

Marijuana Processor Operations – Regulatory/Permitting Guidance

In addition to the requirements of the Washington State Liquor and Cannabis Board (LCB), marijuana processors applying for licenses under Initiative 502 (I-502) may be subject to additional local, state and regional regulations.

This fact sheet is intended to help marijuana processors be aware of local, state and/or regional requirements they may need to meet. Additional regulatory requirements can include environmental permitting¹, land-use regulations (zoning), business licensing, and building/fire codes and have separate timelines and costs from the LCB process.

Important Note: The LCB grants marijuana license endorsements to specific physical locations. If you change your address or move your business, please contact the LCB.

Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions. Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural however local authorities may develop marijuana-specific zoning. Before committing to a location, make sure local zoning allows your proposed use.

Local governments may also have their own business licensing process. They also administer building, fire, electrical, mechanical, energy, plumbing and sign codes. If you are planning to make any changes to a structure or use of a location, you may need a permit.

Tip: Many local governments offer a “pre-application” meeting where you can determine what permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department and ask for their help. It could save you time and money. Contact information for cities can be found [here](#)². Contact information for counties can be found [here](#)³.

State Environmental Policy Act (SEPA) – SEPA is not a permit; it is an environmental review process which helps governments make decisions about permits and other actions. The LCB completed a SEPA review for the rules governing marijuana licensing. Individual processor operations may also have to undertake a SEPA review. Local permitting agencies will determine if it is necessary.

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes like wastewater and solid waste disposal, solvent use and storage, odors and hazardous waste disposal may be included, among other things. More information about SEPA can be found at:

<http://www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html>

State and Regional Environmental Permits and Other Regulations

There are a number of environmental permits and other regulations that may apply to marijuana processing operations. These permits can be administered by state or regional agencies or a local jurisdiction, if it has been delegated by the state to issue specific permits.

Hazardous Waste Management – The marijuana licensing rules require that certain wastes from marijuana processing, extraction and quality assurance testing must be evaluated against the state's Dangerous Waste Regulations (WAC 173-303) to determine if they designate as dangerous wastes (DW).

Designation procedures are covered in WAC 173-303-070(3), WAC 173-303-090 and WAC 173-303-100. They include testing for ignitability and corrosivity, among other things. Wastes that are designated dangerous must be disposed of according to the DW regulations.

If your wastes are designated as dangerous you could need to register as a Small, Medium or Large Quantity Generator of hazardous wastes. Small Quantity Generators are regulated by local health departments while Medium and Large Quantity Generators are regulated by the state Department of Ecology (ECY).

Tip: Small Quantity Generators (SQG) have less regulations and requirements to meet than medium and large generators. If you generate 220 pounds or less of DW per month or 2.2 lbs or less of Extremely DW (Waste code WT01) per month you can qualify as an SQG.

Local health departments (sometimes called “environmental health”) can help you determine your generator status and the disposal requirements for your dangerous wastes. For more information see:

- <http://www.ecy.wa.gov/programs/hwtr/managewaste.html>
- <https://fortress.wa.gov/ecy/publications/publications/981252hwtr.pdf>

Hazardous Materials Storage and Use – In most cases the local city or county Fire Marshal's office is responsible for overseeing the storage and use of hazardous/flammable materials. They will determine if a permit is needed for marijuana processing.

If ethanol is used in the extraction process, a permit is needed from the LCB. See RCW 66.20.010(2).

Solid Waste Handling – If the wastes from processing activities do not designate as dangerous wastes, they are considered “solid waste” by the state and must be handled according to the state Solid Waste Handling Standards (WAC 173-350) and the requirements of the marijuana licensing rules. The marijuana licensing rules require that these wastes be rendered unusable by mixing with 50% other materials and ground before disposal or composting.

Solid waste regulatory oversight rests with local health districts (sometimes called “environmental health”). Processors should work with their health district to determine appropriate disposal of solid wastes.

Tip: Determine how you propose to handle your solid waste before beginning operations. Be prepared to discuss the following with your local health district (be as specific as possible):

- *How much waste will you have?*
- *What will the marijuana waste be mixed with to render it unusable?*
- *If waste material is held before it is disposed of, how, where and for how long will it be stored?*
- *Do you plan to ship marijuana waste off site? If so, who will be hauling it and where will it go?*
- *Do you plan to compost marijuana waste on-site?*

Local health districts can be found [here](#)⁴.

Water Quality Permits – Water quality permits address wastewater or stormwater discharged from a facility or leaving facility grounds. Marijuana processors may need a permit to discharge if their wastewater contains solvents, chemicals, fats, oils, grease or contaminated water from steam or ice water processing.

Wastewater discharge permits can be issued by either ECY or a local jurisdiction, if it has delegated authority. For more information see:

<http://apps.oria.wa.gov/permithandbook/permitdetail/20>

Tip: Contact your local ECY office to schedule a meeting to discuss your plans. Come prepared to describe the amount of water you will use, how much wastewater you will discharge, the wastewater composition and where the discharge will go. This will help regulators decide if you need a discharge permit, an authorization or your discharge is exempt.

Construction Stormwater Permits - Construction stormwater permits are also issued by ECY and are required for land-disturbing activities that disturb one or more acres of land and that discharge stormwater into surface waters of the state. Smaller sites may also need a permit if they are part of a larger development that will disturb one acre or more. If you are considering building a new facility, you may need this permit. For more information see:

- <https://fortress.wa.gov/ecy/publications/publications/1010077.pdf>
- <http://apps.oria.wa.gov/permithandbook/permitdetail/16>

Air Quality Permits – [Clean air agencies and Ecology](#) have regulating authority to issue air quality permits to industries whose emissions could increase air pollution. Air quality permits could be required for the use of solvents in boilers or manufacturing operations.

The agency that issues a permit is determined by the location of your business. Find out which agency has regulating authority in your region by visiting [Ecology's Clean Air Agency web page](#). You also can learn about air quality General Order Permits by visiting our [Regulatory Handbook web page](#).

Odor Complaints - Clean air agencies also regulate odors that “may unreasonably interfere with another property owner’s use or enjoyment of his property” (WAC 173-400-040(5)). Marijuana processor facilities, and facilities that receive odor complaints, can be subject to fines or be required to add air filtration equipment.

Tip: Before beginning operations for extraction processes, contact your regulating authority to determine if an air quality permit is required. Consider adding odor control technology to your heating, ventilation, and air conditioning system to help prevent odor complaints.

Labor and Industry Regulations – Businesses in the marijuana industry need to comply with workers’ compensation laws as well as safety and health laws, just like all other businesses operating in Washington State. Workers’ compensation insurance coverage is required for employees and other eligible workers. Workers cannot waive their rights to this coverage (RCW 51.04.060). Workers’ compensation requirements for the marijuana industry can be found [here](#)⁵. Safety and health requirements can be found [here](#)⁶.

Food Processing Regulations – The Washington State Department of Agriculture (WSDA) provides food safety inspection services to LCB's applicants and licensees. Because marijuana-infused edible products can pose hazards similar to traditional food products, WSDA's food safety regulatory experience is being tapped for this new industry. Additional information can be found [here](#)⁷.

Do You Need Environmental Permits?

For assistance with understanding environmental permits and other regulatory questions, contact the Governor’s Office for Regulatory Innovation and Assistance (ORIA) at 1-800-917-0043 or help@oria.wa.gov. ORIA can:

- Guide you through the environmental permitting process
- Save you time and money by clarifying requirements up front
- Provide one-on-one consultation and research on project-specific requirements.
- Provide online information and tools to help you start and operate your business

Notes

- 1 The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate and approval.
- 2 **City contact information:** <http://mrsc.org/Home/Research-Tools/Washington-City-and-Town-Profiles.aspx>
- 3 **County contact information:** <http://mrsc.org/Home/Research-Tools/Washington-County-Profiles.aspx>
- 4 **Local health districts:**
<http://www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx>
- 5 **Clean air agencies:** <http://www.ecy.wa.gov/programs/air/local.html>
- 6 **General Order Permits:** <http://apps.oria.wa.gov/permithandbook/permitdetail/108>
- 7 **Workers Compensation Requirements:**
<http://www.lni.wa.gov/FormPub/Detail.asp?DocID=2742>
- 8 **Safety and Health Requirements:**
<http://www.lni.wa.gov/Safety/Topics/Industries/Marijuana/>
- 9 **Food processing regulations:**
http://agr.wa.gov/FoodAnimal/marijuana_infused_edibles.aspx