Marijuana Production and Processing Operations



Regulatory Guidance & Information

Overview

Marijuana production and processing can cause odors and volatile organic compounds (VOCs). These can impact air quality and cause offsite nuisance, making them subject to air quality requirements. Nuisance odors are defined as air contaminants under the Washington Clean Air Act (RCW 70.94.030). In King, Kitsap, Snohomish, and Pierce Counties, air quality regulations are administrated and enforced by Puget Sound Clean Air Agency (PSCAA).

Odor

Because of the potential to emit nuisance odors, marijuana production and processing facilities are required to work with the Puget Sound Clean Air Agency prior to starting construction and operation to:

- Submit a Notice of Construction (NOC) application and
- Obtain an Order of Approval (often reffered to as a permit)

Failure to comply may result in enforcement actions.

Notice of Construction (NOC)

PSCAA requires all marijuana producers and processors[1] to apply for a Notice of Construction (NOC) application prior to the construction, installation, establishment, replacement or modification of air contaminant sources, emission units or control equipment (Reg I Sec. 6.03). The application review process relies on case-by-case decisions which reflect the specifics of the application and the emission control technology options.

The NOC application needs to include:

- NOC Application Form
- Environmental Checklist (SEPA)
- Filing fee of $1,150

Once approved, an Order of Approval (permit) will be issued. This permit will contain site-specific conditions needed to comply with air quality regulations.

Additional permit fees based on the specifics of your facility and equipment, are due after the initial review of the NOC. Detailed requirements and NOC application forms can be found at www.pscleanair.org/marijuana.

[1] Marijuana processing facilities that only make edibles with marijuana oil/paste purchased from other processors are not required to submit the NOC application. The only requirements are to put marijuana oil/paste in enclosed containers and not bring any marijuana plant materials of any kind onsite.

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SEPA

If you have submitted a State Environmental Policy Act (SEPA) Environmental checklist for your facility with another governmental agency, it may satisfy the SEPA requirements for our NOC review process. If so, please submit the SEPA determination from that agency along with the NOC application to PSCAA.

Registration Program

The PSCAA registration program includes: onsite inspections, compliance evaluations, and annual fees. All marijuana production and processing facilities using activated carbon control devices with a rated capacity $\geq$ 200 cfm, must register with PSCAA (Reg I Sec. 5.03 (5), in order to comply with the regulation.

PSCAA onsite inspections will confirm your facility's compliance with specific permit conditions and general Agency regulations. It is important to maintain a continuously active registration status to keep the permit in effect.

Compliance & Enforcement

Operating a marijuana production and or processing facility without an Order of Approval from PSCAA can result in enforcement actions, including but not limited to monetary penalties and/or an order to cease operations.

If your facility is found out of compliance with the air quality permit conditions, or in violation of any air quality regulations, may result in a Written Warning (WW) or Notice of Violations (NOV). These violations may result in formal enforcement action, including civil penalties.

It is your responsibility to be aware of clean air regulations. Not knowing about or understanding the clean air requirements are not a defense. The best way to avoid costly violations is to obtain the Order of Approval and comply with the permit conditions in your daily operation.

Masking Agents

Washington State prohibits the use of masking agents to control odors (WAC 173-400-040(8)).

Waste Disposal

Burning marijuana and the waste associated with the plant is not allowed. Contact your county health department for waste disposal options.

Contact Information

If you have any questions or need more information, please contact :

Puget Sound Clean Air Agency

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