
APCD ADVISORY

Air Quality and Cannabis Operations

DATE: April 26, 2019 (updated May 7, 2019)

Proposition 64, *The Adult Use of Marijuana Act*, went into effect on January 1, 2018. The Act contains provisions that legalize the cultivation and growing, processing, manufacture, distribution, testing, and sale of cannabis and cannabis products. Local governments have the authority to regulate cannabis operations within their jurisdiction. This Advisory provides local agencies and cannabis operators guidance regarding the air quality aspects of this industry.

The Santa Barbara County Air Pollution Control District (District) has primary responsibility for control of air pollution from all sources other than vehicular sources. This includes regulation of equipment such as generator engines as well as odors from the manufacturing and retail operations. This Advisory describes how cannabis operations are affected by our rules and regulations, and clarifies our limited regulatory authority over agricultural operations necessary for the growing of crops. Recommendations are provided for addressing air quality impacts from these cannabis operations for planning and code enforcement processes. The following information is provided as an overview. Additional information can be found at www.ourair.org/land-use.

The following are important air quality issues related to cannabis operations:

1. Limitations on the District's regulation of odors from agricultural operations,
2. Odors and air quality nuisance,
3. Odor abatement,
4. Use of electrical generators, and
5. Operations that require District permits.

1. Limitations on the District’s Regulation of Odors from Agricultural Operations

Growing and harvesting of cannabis is considered an agricultural operation. Under Section 41705 of the California Health and Safety Code, District Rule 303 (Nuisance), which generally prohibits the discharge of air contaminants (including odors) that cause a public nuisance, does not apply to odors emanating from agricultural operations necessary for the growing of crops. It is possible that individuals could pursue private nuisance actions. However, as discussed below, District Rule 303 (Nuisance) still applies to all other cannabis operations unrelated to the growing and harvesting of the cannabis, including cannabis oil extraction manufacturing, retail storefronts, and smoking lounges. While the District lacks authority to take enforcement action to abate odors emanating from agricultural operations necessary for the growing and harvesting of cannabis, we do provide guidance on methodologies to reduce odor impacts (see Odor Abatement section below).

2. Odors and Air Quality Nuisance

Except for growing and harvesting¹, District Rule 303, (Nuisance)², applies to cannabis manufacturing and retail operations that may emit odors, which could include:

- cannabis oil extraction manufacturing operations
- retail storefronts
- smoking lounges

The strong odors associated with cannabis manufacturing operations could negatively affect the surrounding community and cause a public nuisance. Rule 303 states that, “*a person shall not discharge from any source whatsoever such quantities of air contaminants or other material in violation of Section 41700 of the Health and Safety Code which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety or any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.*” The District has authority to take enforcement action to abate odors and other air contaminants discharged from cannabis manufacturing and retail operations in violation of Rule 303. For more information, visit www.ourair.org/complaints.

3. Odor Abatement Recommendations

- a. The District provides the following recommendations to abate odors emanating from agricultural operations necessary for the growing and harvesting of cannabis:

Indoor and mixed-light cultivation (e.g., greenhouses) located near residential, commercial and other sensitive receptors such as schools, day care centers, or hospitals should abate cannabis odors through the use of containment, ventilation, filters, control and/or deodorizing systems. Outdoor cultivation and growing operations also create strong cannabis odors, and the District recommends that such operations not be located near public locations such as residences, commercial buildings, or other sensitive receptors. Odor

¹ California Health & Safety Code Section 41705 includes a limited exemption for odors emanating from agricultural operations.

² www.ourair.org/wp-content/uploads/rule303.pdf

abatement is also available for outdoor applications. The District encourages the use of buffer zones to allow for maximum odor dispersion, as well as other odor abatement strategies, to avoid nuisance odors.

It is important that any chemical used for deodorizing systems not cause adverse impacts to the community. Low-VOC (volatile organic compound) or no-VOC compounds are recommended, as well as compounds that do not contain toxic air contaminants (TACs) as identified by the State of California. The comprehensive list of TACs can be found here: www.arb.ca.gov/toxics/healthval/healthval.htm and www.arb.ca.gov/toxics/healthval/contable.pdf. If odor control systems use chemicals that contain TACs, the local jurisdiction in which the odor control system is proposed should assess the potential for health risk by performing a refined Health Risk Assessment.

- b. With respect to odors from cannabis operations for manufacturing and processing that are subject to Rule 303 (Nuisance) (e.g., cannabis oil extraction manufacturing operations, retail storefronts, and smoking lounges), the District recommends the use of odor abatement systems (e.g., activated carbon filtration systems, deodorizing systems). For smoking lounges, we also recommend the use of high-efficiency particulate air (HEPA) filters. The District does not recommend the use of ozone generators or photocatalytic oxidation air cleaners (also known as PCO air cleaners or hydroxyl generators) for odor mitigation.^{3,4}

In summary, the District recommends the use of odor abatement measures that are designed by a professional engineer or certified industrial hygienist and are laid out in a comprehensive odor abatement plan. Odor abatement plans should be designed to ensure that cannabis odors are not detected by nearby sensitive receptors, and should be required for cannabis cultivation and growing operations, post-harvest cannabis drying and curing operations, cannabis oil extraction manufacturing, and smoking lounges. Smoking lounges should also include HEPA particulate filters. District staff can assist in the review of these odor abatement plans.

4. Use of Distributed Electrical Generators

The District strongly discourages the use of internal combustion engines to power equipment related to any cannabis operation. The State's Distributed Generation (DG) regulation applies to prime electrical generators, unless a District permit is obtained or an exemption applies.^{5, 6} The DG regulation applies to both agricultural and non-agricultural cannabis operations.

The following requirements apply for prime electrical generators used for cannabis operations:

- Compliance with the State's Distributed Generation (DG) regulation.
- In lieu of compliance with the State's DG regulation, obtain a District permit ⁶ and comply with District rules and regulations, including the use of Best Available Control Technology.

³ California Air Resources Board, *Hazardous Ozone-Generating 'Air Purifiers'*, www.arb.ca.gov/research/indoor/ozone.htm

⁴ Environmental Protection Agency, www.epa.gov/sites/production/files/2018-07/documents/residential_air_cleaners_-_a_technical_summary_3rd_edition.pdf

⁵ www.arb.ca.gov/energy/dg/dg.htm and [Rule 202.B.2](#)

⁶ Before a permit can be issued to an agricultural source, the District Board must make specific findings pursuant to SB 700.

- Diesel-fired electrical generators engines must also comply with the state Airborne Toxic Control Measure for Stationary Compression Ignition Engines and District Rule 333.^{7, 8}
- Spark Ignition electrical generators engines (e.g., natural gas fired) must also comply with District Rule 333.

Stationary and portable emergency standby generator engines rated 50 bhp or greater are allowed. This equipment must be either registered or permitted by the District. Temporary equipment registered by the State may be allowed in specific situations (contact the Engineering Division).

The County of Santa Barbara's *Cannabis Land Use Ordinance* prohibits the use of prime electrical generators in the unincorporated areas of the county, except for temporary use in the event of a power outage or emergency.⁹ Cities within the County may also prohibit or regulate the use of prime electrical generators. We encourage cannabis operators within cities to check with their local jurisdiction for specific requirements.

5. Operations that Require District Permits

Post-harvest cannabis operations may require District permits pursuant to Rule 201 due to the issuance of air contaminants.¹⁰ Examples of processes and/or equipment that may require a District permit include:

- Prime electrical generator engines that do not comply with the State's Distributed Generator regulation⁶,
- Cannabis oil extraction manufacturing, including use of volatile compounds or solvents,
- Boilers and hot water heaters,
- Emergency standby electrical generators, and
- Emission control equipment.

Applicants for cannabis operations should contact the District's Engineering Division to discuss specific permit requirements.

We ask all cannabis operators/applicants to contact the District to discuss potential permit and regulatory requirements as early as possible in the land use permitting process.

CONTACTS: Planning Division: CEQA@sbcapcd.org
Permits/Engineering Division: David Harris, Engineering Division Supervisor
(805) 961-8824, HarrisD@sbcapcd.org
District Complaint Line, (805) 961-8810

⁷ www.arb.ca.gov/regact/2010/atcm2010/atcm2010.htm

⁸ www.ourair.org/wp-content/uploads/rule333.pdf

⁹ For more information about the land use regulations that govern the growing and harvesting of cannabis in unincorporated areas of Santa Barbara County, please refer to the County of Santa Barbara's Land Use and Development Code Section 35.42.075.

¹⁰ www.ourair.org/wp-content/uploads/rule201.pdf