

REGULATORY GUIDANCE FOR LICENSED I-502 OPERATIONS IN SPOKANE COUNTY

This guidance explains rules and regulations to protect community, environmental, and worker safety and health, and introduces the agencies responsible for their enforcement. This booklet offers only guidance. Because the cannabis industry is so new, we know that regulations and guidance will change. We are learning together.

Recreational marijuana businesses licensed by the Washington State Liquor Control Board under Ch. 314-55 WAC may be subject to additional state, regional and local regulations and permits beyond those in this document. It is the responsibility of every business to check for the most up-to-date requirements, and to know and comply with those regulations so that our communities, environment, and workers remain safe and healthy.

This document is for informational purposes only. It is intended to help inspectors and marijuana producers, processors and retailers be-aware of local, state and/or regional requirements they may need to meet. For more technical information, contact local, state, and regional regulatory authorities.

STOP - Does your locality have a moratorium or ban on cannabis-related businesses? If unsure, check this web-link: <http://www.mrsc.org/subjects/legal/502/recmarijuana.aspx#table>. If not, continue.

SECTION 1 - SAFETY FIRST

WORKER SAFETY

- Inspectors - Consider the hazards present in any business you inspect, then plan and prepare for your safety accordingly. Ask the operator of the business you intend to inspect about the safety concerns present on site and personal protective equipment (PPE) requirements for its employees before you enter the business. Follow the business's PPE requirements and safety rules as well as the requirements of your own health and safety program.
- Businesses - The following Worker Safety section pertains to employers, whether in business or a government agency. Contact the Consultation program of the Washington State Department of Labor and Industries with questions. <http://www.lni.wa.gov/Safety/Consultation/default.asp?F=HDI>

WORKER SAFETY

L&I has several branches, one of which is the Division of Occupational Safety and Health ([DOSH](#)). In addition to DOSH, L&I also administers several other programs that cover:

- Workplace Rights requirements related to issues such as minimum wage, breaks and more.
- Claims and Insurance for the workers' compensation system. It is a requirement for employers to obtain industrial insurance for their employees through L&I.
- Inspections and permits (i.e. electrical, pressure vessels), when a particular city does not offer that service.
- The focus in this document is worker safety (DOSH).

All employers must start by developing an “Accident Prevention Plan” (i.e., a safety manual) that is specific to their business. From there, any regulations that apply to the hazards of the job must be followed. These regulations have additional requirements such as training employees and also making sure that steps are taken to prevent any injury or illness to them during their day-to-day activities (e.g., using ventilation to prevent flammable atmospheres and providing personal protective equipment for use during pesticide handling).

Most employers must at least follow a basic set of rules known as the Core Rules ([WAC 296-800](#)), and then any other regulations under [WAC 296](#) that apply based on the specific hazards at the business. However, businesses that grow marijuana are mainly subject to the Safety Standards for Agriculture ([WAC 296-307](#)).

- **Some potential hazards to look for during growing:**

- Pesticide, heat exposure
- Molds, other chemical and fertilizer use
- Air enrichment contaminants such as carbon dioxide and others like carbon monoxide and nitrogen oxides if using burners/combustion
- Electrical hazards from improper wiring
- Sprains and strains (esp. hand intensive work during trimming)
- Slips, trips, falls (from presence of water or poor housekeeping)
- Exposure to machine hazards (cuts, nips, pinches, crushes depending on equipment)
- Material handling equipment (e.g. forklifts)

- **Some potential hazards to look for during processing:**

- Extraction
 - Use of flammable compressed gases and solvents-
 - Air contaminant hazards (e.g. carbon dioxide if dry ice used to extract)
 - Chemical and extract products handling
 - Machine hazards associated with extraction and waste processing equipment
- Kitchen
 - Heat exposure, fire, burns and scalds (from work with ovens/stoves)
 - Slips, trips, and falls (from presence of water or poor housekeeping)
 - Cuts from knives, machine hazards (e.g., cuts and amputations) from food processing equipment
 - Chemical use (e.g., sanitizers like bleach)
 - Sprains and strains
- Packaging and Labeling
 - Sprains and strains (from material handling, repetitive work)
 - Machine hazards
 - Material handling equipment (e.g., pallet jacks)

- **Some potential hazards to look for at retail stores:**

- Sprains and strains (from material handling)
- Slips, trips and falls (from poor housekeeping)

DOSH has some overlap with areas covered by WSDA and the local Fire Marshal. The role that DOSH plays in regard to pesticides is enforcement of worker protection standards (found in WAC 296-307). DOSH has fire safety codes that it enforces, but there are many more that the local Fire Marshal enforces and DOSH will also give deference to the decisions of the local Fire Marshal if a question arises where both agencies have similar codes that address the same hazard. See the Resource Section under *L&I DOSH* for contacts and help.

SECTION 2 - BEFORE BUSINESS OPERATIONS BEGIN

LAND USE AND ZONING

In addition to location restrictions in place by WSLCB, check with the local authority on land use and zoning rules in the community. Access which governmental agency, Fire Department or Fire District provides these services for your property: www.buildregionalspokane.org. Know and comply with building codes, electrical, plumbing, mechanical and energy codes. Separate permits and inspections are required for new construction and building alterations/remodeling.

BUSINESS LICENSE

Check with the municipality or, if not established in a municipality, contact the county to secure a business license. The State Business License must be registered with the municipality in which the operation resides. Each city or municipality has its own process to secure a business license.

STATE ENVIRONMENTAL POLICY ACT (SEPA) – SEPA Review

Check with the local permitting agency (e.g., building department) first to learn whether or not to do this. A pre-approval meeting with the local permitting agency will help determine whether to complete an environmental checklist ([SEPA](#)). If a SEPA review is required, complete a checklist describing the project's environmental impacts. (This can include processes such as: wastewater and solid waste disposal, use of CO2 in growing, or odor controls.) See the Resource Section under *SEPA Review* for contacts and help.

LOCAL CODES: BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, AND FIRE

All municipalities and counties create appropriate zoning for specific activities. Check with the municipality or county to secure a map of the zones which allow the scope of business and ensure the business will be allowed at the location it seeks to occupy. A local business license, in addition to the state business license, may be required in addition to SEPA, Change of Use Permit, and/or additional design review. Obtain all required permits. Not unlike any other new business venture, permits will be required for installations, replacement, movement, additions, modifications, removal of building improvements, remodeling of tenant spaces, electrical, mechanical, plumbing, and new signs at a minimum. Expect routine visits from local, county and state agencies for inspections during business hours. Here are some examples, not all inclusive of what may be needed:

- **Building:** Moving or adding walls, installing counters and display cases that are attached to the floor or ceiling, storage racks, and attached safes.
- **Plumbing:** New or altered indoor plumbing. Changing or adding outdoor drainage or wastewater lines.
- **Electrical:** Data cabling for cash register point of sale systems, computers and security/camera systems, new or changed electrical wiring, receptacles, switches, and fixtures.

- **Mechanical:** New, upgraded or moved ventilation, heating, air conditioning systems; odor mitigation, gas appliance, gas hot water tank installation or removal.
- **Sign:** New primary business sign or replacing face of existing sign, temporary sign permits, (i.e., for grand opening, new business announcement, balloons, banners, etc.)
- **Fire:** Sprinklers (new and maintenance), gases, oxygen tanks, propane storage and installations, etc.

FIRE CODE

Build a good relationship with the local fire department or fire district. Each fire district has the ability to modify the fire code to cover its specific circumstances and all decisions are the responsibility of the local fire code official.

Building and fire code considerations include:

- Fire suppression and the ability to provide firefighting water to your property
- Fire sprinkler/alarm systems within your building
- Occupancy/use designation
- Rating of construction materials used in buildings
- Exits and entries
- Equipment listed by a nationally recognized testing laboratory (e.g., UL-listed, NFPA Standards)
- Hazardous materials and storage on site and within the building:
 - Combustible materials and quantities
 - Compressed gases
 - Flammable liquids and gases
 - Storage and use of hazardous materials
 - Maximum allowable quantities of hazardous materials

AIR QUALITY AND ODOR CONTROLS

Because the production and processing of marijuana can impact air quality and produce odorous emissions, producers and processors in Spokane County are subject to Spokane Regional Clean Air Agency requirements:

- **Odor** – All businesses must comply with Spokane Clean Air’s odor regulation. Odor control measures may include, but are not limited to: use of carbon adsorption media or other controls at all exhaust air discharge points, use of vertical exhaust vents or stacks, and/or completely enclosing the operation and recirculating ventilation air within the enclosure.
- **Permit** – Depending on the type of equipment used (i.e. boilers, generators, solvent extraction), the business may be required to get an air quality permit called a Notice of Construction (NOC).
- **Registration** – Please note that registration is not currently required, unless an air quality permit is needed, but this may change.
- **Asbestos** – Regardless of the age of the structure, prior to any type of repair, renovation and/or demolition, an asbestos survey by AHERA building inspector is required. If asbestos is found, you must obtain an asbestos permit called and Notice of Intent and all asbestos containing materials must be abated by a certified abatement contractor.

Marijuana is not considered an agricultural product (RCW 82.04.100) and the waste associated with the plant cannot be burned. There are no agricultural burn permits available for marijuana. If the business is located outside of Spokane County, then you must follow WA State Department of Ecology’s requirements. Contact the appropriate agency for more information. See the Resource Section.

SECTION 3 - DURING OPERATIONS

SANITARY INSPECTIONS FOR EDIBLES MANUFACTURING

The Washington State Department of Agriculture (WSDA) will perform sanitary inspections at WSLCB-licensed marijuana operations for the WSLCB under contract with goals to ensure product safety and maintain state-level oversight of food safety concerns for both processors and retailers. The end product must be shelf-stable (requiring no temperature control). WSDA licensed-food processors may not manufacture marijuana-infused edibles. See the Resource Section under *WSDA* for contacts and help. (Refer to Sanitary Sewer Discharge if manufacturing edibles with any kind of fats, oils, or grease.)

WEIGHTS AND MEASURES

All scales used for commercial transactions (including marijuana transactions) must meet strict accuracy and technical standards. Package labeling must properly disclose the package contents by weight or volume. See the Resource Section under *WSDA* for contacts and help.

PESTICIDE AND FERTILIZER USE

Pesticides registered by WSDA (RCW 15.58) are allowed for use for the production of marijuana, if they meet WSDA criteria. Refer to WSLCB rules (WAC 314-55-084). Two types of pesticides are allowed for use on marijuana:

- Section 3 (Tolerance Exempt) with Broad Use Sites (Primarily Biopesticides and Pesticides Used in Organic Food Production).
- Section 25b Minimum Risk Pesticides (Labeled for Use on Food Crops).

WSDA Criteria for Pesticides Used for the Production of Marijuana in Washington:

<http://agr.wa.gov/FP/Pubs/docs/398-WSDACriteriaForPesticideUseOnMarijuana.pdf>

A searchable list of pesticides that meet WSDA criteria is available from Washington State University Pesticide Information Center Online (PICOL) database: <http://cru66.cahe.wsu.edu/LabelTolerance.html>

Recordkeeping for Pesticide Applications: Refer to WSLCB Rules (WAC 314-55-087) and WSDA Rules (WAC 16-228-1320). Recordkeeping for Fertilizer Applications: Refer to WSLCB Rules (WAC 314-55-087).

Personal Protective Equipment (PPE) and Restricted Entry Interval (REI) for Pesticides: Refer to pesticide label. PPE for Fertilizers: Refer to fertilizer safety data sheet (SDS).

Please note that Washington State Department of Labor & Industries Division of Occupational Safety & Health (DOSH) oversees worker safety. Its regulations for pesticide use are located in the Safety Standards for Agriculture ([WAC 296-307](#)). See the Resource Section under *WSDA* for contacts and help.

SECTION 4 - AT THE END OF ANY PROCESS

SANITARY SEWER WASTEWATER

Wastewater that results from any growing, manufacturing, cleaning, or rinsing processes is considered an industrial or commercial waste (industrial wastewater) and is subject to local, state and federal regulations. Sources of industrial and commercial process wastewater associated with I-502 operations include extraction, hydroponic

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irrigation and the manufacture of edible products. Prior to discharging industrial wastewater to any municipal sewer system, all dischargers must contact their local sewer agency to obtain written approval. If wastewater contains solvents, chemicals, or other non-domestic type contaminants, an application for a wastewater discharge permit may be required from the municipality or Ecology.

When a municipal sanitary sewer collection system is not available, I-502 process wastewater may be collected and stored in an on-site tank and later:

- Transported to a municipal wastewater treatment system. The municipality or Ecology must give written approval of this option.
- Used as spray irrigation or land application. A discharge permit application must be submitted to Ecology and Ecology must give written approval of this option.

If you are producing edible products a Fats, Oils or Grease (FOG) removal device (grease trap/grease interceptor) must be installed and maintained to prevent fats from clogging the sewer or causing sewage to back-up. Your local permit agency will provide plumbing permits for you to install the removal device and will conduct regular inspections to ensure the device is working and maintained properly. See the Resource Section under *Sanitary Sewer Discharges* for contacts and help.

SEPTIC SYSTEM WASTEWATER

Septic systems, also known as Individual On-site Sewage Systems, are designed to treat only domestic wastewater, general from kitchens, baths, and laundries. Industrial or commercial process wastewater must not be discharged to any to septic system according to state regulations. Industrial and commercial process wastewater discharges to a domestic septic system can cause existing systems to fail and not provide treatment. Stand-alone on-site septic systems are not designed to treat commercial or industrial process wastewater. See the Resource Section under *Sanitary Sewer Discharges* for contacts and help.

SPRAY IRRIGATION OR LAND APPLICATION OF WASTEWATER

The I-502 proponent considering spray irrigation or land application of their industrial or commercial process wastewater must submit a permit application or checklist to Ecology to determine if a discharge permit is required. Ecology may issue a discharge permit depending on the information presented in the application or checklist.

STORMWATER MANAGEMENT

“Only rain down the drain”. <https://fortress.wa.gov/ecy/publications/publications/1004017.pdf>

- Discharge of any material other than uncontaminated storm water down the storm drain system or to the ground, is prohibited. This includes hydroponic water and any other wastewater. The bottom line is: only rain down the drain.
- Outside storage of liquids must be in a covered area or storage cabinet with secondary containment sufficient to contain 10% of the total volume of all containers or 110% of the volume of the largest container, whichever is greater.
- Outdoor storage of incoming growing media (soil) must be stored in such a way that rain does not come into contact with it nor can it be carried away by the wind. Weighted tarps and berms are acceptable.
- All solid and compostable waste (including regular garbage and spent material awaiting removal for composting) must be in covered, leak-proof containers.

- Storm drain catch basins need to be inspected and cleaned out when the sediment reaches within 18” of the outlet. (Check with your local agency for the local requirement.)
- Producers and processors must develop a site-specific Spill Prevention Plan to address spills both inside and outside of buildings and have appropriate spill materials on hand.
- If floor drains are proposed in work areas, they must be approved by the municipality for connection to sanitary sewer.
- Develop and implement an Integrated Pest Management (IPM) system for outdoor production.

See the Resource Section under *Storm Water Management* for contacts and help.

SOLID WASTE

Businesses will generate wastes that can be classified as solid waste, compostable organic waste, or dangerous waste. It is the responsibility of the business owner / operator to evaluate their waste to determine its classification and proper management. If it designates as a dangerous waste, specific requirements for storage and disposal will apply ([WAC 173-303](#)).

Waste management is regulated by the Washington State Department of Ecology (Ecology), via WAC 173-350 ([Solid Waste Handling Standards](#)) and WAC 173-303 ([Dangerous Waste Regulations](#)). Your county’s [Local Health Jurisdiction](#) enforces our state’s Solid Waste Handling Standards; contact their Environmental Health Division’s solid waste section for assistance regarding solid waste and composting options. Ecology offers tools and guidance for assisting businesses with dangerous waste questions. Resources are listed in the Resource Section of this document.

Plant Waste: Compostable Waste and Non-Compostable Waste

All parts of the cannabis plants (including root balls, planting medium, stems, branches, leaves, trim, etc.) that **contain less than 10% THC** may be disposed pursuant to [WAC 314-55-097](#), and after providing the WSLCB traceability system 72-hour notice, as either **compostable waste or non-compostable waste**:

- 1) **Compostable Waste:** Dispose by grinding the cannabis plant waste 50/50 by volume with non-cannabis *compostable* waste, e.g., food waste or yard waste and then take it to a solid waste facility for composting or other type of organics recycling (e.g. anaerobic digestion), or compost or recycle it on-site in accordance with local solid waste regulations.

OR

- 2) **Compostable Waste or Non-compostable Waste:** Dispose by grinding the cannabis plant waste 50/50 by volume with non-cannabis waste and dispose of it at a permitted solid waste facility (e.g. transfer station, incinerator, landfill).

If cannabis waste (i.e., cannabis extraction pulp) was processed using steam, ice water or carbon dioxide, it may be managed as compostable organic waste or as solid waste. See the sections above for guidance. If the cannabis waste **contains greater than 10% THC**, it must be managed as a **dangerous waste** that is toxic. See the Resource Section under *Compostable and Solid Waste* for contacts and help.

Dangerous Waste

Businesses that generate dangerous waste are called dangerous waste generators. The generator is responsible for designating waste and keeping accurate records (of designation and proper disposal.) Generator status (small,

medium, or large) is determined by the amount of dangerous wastes generated by a business. Medium and Large Quantity Generators are required to submit annual reports to Ecology. The business's generator status also dictates the length of time and amount of waste that can be stored onsite before proper disposal. The less dangerous waste generated, the fewer regulatory requirements that apply. It is advisable to follow pollution prevention and safer alternative guidance to minimize dangerous waste.

Small Quantity Generator (SQG)	Medium Quantity Generator (MQG)	Large Quantity Generator (LQG)
Generates <220 lbs/mo DW or <2.2 lbs/mo of Acute Hazardous Waste (AHW) or WT01, Extremely Hazardous Waste (EHW)	Generates 220-2,200 lbs/mo DW	Generates > 2,200 lbs/mo DW or 2.2 lbs/mo of AHW or WT01 (EHW)

Dangerous waste may include:

- Waste cannabis extraction pulp (flash point <140°F through exposure to solvents and/or > 10% THC content)
- Waste pesticides, fertilizers, solvents
- Some lighting (mercury and lead content)
- Laboratory wastes
- Waste cannabis flowers, trim and solid plant materials used to create an extract (> 10% THC content)

Cannabis waste must be designated, managed and disposed as **dangerous waste** if:

- It was exposed to solvents that are considered ignitable (e.g., butane, isobutane, heptane, alcohol) and if the resulting waste has a flash point less than 140°F, it must be managed as a dangerous waste that is ignitable (a federal waste code of D001 would apply.) Or,
- It contains > 10% THC content, it must be managed as a dangerous waste that is toxic (a WA State Only waste code of WT02 would apply.) Or,
- Both the above conditions are met, it must be managed as dangerous waste that is both ignitable and toxic.

See the Resource Section under *Dangerous Waste* for contacts and help.

RESOURCE SECTION

RECREATIONAL MARIJUANA ORDINANCES IN WASHINGTON STATE

An interactive map: <http://www.mrsc.org/subjects/legal/502/recmarijuana.aspx#table>

L&I DOSH

- DOSH free assistance with workplace safety. <http://www.lni.wa.gov/Safety/Consultation/default.asp?F=HDI>
- L&I Division of Occupational Safety and Health (DOSH): <http://www.lni.wa.gov/safety/>
- L&I DOSH Core Rules (WAC 296-800): <http://www.lni.wa.gov/safety/rules/chapter/800/default.asp>
- All L&I Safety Rules (WAC 296): <http://www.lni.wa.gov/Safety/Rules/Find/WACNumber/default.asp>
- L&I Safety Standards for Agriculture (WAC 296-307): <http://www.lni.wa.gov/safety/rules/chapter/307/>
- L&I Boiler and Pressure Vessel: <http://www.lni.wa.gov/TradesLicensing/Boilers/PermitInspect/Default.asp>

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WASHINGTON STATE

- Washington State Liquor Control Board: www.liq.wa.gov
- Washington State Department of Ecology: www.ecy.wa.gov/topics/marijuana.html
- Office of Regulatory Innovation & Assistance (ORIA) www.oria.wa.gov (use search term “marijuana”)

SEPA REVIEW

- <http://www.ecy.wa.gov/programs/sea/sepa/e-review.html>
- Contact SEPAHELP@ecy.wa.gov or (360)407-6922.

CITIES AND COUNTY PERMITTING AND FIRE DEPARTMENTS

- City of Airway Heights, www.cawh.org
- City of Cheney, www.cityofcheney.org
- City of Liberty Lake, www.libertylakewa.gov
- City of Millwood, www.cityofmillwood.org
- City of Spokane: www.spokanecity.org
- City of Spokane Valley: www.spokanevalley.org
- Spokane County, www.spokanecounty.org

AIR QUALITY

- Spokane Regional Clean Air Agency - Spokane County www.SpokaneCleanAir.org/, (509)477-4727
- Ecology - www.ecy.wa.gov/programs/air/airhome.html

WSDA

- WSDA’s portal webpage for marijuana and hemp issues, including edibles, weights and measures, and pesticides: <http://agr.wa.gov/AgInWa/1502/default.aspx>.
- WSDA Criteria for use on marijuana: <http://agr.wa.gov/FP/Pubs/docs/398-WSDACriteriaForPesticideUseOnMarijuana.pdf>
- Washington State University Pesticide Information Center Online (PICOL) database: <http://cru66.cahe.wsu.edu/LabelTolerance.html>
- WSDA registered fertilizers: <http://agr.wa.gov/PestFert/Fertilizers/ProductDatabase.aspx>
- WSDA information on chemigation and fertigation, pesticide storage, and waste pesticide disposal: <http://agr.wa.gov/pestfert/pesticides/pesticideuseonmarijuana.aspx>

SANITARY SEWER DISCHARGES

- Washington State Department of Ecology Water Quality Guidance: <http://www.ecy.wa.gov/programs/wq/wqhome.html>, (509)329-3524
- City of Spokane: <https://beta.spokanecity.org/publicworks/wastewater/business/>, (509)625-4600
- Spokane County: <http://www.spokanecounty.org/utilities/IPP/content.aspx?c=3000>, (509)477-3604
- Spokane Regional Health District: <http://www.srhd.org>

STORMWATER MANAGEMENT

- Only Rain Down the Drain Best Practices: <https://fortress.wa.gov/ecy/publications/publications/1004017.pdf>

SOLID WASTE AND DANGEROUS WASTE

- City of Spokane Solid Waste Department, www.spokanecitysolidwaste.com
- City of Spokane Valley Solid Waste, www.spokanevalley.org/solidwaste

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- Spokane County Regional Solid Waste System, www.spokanecountysolidwaste.org
- Spokane Regional Health District, www.srhd.org
- Washington State Department of Ecology: www.ecy.wa.gov/topics/marijuana.html
- Dangerous Waste (DW) Regulations (WAC 173-303):
http://www.ecy.wa.gov/programs/hwtr/reg_comp_guide/173-303.HTM
- DW Questions for Marijuana Processing in the Eastern Region (all counties east of the Columbia River): (509) 329-3558
- Ecology's Quick Reference Guide for dangerous waste generators:
<https://fortress.wa.gov/ecy/publications/publications/981252hwtr.pdf>
- Ecology: General Requirements for Managing Dangerous Waste
<http://www.ecy.wa.gov/programs/hwtr/managewaste.html>
- Dangerous waste storage best management practices:
<https://fortress.wa.gov/ecy/publications/publications/0804015.pdf>
- Dangerous Waste Regulations Self Audit Checklist:
<https://fortress.wa.gov/ecy/publications/publications/ecy070384.pdf>