to odor complaints occur as complaints are received.

Do SRCAA inspectors follow facility protocols, such as pest prevention measures?

Yes, it is standard professional practice for inspectors to follow all facility protocols that are safe and legal. To assure site specific standards are met, it is standard practice for a facility to provide any equipment or facilities necessary for an inspector to meet the protocols. Examples: anti-static booties at electronic manufacturers; sterile garments for surgical suites; proper clothing and changing facilities for clean rooms. Because the same equipment and facilities are also necessary for employees and other visitors, issues seldom arise.

Inspectors will not knowingly follow facility protocols which are illegal or unsafe. For example, inspectors cannot wear improperly sized gear which creates a safety hazard. If protocols limit an inspector's ability to complete an inspection, an acceptable alternative must be identified or it may be considered a denial of access. Denial of access is a violation of state law ([RCW 70.94.200](#)) and SRCCA Regulation I, Article 2, [Section 2.02](#)

How are agency fees determined?

Fees are determined by the cost of administering the regulatory program. As required by state law, the fees collected may only be used for this program. An initial registration fee is charged for the first year. An annual registration fee is charged for subsequent years. The annual registration fee is on hold until further discussion and direction by SRCAA's Board.

I have a LCB producer and/or processor license, but am not currently operating. Do I still have to pay registration fees?

It depends on what operations have ended and when they ended. You need to contact SRCAA before the registration deadline (June 21, 2018) to discuss with us the details of your operations.

What forms of payment do you accept?

We accept cash (if paying in person), check, or credit card. If paying with credit or debit, we have an online option. Look for the "Payment online" icon on our homepage. There is a 2.5 % fee for making online payments.

Is there a late fee if I do not pay by the due date?

Yes. Any fee assessed is due within forty-five (45) days of assessment. Failure to pay an assessed fee in full within ninety (90) days of assessment will result in the imposition of an additional fee equal to three (3) times the amount of the original fee assessed ([SRCAA Regulation I, Article X, Section 10.02.](#))

What is the difference between registration fees and a fine?

Registration fees pay for administering the regulatory program. Fines are given for violating the regulations. Enforcement of the regulations may include issuing a Notice of Violation (NOV) and civil penalty (fine). The amount will vary depending on several factors. The maximum penalties are set in state statute.

I propagate plants indoors and plant them outdoors. Does this mean I pay both the Indoor Producer and Outdoor Producer fees?

Propagation may occur by propagating plants from seed to plant tissue or by cloning. While [Regulation I, Article VI, Section 6.18 \(D\) \(1\)](#) requires all production to occur indoors or outdoors as defined in [Section 6.18 \(C\)](#), propagation shall not result in producers:

- that otherwise meet the definition of outdoor, or
- that otherwise meet the definition of other, or
- that have an agency granted production exemption

being charged an indoor producer fee solely because propagation occurs indoors.

How do I obtain an agency granted production exemption?

If you qualify as an “Other producer” and were in operation in Spokane County prior to March 1, 2018 and wish to continue operating as an “other producer,” you must first submit the initial registration form and fees. Then, by November 5, 2018, you need to submit an application for exemption from Section 6.18(D)(1), which requires production to be indoors and/or outdoors. SRCAA may request additional information necessary to complete the review. Upon completion of the review, SRCAA will send a written determination granting or denying the production exemption.

What if I want to expand my operation at its current location?

Existing facilities are those in operation prior to 3/1/18 and must be in compliance with Article VI, Section 6.18 by 3/1/19. New and/or expanded facilities must meet Section 6.18 *before* operations begin. Therefore, the expanded portion of your existing facility must meet requirements prior to operating.

Production must occur indoors, outdoors, or both, unless your facility obtains a site specific agency granted production exemption to operate as “other producer”*. Expansion of “other production” is not allowed. All processing must occur indoors. The facility must meet Article VI, Section 6.04.

Note: If the producer has an agency-granted production exemption they must comply with their exemption order, including meeting an odor standard of no odors at level 2 or higher at and beyond the operation’s property line. Odor is distinct and definite, any unpleasant characteristics are recognizable.

What do I need to do if I relocate my business?

Provide written notification to SRCAA at least 30 days prior to relocating. Notification needs to include, but is not limited to:

- new facility address
- updated contact information
- a new site map.

Relocated facilities must meet Article VI, Section 6.18 before operations begin. Production must occur indoors, outdoors, or both (no “other production” allowed), processing must occur indoors, and facility must meet Article VI, Section 6.04.

What if I purchase an existing operation?

When ownership or operation of a registered facility has transferred to another party, the new owner or operator must report the change to Spokane Clean Air within 90 days of the change, by submitting a completed "Change of Ownership/ Operator" notification form. Failure to report a change of ownership/operator within 90 days may result in the issuance of a Notice of Violation, which is followed by the assessment of a civil penalty. New owners or operators should be aware that any liability for fee payment, including payment of delinquent fees and other penalties, survive any transfer of ownership. New owners and/or operators must be in compliance with Article VI, Sections 6.18 and 6.04.

Note: If the producer has an agency-granted production exemption they must comply with their exemption order, including meeting an odor standard of no odors at level 2 or higher at and beyond the operation's property line. Odor is distinct and definite, any unpleasant characteristics are recognizable.

What do I need to do if I close my business?

If a business closes or permanently discontinues operation of air contaminant sources or activities, the owner or operator must report the closure to Spokane Clean Air within 90 days of the closure by submitting a completed "Business/Source Closure" notification form. Once the notice of closure is received, a final bill for any fees incurred for operating during that calendar year (if they have not already been paid) will be invoiced. Failure to report a closure of business within 90 days may result in the issuance of a Notice of Violation, which is followed by the assessment of a civil penalty.

How do I obtain an agency granted processing exemption?

Processors that purchase only marijuana concentrates (e.g. marijuana oil) to manufacture marijuana-infused products at their facility may apply for an exemption to the standards given in Section 6.18. A procession exemption application and supporting materials must be submitted to SRCAA. SRCAA may request additional information necessary to complete the review. Upon completion of the review, SRCAA will send a written determination granting or denying the processing exemption. Processors that directly handle marijuana plants and plant material, or operations that have production or processing at the facility, are not eligible for a processing exemption.

Who is SRCAA and what is their authority to regulate the marijuana industry?

SRCAA was established under the 1967 Washington Clean Air Act. The agency is governed by a 5-member Board of Directors whose representation is outlined in state law. RCW [70.94.141](#) states that the Board of Directors has the authority to adopt and enforce rules that regulate air pollution and air contaminant sources.

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