



Concise Explanatory Statement

for Amendments to Regulation I, Articles IV, V, VI, and X and the Consolidated Fee Schedule

*Summary of rulemaking and response to comments for amendments to
Articles IV, V, VI, and X, and the Consolidated Fee Schedule*

Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Spokane Regional Clean Air Agency's (SRCAA) response to public comments.

Reason for Adopting the Regulation

The production and processing of marijuana releases volatile organic compounds (VOCs) which cause odors. Under Washington State law, VOCs and odors constitute both air contaminants and air pollution [RCW 70.94.030(1) and (2)] and are therefore subject to regulation. To protect air quality, a person cannot cause or allow the emissions of any air contaminant in sufficient quantities and of such characteristics and duration as are, or are likely to be: (a) injurious to the health or safety of human, animal, or plant life; (b) injurious or damaging to property; or (c) which unreasonably interferes with enjoyment of life and property [SRCAA Article VI, Section 6.04(C) and RCW 70.94.030(2)]. Spokane Clean Air has the legal authority to classify air contaminant sources that cause or contribute to air pollution, and also has legal authority to require registration and reporting [RCW 70.94.151]. Spokane Clean Air is also authorized to adopt and amend its own rules and regulations provided that notice is given to the public, a public comment period is provided, and a public hearing is held prior to adoption [RCW 70.94.141].

The intent of the amendments to SRCAA Regulation I are to protect air quality in Spokane County by requiring marijuana production and processing operations to meet standards that minimize the release of air contaminants. The marijuana registration program shifts SRCAA from a reactive, complaint-based approach to a proactive approach to protecting air quality. This also provides more opportunity for prevention and timely resolution of odor issues. It also reduces the inequities and challenges of responding only during SRCAA business hours, creating a more level playing field within the industry. The marijuana registration program includes initial and annual fees to cover SRCAA's cost of administering the marijuana registration program, including initial and annual registration, data management, on-site inspections, complaint response, business assistance, and administrative support.

The table below explains amendments made to SRCAA Regulation I, Articles IV, V, VI and X, and the Consolidated Fee Schedule.

Article & Section	Changes
Article IV, Exhibit R	Adding marijuana production and processing to the SRCAA registration program list in Article IV, Exhibit R and including marijuana processing equipment if it triggers air permitting requirements.
Article V, Section 5.02.P.	Adding marijuana production and processing to Article V, Section 5.02.P. to exempt producers and processors from Notice of Construction (NOC) requirements if they are registered with SRCAA and do not have equipment that triggers NOC requirements.
Article VI, Section 6.18	Adding a new section to Article VI: Emissions Prohibited, Section 6.18 Standards for Marijuana Production and Marijuana Processing. The section includes standards for marijuana producers and processors to meet. New section includes the following subsections (A) Purpose; (B) Applicability; (C) Definitions; (D) Requirements; (E) Compliance with Other Laws and Regulations; (F) Compliance Schedule; (G) Exemptions.
Article X, Section 10.15	Adding a new section to Article X, Section 10.15 that includes initial and annual registration and application fees.
Consolidated Fee Schedule, Section 10.15	Adding a new section to Article X, Section 10.15 that includes initial and annual registration and application fees.

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires SRCAA to describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes, and stating the reasons for the differences. The following changes were made:

- Replaced effective date space savers within the regulatory text to actual rule effective date.

Response to Comments

SRCAA accepted comments from November 1 to December 7, 2017, on amendments to Articles IV, V, VI and X requiring registration by marijuana producers and processor and adding regulatory standards applicable to marijuana producers and processors; and amendments to the Consolidated Fee Schedule.

On December 7, 2017, a public hearing was conducted on Resolution 17-19 amending SRCAA Regulation I, Articles IV, V, VI and X, to require registration by marijuana producers and processors and adding regulatory standards applicable to marijuana producers and processors. The board took public testimony and then closed the public hearing and public comment period at 11:03 a.m. The Board deferred action and planned to deliberate further on the topic at their next monthly Board meeting on January 4, 2018.

Due to the deferred action on Resolution 17-19, the public hearing on Resolution 17-20 amending SRCAA's Consolidated Fee Schedule pursuant to Regulation I, Article X, was not conducted on December 7, 2017. The Board extended the comment period for Resolution 17-20 ending at the January 4, 2018 hearing. At the January 4, 2018 hearing the board took public testimony on Resolution 17-20 and then closed the public hearing at 10:38 a.m.

Notice of the Comment Period and Hearing was Accomplished by:

- Mailing postcard to affected production and processing operation and complainants on October 31, 2017;
- Distributing by email to SRCAA's regulatory list serve, MAC and regulatory partners on November 1, 2017;
- Distributing by email as a news release to SRCAA's media list serve on November 1, 2017;
- Publishing in the Spokesman Review on November 1, 2017;
- Publishing on SRCAA's website "hearings and notices" section from November 1 – December 7, 2017;
- Publishing in the Washington state Register publication #17-21 on November 1, 2017 and #17-22 on November 15, 2017;
- Publishing in the Spokesman Review on December 4, 2017;
- Distributing by email to SRCAA's regulatory list serve, MAC and regulatory partners on December 7, 2017;
- Publishing on SRCAA's website "hearings and notices" section from December 7, 2017 - January 4, 2018; and
- Publishing in the Spokesman Review on December 31, 2017.

Description of Comments:

This section provides verbatim and summarized comments organized by topic that SRCAA received during the public comment period and SRCAA responses [RCW 34.05.325(6)(a)(iii)].

The Concise Explanatory Statement responds to the identified comments in a comment-and-response format. Each comment was organized by topic, so a single comment letter or paragraph may have responses in different sections. SRCAA's responses are labeled "SRCAA Response" and are immediately following each group of comment on that topic. Both written comments and oral comments received during the comment period and hearings are included and weighted equally.

SRCAA received 271 comments from the public on this rulemaking. A majority of the comments were identical form letters issued by nongovernmental organizations (NGO), one for SRCAA rulemaking and one for Spokane County zoning rulemaking. However, several of these comments were modified by individual commenters. The volume of these comments prevented SRCAA from responding to each individually, but where individuals made changes, they followed a theme. SRCAA paraphrased the themes in the response document and organized them by topic. Many of the NGO comments were sent to both SRCAA and Spokane County. If Spokane County received a comment, they forwarded it to SRCAA, creating duplicates of the same comments. Responses to the NGO form letter comments are organized by NGO. The names of the individual commenters that used the NGO form letters are available in Appendix C.

- Appendix A includes written comments.
- Appendix B includes hearing testimony for the December 7, 2017 and January 4, 2018 hearings.
- Appendix C lists individual commenters for the NGO form letters.

The below Commenter Index table lists each commenter and the comment and response number(s) that addresses their comment(s).

Commenter Index:

The table below lists the names of organization or individuals who submitted a comment on the rule proposal, listed in order received, and where you can find SRCAA's response to the comment(s). Comments are grouped by topic and numbered in ascending order.

Name	Affiliation / Location	Comment / Response Number	Notes
Written Comments			
Jane Orr	Public (Spokane Co.)	27, 30	
LaDonna DeMent	Public (Spokane Co.)	5, 13, 21	
John Hancock	Public (Spokane Co.)	7, 21, 33, 38	
Duane Statler	Public (Spokane Co.)	1, 7	
David Young	Public	7, 24, 38	
Marketch	Public	2, 5, 41	
Ryan Rush	Public	2, 13	
Crystal Oliver	WA Finest Cannabis, Cannabis Farmers Council, NORML (Spokane Co.)	9, 10, 15, 22, 24, 39, 43, 44	
Public	Cannabis Farmers Council	2, 4, 12, 13, 16, 17, 21, 23, 29, 32, 34	SRCAA rulemaking form letter, see Appendix C for list of individuals

Name	Affiliation / Location	Comment / Response Number	Notes
Cannabis Farmers Council Report submitted by Crystal Oliver	Cannabis Farmers Council (Spokane Co.)	2, 12, 13, 16, 19, 21, 25, 32, 33, 38	
Crystal Oliver	WA Finest Cannabis, Cannabis Farmers Council, NORML (Spokane Co.)	21, 22	Sent during 12/7-1/4 extended fee comment period, only fee related comments considered
Danielle Rosellison	The Cannabis Alliance (King Co.)	5, 6, 25	
Danny Price	Public (Spokane Co.)	1	
Bryan Foss	Public (Spokane Co.)	1, 36	
Public	Cannabis Farmers Council		Spokane County zoning rulemaking letter, see Appendix C for list of individuals
Linda Carver	Public (Spokane Co.)	1, 36	
Tracy Smith	Grow Op Farms (Spokane Co.)	3, 14, 18, 22, 31, 38	
Tracy Smith	Grow Op Farms (Spokane Co.)	34	
Shawn DeNae Wagenseller	WA Budco (Snohomish Co.)	13, 25	
Warren & Sylvia Riddle	Public (Spokane Co.)	1, 36	
Stacy Musser	Public (Spokane Co.)	1, 36	
Patty & Bill Schaber	Public (Spokane Co.)	1, 7	
Sudkar Pradhan & Manoj Yadav			Several All Events emails from All Events staff in regards to the Cannabis Farmers Council postings
Colum Tinley	Discovery Garden (Jefferson Co.)	14, 21	
Daniel Miller	Public (Spokane Co.)	7	
Alan Talbott	Majico (Spokane Co.)	2, 13, 21, 25, 32	
Laura Dalley	Public (Spokane Co.)	1, 28, 36	
Beverly Robertson	Public (Spokane Co.)	1	
Jay Low	Public	21, 25	
Mary Curley	Indoor Producer (Spokane Co.)	8, 21, 22, 24, 26	
David Camp	Public (Spokane Co.)	19	

Name	Affiliation / Location	Comment / Response Number	Notes
Matthew McCloskey	Public (Spokane Co.)	28, 36	
Mary Susan Gress	Producer Processor (King Co.)	2, 11	
Kim Price	Public (Spokane Co.)	1	
Jeff Best	Public (Spokane Co.)	1	
Leslie Walsh	Public (Spokane Co.)	1, 36	
Kelly & John Rykken	Public (Spokane Co.)	1, 36	
Tom Ottman	Public (Spokane Co.)	1	
Dusty & Erin Walsh	Public (Spokane Co.)	1	
City of Spokane Valley	City of Spokane Valley (Spokane Co.)	7	
Toni Nersesian	Palouse Farms (Spokane Co.)	35, 38	
Tom Barlow	Producer processor (Spokane Co.)	35, 38	
Tim Taylor	Public (Spokane Co.)	1, 7	
Jim (James) Hodgen	Louis W (Spokane Co.)	21	
Roger Bertsch	Public (Spokane Co.)	1, 7, 36	
James Ming	Public (Spokane Co.)	1, 7, 20, 36	
Carl Caughran	Public (Spokane Co.)	1, 7, 26, 36	
Suzanne Caughran	Public (Spokane Co.)	1, 7, 12, 26, 36, 40	
Janette Birch, Anthony Birch	Public (Spokane Co.)	1, 7, 26, 40	
William Thompson	Public (Spokane Co.)	1, 7, 26	
Kathy & Frank Diteman	Public (Spokane Co.)	1, 26, 36	
The Cannabis Alliance comments submitted by Lara Kaminsky	The Cannabis Alliance (King Co.)	1, 2, 6, 7, 21	
Articles IV, V, VI, X Hearing Testimony, December 7, 2017			
Andrew Corsberg on behalf of The Cannabis Alliance	The Cannabis Alliance (King Co.)	7, 15, 21	
Cyrus Miller	Conscious Family Farms (Spokane Co.)	10, 13, 21, 25, 34	
Crystal Oliver	Washingtons Finest Cannabis	15, 21, 22, 25	

Name	Affiliation / Location	Comment / Response Number	Notes
	(Spokane Co.)		
James Ming	Public (Spokane Co.)	1, 7, 26, 37	
Kevin Oliver on behalf of NORML	National Organization for the Reform of Marijuana Laws (NORML) (Spokane Co.)	13	
Aaron Juhl	Funky Farms (Spokane Co.)	10, 15, 16, 21, 22	
G.A. Smith	Public (Spokane Co.)	28	
Brandon Powell	Grower George (Spokane Co.)	2, 5, 8, 21, 38	
Carl Caughran	Public (Spokane Co.)	1, 7	
Anthony Birch	Public (Spokane Co.)	1, 7	
Kimberly Hoff	Flying High Cannabis (Spokane Co.)	8, 21, 24, 42	
Wes Tuttle	Producer (Spokane Co.)	21	
Toni Nersesian	Palouse Farms (Spokane Co.)	13, 21, 24, 34	
Edward Cohen	Sweet Water Farms (Spokane Co.)	13, 21, 28, 38	
Craig Nielson	MR Wholesale (Spokane Co.)	8, 34	
Casey Connell	Contender Garden (Spokane Co.)	16, 26	
Gene Flynn	Cannabis Farmers Council (Spokane Co.)	2, 10, 25	
Consolidated Fee Schedule Hearing Testimony, January 4, 2018			
Carl Caughran	Public (Spokane Co.)	20	Only fee related comments considered
Aaron Juhl	Funky Farms (Spokane Co.)	21, 22	Only fee related comments considered
Kimberly Hoff	Flying High Cannabis (Spokane Co.)	22	Only fee related comments considered
Toni Nersesian	Palouse Farms (Spokane Co.)	22	Only fee related comments considered
Crystal Oliver	Washingtons Finest Cannabis (Spokane Co.)	21, 22	Only fee related comments considered

Comment Theme: Air Contaminants, Odors, and VOCs

1. Marijuana related odor impacts; right to breathe clean air and enjoy property.

Duane Statler

"... I have had numerous times when I could not enjoy my outdoor patio because of noxious odors from legal grows and Spokane Rendering. I am not only disappointed with the inconvenience of not using my property when weather permits. I am very concerned what these noxious odors are doing to my property values as a whole..."

Danny Price

"When Someone Is Blowing Their Pot Stink Into A Neighborhood Or Mine I smell It Clearly It Makes Me Sick To My Stomach Needs To Be Regulated Various Area's In Spokane Valley, East Of Argonne By Albertsons Fred Meyer On 3rd Ave A Smell Drifts Across & Lingers In That Area Just West Of Green Light Shop Off Of Trent Bad Smell Permeate's In My Car Vent & Into My Car Makes Me Sick To My Stomach Numerous Areas In Spokane Spokane Valley Go Out Drive Around You Will Pick It Up To Many Pot Shops On Trent What A Disgrace To Spokane & Spokane Valley It's A Pungent & Annoying Harassing Smell. I Cannot Make Meeting I Am At Work At That Time I Work For A Living."

Bryan Foss

"... When our next door neighbors were granted licenses to grow marijuana, our lifestyle and cost of living at our property significantly changed for the worse.Since they started growing marijuana, we no longer can keep doors and windows open to keep the house cool, so we are forced to be shut into our house with the air conditioning running for many months of the year. Prior to their pot farm, we rarely had turned on our air conditioning, as our climate typically has cool nights that allow for the house to cool to a comfortable temperature with windows open. Not being able to open our windows at night without becoming nauseous from the marijuana smell has caused significant increases in our energy bills from spring through fall. Our family, including two young children, can't enjoy our huge yard and my wife and I no longer entertain guests at our house because the odor is so terrible that it is not enjoyable to be outside and it is uncomfortable for people to be breathing in that terrible pollutant as they drive up to our house. I personally get nauseous when I am outside smelling that noxious odor. Mowing the yard and be outside doing yard work or trying to grill food on our patio has become miserable, so we get further behind on yard projects every year and we no longer get outside on even a weekly basis to enjoy our 1.6 acres. We used to be outside to eat dinner and enjoy tinkering in the yard most evenings in the summer, but that is no longer the case because of the air pollution from next door. My friends and coworkers will tell you how life for my family has become truly miserable with the outdoor producer that started up next door."

Linda Carver

"... 2. I drive by the growing facility several times during the week and several times (being in my vehicle) have smelled the odor of marijuana - sometimes weak, sometimes very strong....

5. Just this past week I've noticed some change in what appears to be pipes coming out of a hole in the east side of the building facing Forker. It appears that these pipes are bigger than what was there

previous and may be an attempt to emit more aroma from the inside structure to the outside air. Have to say - it seems to work because of stronger odor.

6. In my opinion it's a real shame that these growers are allowed to disrupt areas of beauty, tranquil country life, continually, bring potential health hazard fumes to the neighborhood, for the sake of revenue..."

Warren & Sylvia Riddle

"...1. Smell When the air flow is toward us or stagnant we definitely get the strong smell from the grow. It is like a dead animal or skunk smell. ..."

Stacy Musser

"...The Bangs facility has brought considerable distress to me. The smell is as bad as having a skunk spraying in your front yard,.....

...Sitting on my deck is more and more often a useless attempt at enjoying a quite country evening.... ...My property value has declined. Who wants to live next door or in proximity to skunk smell,...

...There are at least 26 homes affected by this facility I hope the strongest possible restrictions are put into place...."

Patty & Bill Schaber

"... We live about a mile down the road from a facility. There is a strong odor that comes from this facility numerous times during the time that they have been in business. At our house you can not smell the odor daily but several times in the past it has smelled at our location.

Also driving by the location no matter what time or day of the week the odor is present. I walked my dogs in our area walking up past the intersection of Andrus Rd. And S. Spotted rd and it is so pungent that it makes my eyes water and sting. It is unfortunate that this facility can impact the air quality for their surrounding neighbors...."

Laura Dalley

"... There is also the concern that in the future as we or our neighbors wish to sell our properties, our homes will be undesirable for this very reason. I have yet to have a visitor or company not comment on the overpowering smell that pervades or property and home. Our property value has decreased and certainly could be considered of no value by those who are as offended by this horrible smell."

Beverly Robertson

"Once upon a time, visiting friends and relatives along Half Mood Road was such a pleasure. For generations, we could sit outdoors and enjoy fresh country air filled with the sweet scent of agriculture.

Then the county spoiled the good life by permitting a marijuana growing operation in the area. Forget the fresh, healthy country air and enjoying nature. The putrid air near the marijuana operation often reminds me of the smell of an old rendering plant on a hot day.

Rather than enjoying happy, healthy days playing outdoors in fresh air, children in the neighborhood stay indoors when the air is "ripe" and sickening. Adults no longer plan to gather for outdoor activities in case it's a day filled with the awful odor from the marijuana operations.

Please help restore this area to county living for those of us who enjoy the great outdoors and the simple luxury of FRESH air."

Kim Price

"I am formally filing my complaint to the stink created by the Grow Operation on W. Half Moon

Sadly my grandchildren and their parents live adjacent to this putrid smelly pot farm. On repeated summer evenings we have been forced indoors while enjoying the country life style

I am so disappointed that this infringement of my rights is allowed!!! How on earth did this get approved? When I am planning to babysit, I ask how is the air quality? More often than not it seemed that it was likely that I would rather NOT be there What a shame! So saddened by this ruining our enjoyment. "

Jeff Best

"... Just over 300 ft to the west of me is a Indoor Marijuana Producer that emits odors at any given time of day or nite that are UNBEARABLE, and that is not an exaggeration. It is so pungent that we choose not to be outdoors and enjoy our property that we have worked so hard to make it useable and enjoyable. Living out here is incredible, the peace and quite and fresh clean air makes the long commute worth it, but the strong stench of this processor has made it difficult to completely enjoy our own property. Most everyone out here enjoys the summer evenings with the fan in the window to cool the house, but with that odor it fills the house with that stench. Try sleeping with a house full of marijuana odor. UNACCEPTABLE !!!!! As we have made the choice to live out here we do so to be outside the majority of the time, thats just how we are. I am disabled and home pretty much all the time and i am in and out for 16 hours a day. I have coffee on my deck and it is often i will have to go back in the house due to the odor. The rules state "It shall not interfere with enjoyment of life and property"....."

Leslie Walsh

"Regarding legal Cannabis Farms in our County may I say has destroyed my life plans and an entire community.

A Mr. Sean Green lied to my real estate agent, Bonnie White presenting that he would build a home and a shop on the 20 acres I sold him. He actually built a large stick structure to become a marijuana growing facility. After adding a fence which encroached onto the easement, he began growing marijuana plants outside as well. The odor is intolerable. He refuses to back the fence off the easement and has in fact completely blocked the easement access. ...

... If nothing else please get the smell out of the air. It brings one to gaga, worse than any barnyard."

Tom Ottman

"I feel the need to complain about the pot growing enterprise owned by Shawn Green just east of my farm. The smell is awful spring, summer, and throughout the fall. It gets so bad in the summer we can't stand to be outside most of the time. This mess is awful and keeps us from enjoying our family's time outdoors. We all hope there is something that can be done soon. Let me thank you in advance for helping us with this."

Dusty & Erin Walsh

"... We are property owners very near one such grow. Our neighbor being allowed to have indoor and outdoor plants has vastly and directly impacted not only our personal life and the health of our family, but also our business.

We run Half Moon Blooms, a cut flower farm. The main driver for our business is "you pick" flowers sold to the public by the bucket. We invite people to come out with their friends and encourage them to make an experiential adventure of cutting their own bouquets. Our customers are literally coming out to take a minute and

“smell the roses” (or in our case sunflowers) while they pick a bucket. Now, with the terrible stench coming from just up the road, they are smelling something much, much worse. So much so, that we have many clients which have complained and not come back, despite long seasons of patronage to us. The smell of the marijuana grow has completely ruined the quaint country experience and is hurting our business. There have been multiple times where people have actually unloaded from their car and then left again holding their nose and before spending a dime. Or refused to let their kids join them in the garden, thinking we had a skunk nearby causing the odor. Others who still try to come to us, rush through their picking and hop back in their car to leave promptly; when our garden was once an area people liked to linger longer, visiting while their little ones counted butterflies and enjoyed their afternoon. The you pick side of our work has dropped off dramatically in the last two seasons, even when other floral avenues we pursue have grown – a correlation we link directly to the stinky smell changing our previously enjoyable environment. The you pick side of our business is our bread and butter that drives our garden. We need this business to make some money so I can stay and homeschool my little ones, and this has been made exceedingly difficult thanks to the situation of the disgusting aroma in our area.

I regularly have to work out in my garden tending the flowers. More often than not, I find myself itching my eyes, and I get a burning sensation much like heart burn. When my husband joins me his throat stings painfully. It is often to the point we both have thought we were coming downing with an illness. But the next day when the winds come up to clean the air we feel perfectly well again. Despite living here for his whole life and me for the last decade, these symptoms only have happened since our neighbor has started his grow. My own children also get headaches after playing outside when the marijuana smell is wafting our way. It is thoroughly disappointing to me that better regulation of the marijuana growers is not in place or enforced! There are multiple agencies that see to it, that air quality and safety are guarded in regards to: when the public is allowed to have wood burning, you can't smoke near a door way, and we have speed limes to keep us safe when driving. All of these regulations, and more, are in place to protect the public. The law isn't only in place for the safety of the person doing the wood burning or cigarette smoking or fast driving- it is primarily for all those around their negligent choices. Where then, is the protection of my neighborhood from the scent emitted at the marijuana grow? The health and wellbeing of my family is being compromised by the odor of the marijuana growing near me and there is very little we can do to change it.

It is so terrible that often, when the breeze is not playing in our favor, we opt to stay inside on an otherwise delightfully temperate summer evening. Once it starts getting bad each year as the weather warms up, we choose not to have summer barbeques with friends in our yard, because quite frankly the marijuana smell makes food unappetizing and to be known as the “friends with the stinky yard” is more than a little embarrassing. It was our dream to build a home and continue to live on the land which has been owned by my husband's family for the last 67 years. A dream which is now tarnished by the horrifically unpleasant smell surrounding the home and we had longed to have for many years. With decades of family history and generations of our family having lived here, we are not quick to want to leave but we are devastated at the loss to our beautiful prairie and immense detrimental change that we have experience after a marijuana grower joined our neighborhood. We pled with you to make changes, specifically to the enforcement of the smell from marijuana growers. It is significantly impacts the daily life of families for miles around!”

Tim Taylor

“...This past summer (2017) we could no longer enjoy the pleasant evening weather due to the odors emanating from the neighbor's 6500 sq. ft. indoor grow operation with adjacent but not attached processing facility. These strong overpowering odors would start about 7 or 7:30 in the evening and trace odors would be present most

mornings when I left for work at 7:00 AM. The timing was such that your office was closed and there was no recourse except to be forced to cut short our evening, close all windows and stay inside, or leave and go someplace else to spend the night.

There were two evenings that the odor was so strong that the noxious odors permeated our residence even though all the windows were closed and we were utilizing the Air Conditioner to keep the house cooled.

This is a residential area that, when we purchased the land in 1976, was zoned R-5. At some point a unilateral decision was made to zone all lands in the area Agricultural, even though these fifteen 5 acre mol lots consisted of single family dwellings. Before this commercial grow operation was allowed to be located in our rural residential neighborhood, we were able to enjoy the quiet and solitude of the outdoors that we sought when we purchased this land and located our home here. Now, instead of being able to have the windows open or enjoy the cool air during the summer evenings out of doors, we are forced to close the house up tight and cool it using the Air Conditioner as if we were in the city. This additional use of electricity created a financial impact which we did not appreciate.

I for one strongly object to the disturbance that this commercial operation next door to us has caused to our rural residential neighborhood and the strong noxious odors that emanate from the neighboring grow operation that does not allow my family to enjoy the previously clean air of the outdoors, and has disrupted our lifestyle.”

Roger Bertsch

“...We live directly across the street from Bang’s Cannabis and our experiences are germane as to why rules to minimize air contaminants are so important.

1. For the past three years, our neighbors have been adversely affected by the “skunk-like” odor of growing and processing cannabis. One has to ask the questions? Why was cannabis farming approved in neighborhoods? Who made this decision? Why was there not a period of public comment? On any given day there can be no smell, an occasional whiff (smells like skunk), or stronger odors that transmit all the way to our home, outside deck, and garage. Sometimes these odors are so strong that we cannot enjoy sitting outside on our deck. Numerous complaints are already well-documented with the Spokane Regional Clean Air Agency. Bang’s has been fined in the past and attempted to overturn one fine with the Washington State Odor Control Board. That Board upheld the findings of the SRCAA. The smell of growing Cannabis alone is ample reason to provide adequate regulation to eliminate annoying and potentially harmful the air contaminants from marijuana production and processing. After the State Board of Odor Control case, Bang’s Cannabis expanded their operation from one “hoop house” to five “hoop houses”. Our neighborhood has the potential for five times the odor....”

James Ming

“...The Bangs Cannabis is directly across the street from my property. It is zoned Rural Traditional. This site produces extremely offensive odors most evenings and many days. Many of the offending time come in the evenings or on weekends. With these regulations and fees, the Spokane Regional Clean Air Agency will be able to have inspectors who can come out and verify the odor problem.... I have actually been surprised that the conscientious growers have not come down of the ones causing their industry a bad name....”

Carl Caughran

"...I was a member of the Marijuana Advisory Committee representing the "Affected Public" in 2017 that discussed clean air rules related to marijuana odors/emissions and made recommendations to the Spokane Regional Clean Air Board of Commissioners. I volunteered my time in hopes of making a difference by communicating to other MAC members and the Commission what it is actually like to live next to marijuana producer/processor. As part of that process it was difficult at best to relate how much it has affected the enjoyment of our life on our Rural Traditional property.

We no longer have the enjoyment of our property due to the stench that has, and continues to be emitted from Bangs cannabis. There is rarely a day that goes by that we do not experience the foul odor of a skunk that permeates our air across our 5-acres property making it uncomfortable and sometimes even nauseating to my Spouse. This can be first thing in the morning while walking one of our dogs, in midafternoon while trying to do some landscaping or yard work, or in the evening while trying to enjoy a barbecue or a sunset on our property. We cannot even enjoy the cool breeze that used to come through our open windows on a nice summers eve. The foul stench drives us indoors and sometimes off the property to get relief...."

Suzanne Caughran

" I am writing this to you as a traditional rural property owner that has been negatively affected by the impact of Bang's Cannabis located at the property above.

When my husband and I moved out to Cheney in January of 2007, we were thrilled to be able to have 5 acres of land that we had worked and saved hard to purchase. Away from town and to be able to enjoy the fruits of our labor. We spent the majority of our time outdoors no matter what time of year it was. We were able to enjoy the clean air and starry skies away from the light pollution of town. We enjoyed the luxury of opening our windows all through the day and night. I say luxury because unbeknown to us it would all suddenly end approximately 4 years ago.

Patrick and Lacy Bang, moved into the neighborhood in 2011 and decided to open a marijuana grow in 2014. Bang's Cannabis started as a small grow with one soft-sided hoop greenhouse and has since quadrupled in size, to 5. Which at night, all night long, has grow lights on that illuminates the area around the greenhouses and trees for all the neighbors to see. It also has an odor that permeates the clean crisp clean air beyond the obnoxious lights, it smells as though the area has a severe skunk problem. This grower grows year-round and never stops. As the affected property owner, I have not been able to open my windows, nor use my property like I used to, and we must plug any possible place around my doors that air could come in as the stench is horrific. The smell makes me physically nauseous. This is the smell that welcomes me in the morning, throughout the day and into the evenings. This is the smell that permeates the inside of my house and into my husband's shop. This is the smell that I can't get away from unless I leave my property, but is still there when I return. This is what I get to live with because of the foolish zoning and clean air laws.

If I took a guess, not one of you who has allowed these grows in rural traditional lives near one. If you did, I am pretty sure you would have it shut down or moved. It seems pretty easy for you to push this issue aside as it does not affect your day to day life. After numerous hearings and public comment, the issue remains the same, Bang's Cannabis continues to operate and continues to create odors, and I have lost my right to the enjoyable use of my property which I pay property taxes on also....."

Janette Birch, Anthony Birch

“...We have registered our complaints previously and offered potential solutions. Please see the enclosed. (SRCAA Note: attachments are included in the Appendix including odor affidavits and zoning information.)

One of the major purposes of government at all levels, national, state, and county is to protect the rights of its citizens. The SRCAA is clearly empowered to protect our rights, including rights to enjoy our home and property. This would encompass the right to breathe unpolluted air and not have our home and property lose value...”

William Thompson

“... Our residence is within several hundred feet of an adjacent parcel that supports marijuana grows. That adjacent parcel is immediately south of our residence so the prevailing winds inundate our property with pot smells on a regular basis, day and night, throughout the growing season. The grow operations consist of numerous hoop houses and fenced areas that harbor marijuana for production and medical purposes.

I have had to call SRCAA numerous times to report the foul odor. Our quality of life has been negatively affected by these odors in numerous ways. It is embarrassing to say the least when friends, relatives and just visitors are at our house. Since we are not pot smokers I do not believe explanation of other negative affected really needs to be explained. Also, part of the quality loss is the negative impact to our property value should we ever need or want to sell our property....”

Frank and Kathy Diteman

“...Our property has depreciated because of this operation and we have excruciating allergy problems leading to asthma in the spring and summer culminating into a smell so bad, it is hard to do anything outside most of the fall. ... Something more definitive has to be put in place for the people that grow in hoop houses or outdoor grows. Their growing season is during the whole time of the year that it is enjoyable to be outside. ... I apologize for the rambling, but cannot be at the meeting today. This whole thing has been four long years of stress and health issues for my husband and I.”

The Cannabis Alliance

“...It is our hope that we can continue to work with the agency to meet the desired goal of reducing objectionable air contaminants...”

James Ming

“... I have a special interest in this, the Bang’s Cannabis is directly across the street from my property and the site produces extreme odors,...”

Carl Caughran

“...We sit in that stench, it smells like a skunk and I’m sure I hope some of you have run over skunk in the beautiful northwest here so you can appreciate it cause if you don’t live next to a producer then you can’t appreciate the smell. I know that there’s people in the audience that will laugh about that because they’re just a poor farmer trying to make a living; but we’re county residents, luckily I get to leave my residence and do something other than marijuana production, but I have to come home to it and the weekends and the evenings, like you heard one

gentleman say where we're subject to that smell. I'm glad they like the smell; I'd much rather it smelled like roses or something it wouldn't be that much of a problem,..."

Anthony Birch

"...We are plagued with odors mostly in the night and weekends. We are down wind and it has continued to get worse and so thank you for the opportunity to comment and I remind you that your duty is to me and the residents of this county, not to insure profitability of an industry."

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for sharing your concerns about odors from marijuana production and processing operations. The intent of this regulation is to reduce the odors from these marijuana facilities in Spokane County. Having operational requirements will help reduce odors before they impact others. This also reduces the need for inspectors to be present at the time odors are impacting others to take action. Please continue to submit an odor complaint if you are impacted by odors from marijuana or other types of operations

2. Volatile Organic Compounds (VOCs) and monoterpenes.

Marketch

"I have not been provided any data based on facts and science that the term Volatile Organic compounds exists and have an impact on the air quality as a whole..... As my public comment stands I do not believe anything that the SRCAA puts out or can justify in its regulating anything."

Ryan Rush

"The very first sentence of your slip of paper says that marijuana release harmful and volatile organic compounds into the air. What exactly are these harmful compounds that are polluting the air? The only issue in the air when it comes to growing marijuana is a strong odor and nothing else. There is nothing harmful about the smell of cannabis..."

Cannabis Farmers Council SRCAA Rulemaking Form Letters

"...1. It is ridiculous that the clean air agency is classifying the monoterpenes released by cannabis as an air contaminant. SRCAA's own analysis of the odors associated with cannabis identified that alpha-pinene was the most prevalent monoterpene released. This is the same monoterpene released by pine trees. The "air contamination" you are referring to is similar in chemical make up to the "contamination" one might experience taking a hike through a forest filled with ponderosa pine trees. ..."

Cannabis Farmers Council Report

"...The Agency states that cannabis releases volatile organic compounds ("VOC"), thus its cultivation should be subject to regulation by the Agency. The Agency's own research identified that the most common VOCs emitted by cannabis were the following monoterpenes:

a-pinene, also found in the oils of many species of coniferous trees including pine.

b-pinene, also found in the oils of many species of coniferous trees including pine.

d-limonene, also found in citrus fruits including oranges and lemons.

b-phellandrene, also found in fennel and Canada balsam oil.

myrcene, also found in hops.

b-ocimene, also found in mint, parsley, basil, and orchids.

Yet none of these other plants nor their cultivation are presently regulated by the Agency....”

Alan Talbott

“...I understand that the SRCAA's own analysis of the odors associated with cannabis identified alpha-pinen as the most prevalent monoterpene released. This is the same monoterpene released by pine trees. If SRCAA believes this is a contaminant then it must treat all emitters equally and fairly, so all property owners in the county who have ponderosa pine trees on their property must also fall under the proposed rules and be regulated by the agency. This is obviously unfeasible and it highlights how unreasonable the proposed rules and fees are...”

Mary Susan Gress

“...If growing cannabis truly produces a dangerous compound, what is the Agency doing to protect the public from all of the illegal grows? Nothing, because there is no revenue stream there.

I will be happy to comply with regulations once the Agency provides a set of standards to be met- what concentration of what compounds is considered acceptable?”

The Cannabis Alliance

“... Our understanding of what is being emitted from cannabis plants and how it relates to volatile organic compounds (VOCs) and odors.

According to SRCAA definitions a Volatile Organic Compound (VOC) means any carbon compound that participates in atmospheric photochemical reactions and odor means that property of a substance, which allows its detection by the sense of smell or through the use of instruments designed for that purpose.

As indicated in the Cannabis Farmer’s Council report, the Agency’s own research identified that the most common VOCs emitted by cannabis were monoterpenes. Monoterpenes are terpenes that are components of the fragrant oils obtained from leaves, flowers and fruits. Monoterpenes, along with sesquiterpenes, are the main constituents of essential oils. The following monoterpenes were the most prevalent found:

a-pinene: also found in the oils of many species of coniferous trees including pine.

b-pinene: also found in the oils of many species of coniferous trees including pine.

d-limonene: also found in citrus fruits including oranges and lemons.

b-phellandrene: also found in fennel and Canada balsam oil.

Myrcene: also found in hops.

b-ocimene: also found in mint, parsley, basil, and orchids.

None of these monoterpenes have been found to be harmful to humans, especially as an odor...”

Brandon Powell

"I agree with most of everybody's opinions up here and I do believe that everybody has a voice and you should speak it in a peaceful way, but to regulate a plant as if it is a chemical compound that is hazardous to your health, I think needs to be looked at a little more, I don't know the correct word, I guess the rules need to be scrutinized a little more by professionals."

Gene Flynn

"...I am an executive board member of the Cannabis Farmers Counsel, a non-profit volunteer association that proposes to represent all cannabis farmers in the state. The paper that the Board Members received, your Board, drafted by Crystal Oliver, Cannabis and Clean Air was endorsed by the executive board and I'd like to recommend that you look at that closely, reread some of the provisions, because that was thought out, several people put their fingers on it and I think that probably is a good condensation of a lot the arguments that we've heard today. There's a few others though. One, as I understand it, the basis for your authority in regulating cannabis has to do with VOCs or Volatile Organic Compounds (VOCs). I'm not a scientist, but what I understand is that the leading ones include pining which is turned into the air by Ponderosa Pines, these are not noxious chemicals, this is not a rendering plant and with all due respect to a gentleman here, it's not skunk. How that argument can be made is beyond me..."

Spokane Regional Clean Air Agency (SRCAA) Response:

EPA, Washington State, and SRCAA regulations (40 CFR 51.100; WAC 173-400-030; Regulation I, Article I, Section 1.04 respectively) define Volatile Organic Compounds (VOCs) as any compound of carbon, (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) which participates in atmospheric photochemical reactions. Monoterpenes meet the definition of VOC.

To better understand the compounds emitted from marijuana production and processing operations, SRCAA conducted an air sampling project. Air samples were taken from grow rooms when plants were nearing harvest and in drying rooms that contained recently harvested materials. The air samples were analyzed to identify and quantify what was being emitted. Thirty-nine of the 40 organic compounds identified and quantified in the samples meet the current federal, state, and SRCAA definitions of VOCs. Some of the organic compounds detected were monoterpenes, which have published odor detection thresholds in the 6 – 140 ppbv range and can be detected at very low concentrations.

The state emissions inventory includes air emissions like VOCs from natural vegetation/soils, as well as from agricultural operations.

In SRCAAs rulemaking outreach materials, the agency did not make the statement claimed by the commenter(s). SRCAA did cite rules and regulations where, under Washington State law, VOCs and odors constitute both air contaminants and air pollution [RCW 70.94.030(1) and (2)] and are subject to regulation. To protect air quality, a person cannot cause or allow the emissions of any air contaminant in sufficient quantities and of such characteristics and duration as are, or are likely to be: (a) injurious to the health or safety of human, animal, or plant life; (b) injurious or damaging to property; or (c) which unreasonably interferes with enjoyment of life and property [SRCAA Article VI, Section 6.04(C) and RCW 70.94.030(2)].

3. SRCAA/WSU air sampling project.

Tracy Smith

“...The new regulations are in part based on the research we assisted with for Spokane Clean Air. We agree that there are VOCs released by marijuana and make no dispute to that claim. That being said, we also feel the amounts emitted (0.0000000173 lbs/ft³) are insignificant. When we compare to the standards set by your agency of 1 ton per year, we see that objectively our totals of less than half a ton per year are well below these rates. Compared to the 17.3 tons of VOCs per year released by the nearby papermill alone, we cannot see a significant contribution from even our large farm. Furthermore, the VOCs released have no scientific evidence to support claims that they are harmful...”

Spokane Regional Clean Air Agency (SRCAA) Response:

The comment included an incorrect number (0.0000000173 lbs/ft³) for VOCs emitted for production operations. The correct quantity and units are 1.82E-09 lb/ft³ -plant (note that this a concentration value based on the average of sample analyses results).

While the mass emission rate is relatively lower than other industries, it is enough to create an odor impact.

The paper mill mentioned is regulated by federal, state and local air quality regulations. The mill has specific air quality permits for air pollution control equipment to capture and control emissions. The 17.3 tons of VOCs cited in the comment is over two times higher than the VOC emissions reported by the facility for 2016.

In SRCAAs rulemaking outreach materials, the agency did not make the statement claimed by the commenter(s). SRCAA did cite rules and regulations where, under Washington State law, VOCs and odors are considered both air contaminants and air pollution [RCW 70.94.030(1) and (2)] and are subject to regulation. To protect air quality, a person cannot cause or allow the emissions of any air contaminant in sufficient quantities and of such characteristics and duration as are, or are likely to be: (a) injurious to the health or safety of human, animal, or plant life; (b) injurious or damaging to property; or (c) which unreasonably interferes with enjoyment of life and property [SRCAA Article VI, Section 6.04(C) and RCW 70.94.030(2)]. With respect to health impacts, toxic VOC species are regulated in Washington state through Chapter 173-460 WAC.

4. The Agency should reduce carbon emissions or other toxic emissions.

Cannabis Farmers Council SRCAA Rulemaking Form Letters

“....2. -The clean air agency should be working to reduce carbon emissions or other toxic emissions rather than concerning itself with the aroma produced by a plant. ...”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA works with residents and commercial and industrial operations to minimize air contaminants including criteria air pollutants, toxic air emissions, Volatile Organic Compounds (VOCs), and odors. SRCAA implements the air toxics regulation in Chapter 173-460 WAC.

5. Emissions from other activities, i.e. the paper mill, etc.; like industries.

LaDonna DeMent

"...But we live in East Millwood and smell it all the time from across the railroad tracks across Trent. Plus we walk alot down by Felts Field and the river, and we smell it there. But it's not anything compared to the stink that comes from the papermill in Millwood, which I have complained about in the past. The stink from diesel busses and trucks, or from the worst smell in all of Spokane, the rendering plant!..."

Marketch

"...when we have millions of cars and trucks on the roads and all the dirt on the city streets blowing around..."

Danielle Rosellison

"After reviewing Spokane Regional Clean Air Agency's [Proposed Rules](#) for Marijuana Production & Processing, I have a few questions I am hoping you can answer.

Are there clean air regulations from the SRCAA on other like industries? Coffee roasters have been implicated in past efforts by SCAA, but how does the agency regulate other agricultural commodities? Or other farmers with botanical or horticultural products? ..."

Brandon Powell

"...I'm here on behalf of most of us farmers in here who are for the better word Hippies. We believe that this planet is for us, for everybody to share, meaning the odors from let's say paper mill or brewery or a bakery are probably worse for you than the general compounds and organic compounds coming from a plant..."

Spokane Regional Clean Air Agency (SRCAA) Response:

The examples of operations and activities provided in the comments are all regulated to reduce air emissions. The paper mill and rendering plant have air quality permits with conditions that must be met. The federal government has emission standards for motor vehicles and diesel engines that manufacturers must meet. The federal government has emission standards for fuels for vehicles and diesel engines to reduce pollution. Municipalities must follow local regulations to clean up traction sand on the streets. SRCAA Regulation I, Article IV, Exhibit R, lists common industry sectors SRCAA regulates, including agricultural commodity operations. Some of the regulations we administer are industry-specific, others are general meaning they apply to everyone. For example odors, dust, and smoke emissions, asbestos, etc. apply to everyone.

6. How is sufficient quantities of an air contaminant determined?

Danielle Rosellison

"...Who or what determines "sufficient quantities" of an air contaminant? *"It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to unreasonably interfere with enjoyment of life and property."* This appears to be very subjective. Who decides this quantity and how is it measured?..."

The Cannabis Alliance

“...The subjective quality of determining “sufficient quantities”

Per the Q&A the term “sufficient quantities” is tied to the odor detection scale (Section 6.04.D.1.) In addition it is stated that:

It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be:

1. Injurious to the health or safety of human, animal, or plant life;
2. Injurious or cause damage to property; or
3. Which unreasonably interferes with enjoyment of life and property.

The detection scale indicates that at a Level 2, odor is distinct and definite, and any unpleasant characteristics recognizable. This is a highly subjective designation and leaves a lot up to interpretation. Since cannabis is a new industry and comes with a long set of challenges left over from prohibition, the public or clean air agents may simply not be used to the smell. Individuals may also be primed to have an increased reaction to the smell due to the messaging remaining from the war on drugs.

A farmer *may* need to be concerned with the smell unreasonably interfering with enjoyment of life and property. However, this designation is again very subjective and can vary wildly from person to person.

Basing sweeping rules that include a financial burden on an entire industry for a subjective complaint seems unnecessary where there are other, less burdensome alternatives...”

Spokane Regional Clean Air Agency (SRCAA) Response:

The commenters pulled text from the State Clean Air Act, RCW 70.94.030(2), and SRCAA, Article VI, Section 6.04.

To protect air quality, a person cannot cause or allow the emissions of any air contaminant in sufficient quantities and of such characteristics and duration as are, or are likely to be: (a) injurious to the health or safety of human, animal, or plant life; (b) injurious or damaging to property; or (c) which unreasonably interferes with enjoyment of life and property.

For most air contaminants, the term “sufficient quantities” is tied to federal, state or local regulations, permit conditions, emissions standards, and/or emission limits.

For the local odor regulation, SRCAA Regulation I, Article VI, Section 6.04, there are two parts to determine “sufficient quantities.” 1. Odor verified by trained inspector to be level 2 or above on the odor detection scale (Section 6.04.D.1.). 2. Complainant legally attests to the impact on their life and property via affidavit.

Odor regulations similar to SRCAA’s are implemented and enforced throughout the United States.

Comment Theme: Program

7. Producers / processors have a standard to meet; air pollution control equipment; general program support.

John Hancock

"...It's sensible that processing facilities should bear some standards, because "concentration" is the point to the operation. In that case, go slowly enough that progress towards specialized scrubbers can make such regulations financially achievable. Don't guess about this, and don't be punitive, please..."

Duane Statler

"... I am very excited to have new business in our city. I truly believe that legalizing marijuana was the right thing to do. That being said and trying to be a good neighbor myself. I strongly recommend making these operations (NEW & OLD) install air filtration systems and adhere to your new property line standards for odor releases. These new rules would do wonders for controlling releases at Spokane Rendering as well. Thanks so much for your prompt reply's to my earlier calls and pursuing a cure to keep everyone involved happy, providing jobs and making money. I fully support your proposed regulations."

David Young

"...I don't want anything to do with, anyone that has anything to do with it and nothing to do with its odor. I object to anyone or anything that pollutes the air I breathe as it relates to pot, cigarettes and similar things.

....Require strict anti pollution measures."

Patty & Bill Schaber

"...We request that new regulations be enacted and enforced so our neighborhood will be odorless."

Daniel Miller

"...I live approximately ½ mile east of the grow and processing farms I have filed odor complaints of this facility with SRCAA in the past.

I am not against the processing of pot, but there must be a line between industry and the affects of the public.

It is a new trade and the growers must realize regulations for almost all business change over time to accommodate the public.

It is not over regulation when production of these products adversely affect homeowners outside the boundaries of their operation. (*Remember the odor problems of Spokane Rock Products on the South Hill?)

I am in favor of regulations controlling the odor associated with the growing and processing, indoor, outdoor, existing farms, expanded or new facilities that escape their boundaries.

I have experienced more offensive odors on Friday nights and weekends. This may be a coincidence or do processors change production methods where clean air inspections are not available.

If regulations are adopted and an additional enforcement investigator is retained, I would suggest the officer be on a rotating shift so compliance and random inspections could occur on the weekends as well."

City of Spokane Valley

“...Since the passage of Initiative 502 in 2012, the City has been actively engaged in local regulation of all aspects of legalize marijuana land uses within its jurisdiction. Indeed, the City spent several months developing and deliberating on what became the City’s current local marijuana land use regulations. The City has over 20 licensed producers and processors in its jurisdiction, as well as three licensed marijuana retailers. Through the careful consideration of the impacts at the local level, the City crafted land use regulations that respond to its unique local circumstances, including impacts on a new linear park, the Appleway Trail. As part of that process, consideration was given to the fact that marijuana uses do have the potential to create strong odor impacts on surrounding properties. Accordingly, the City limited outdoor production to its industrial zone and further limited indoor marijuana production and processing uses to industrial and commercial zones to limit impacts from the uses, including odor.

However, the City has limited other options for further responding to complaints to odor, and so appreciates the SRCAA actions to restrict and limit odor releases from these uses. The Proposed Rules address the primary odor issues with marijuana production and processing uses and allow flexibility to the owners and operators to adopt reasonable controls to limit and restrict the release of unpleasant odors and air contaminants. Further, they allow a reasonable time period for existing operators to address the SRCAA new rules. Thus, the City is pleased to support the SRCAA Proposed Rules. We look forward to their adoption and implementation.

In the future, the City hopes SRCAA will also review impacts from home growing of marijuana, especially if the State Legislature expands allowable home growing. Similar protections will be needed to protect neighbors from unwanted odors.”

Tim Taylor

“...I support the proposed regulations but I do not believe they go far enough to provide protection from the noxious odors that we are subjected to during the year....”

Roger Bertsch

“...I support the proposed rules to minimize air contaminants from marijuana production and processing operations in Spokane County....”

James Ming

“I would like to commend the Spokane Regional Clean Air Agency for developing these rules for Marijuana Production and Processing....

...I appreciate the recognition that there is a difference between indoor growers, who can total control the offensive odors and what is identified in Section 6.18(c)(6). And I quote: “Examples of other marijuana production include production in hoop houses, temporary structures, and other similar structures.” I can certainly verify that hoop green houses do not limit the odor.

I appreciate Section 6.18(D)(2). Which says and I quote: “All processing must occur indoors as defined by Section 6.18(C)...

...I also appreciate and affirm Section 6.18(D)(6) Operation and Maintenance plan which says growers and processors must have air pollution equipment in place and operational.

We all know that there are growers and processors who do a great business with no offending odors to their neighbors, but I know of at least one producer and processor who either has defective equipment or inadequate equipment to control the odors emitted from his business....

... Lastly I commend the Spokane Regional Clean Air Agency for clearly stating that if a grower or producer does not comply with these rules, their license can be revoked.”

Carl Caughran

“... There are currently indoor marijuana growers such as “Root Down” in Spokane County that have done an excellent job of containing odors at their grow facility. To my knowledge there has not been one odor complaint lodged against them. They continue to be a highly profitable grow operation all the while not negatively impacting the enjoyment of clean air by any other County resident! Compare their “enclosed indoor” operation to the “outdoor” operation of Bang’s cannabis. It is a stark comparison of the number of odor complaints Bang’s has received from numerous County residents. Marijuana producers that complain they cannot make a profitable living if they must enclose their operation simply have a poor business model. It is no different than any other type of industry, some businesses flourish while others fail. SRCAA should not be writing lax rules to support and accommodate the few growers that could negatively impact many County residents right to clean air.

I urge you to consider carefully the proposed rules and how they impact all Spokane County residents and base your decision understanding that clean air is a precious commodity. I strongly recommend you adopt the proposed Clean Air Rules as written.”

Suzanne Caughran

“... Your use of wisdom, understanding, knowledge, and discernment regarding clean air rules for marijuana in rural traditional neighborhoods has the potential to affect large numbers of innocent county residents. You need to ask yourselves a simple question, “is it reasonable to allow lax clean air rules for an unfamiliar industry that you have no idea what the impact will be in the rural neighborhoods, but go ahead and do it anyway?” How utterly irresponsible of you. You need to remember, the decisions you make have a huge impact on all residents of Spokane County. I strongly urge you to use discernment, wisdom, understanding, knowledge, and to listen to how this has negatively affected residents in rural traditional areas. So, I am asking the SRCAA Board of Commissioners to consider the rights of all Spokane County residents and strongly encourage you to adopt as is the new rules that Spokane Regional Clean Air is proposing.”

Janette Birch, Anthony Birch

“As home owners directly affected by a marijuana grow operation, we wish to state our endorsement of the SRCAA proposed rules being considered at the Public Hearing, December 7, 2017.... If the proposed rules achieve what is clearly necessary, they will aid the SRCAA to do its duty in protecting our rights as citizens.”

William Thompson

“Spokane Regional Clean Air Agency (SRCAA) has stated that producing and processing marijuana releases volatile organic compounds and odors that are air contaminants. Therefore it is the responsibility of SRCAA to enforce and control emissions of the marijuana industry, which by nature is an industry that pollutes our air when sufficient efforts are not implemented. With a little forethought, Spokane County should have recognized this

problem immediately upon the legalization of marijuana in Washington State and has now allowed the problems of marijuana to exasperate into a costly and more controversial issue than is necessary. We are in support of the new regulations but this is just the start I believe. I feel that opponents to the odor are having to fight for clean air while the contaminators have been given the benefit of the doubt, at my expense of clean air!!..."

The Cannabis Alliance

"...The proposed rules require all production and most processing operations to register annually with Spokane Clean Air, which includes reporting, fees, periodic inspections and compliance assistance. Under the proposed rule, no permits will be required.

Ultimately we would have no concern with this element of the rules minus the fee. Establishing and maintaining a good working relationship between SRCAA and businesses is a good practice. Allowing for periodic inspections and compliance assistance as needed, makes logical sense..."

The Cannabis Alliance

"...I applaud the Clean Air Agency to regulate the cannabis industry as every other business industry, I think that's a very good thing and we at the Cannabis Alliance actually appreciate that. We're trying to legitimize this industry in every way shape we can,..."

James Ming

"I'd like to commend the Spokane Regional Air for developing these rules, I really would. I'm very appreciative; it's very encouraging to me....

... I also very much appreciate the differentiate made between indoor growers and those that are the other because we all know their indoor growers that there's no smell. I've been around a number of plants and there was no odor at all. But the ones that are just under plastic outside they produce a lot of odor and I'm glad to see that in section 6.18.C.6. that you make that distinction and because there is a great difference. I also appreciate the fact you make a distinction between growers and processors because I think the processing has much more of a distinctive odor than the growing that's only like a week or two a year and I appreciate that. And I think that recognizing that it's being treated as any other business, I think that's very appropriate, that's it's, you know, a fair playing field there; and so I affirm that. I also appreciate what you have in section 6.18.D.6. which talks about equipment that they have to maintain equipment that controls the odors and it's the responsibility of any business to protect the environment around them and I appreciate that we are doing that....

... But I do want to commend you very much and for these regulations, I think they're fantastic and I will greatly appreciate them as a homeowner here in Spokane..."

Carl Caughran

"... I was also a member of the NACC Advisory Committee in 2016 along with Crystal Oliver. We spent a lot of time on this advisory committee trying to develop these rules and regulations as a way to be fair to both the producer and the Spokane County residents and I'm not going to sit here and debate the pros and cons of marijuana, I'm here to try to provide both sides. As part of that committee, we had an indoor producer that is doing a great job of containing his odors; they're making a very healthy living. They have had no odor complaints to my knowledge to this day, so it can be done. And I hear people say well you know, this is, my business is too

small or I can't afford it. Obviously there are some, the part of treating all the businesses the same in Spokane County is very admirable. They should be treated the same and it should be not any different for the marijuana community. There's good producers and processors out there that are doing it without odors. There's county residents, as you've heard, that are suffering the effects of the outdoor grows and the producers that aren't doing it the right way....

... but I think what the County's come up with is a fair and equitable solution. They want to have their businesses, great, we want our clean air and I think that all the Spokane County residents are due that clean air. So I really want to thank you guys for your time and your consideration. Rules, I would encourage you to adopt the new rules; I feel they are fair to both the producers, processors and the county residents..."

Anthony Birch

"...There's been issues raised about the concerns for cost to the farmers. I want to remind the Board that your duty is to protect my rights. You have no duty to insure the profitability of marijuana growers. All be it we live in a, close to a rogue grower and our complaints have started in 2014 and we have continued. The industry has not been able to solve its problem with that grower. The Agency has not been able to solve its problem with that grower. These rules are needed, I think these rules are fair and I remind you it's your duty protect me and my investment in our home which we made before this rogue grower was apparently allowed to buy a residential home and convert to what is now a very large marijuana production."

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for your support of the regulatory program. SRCAA agrees that production and processing operations should have a standard to meet and control measures employed to minimize air contaminants, as do other commercial operations.

SRCAA developed and adopted this regulation to reduce the odors from marijuana production and processing facilities in Spokane County. SRCAA also agrees that there are proactive LCB-licensed operations that already have control measures in place to minimize odors.

The rendering plant and Spokane Rock Products mentioned in the comments are regulated by federal, state and local air quality regulations and have air quality permits for air pollution control equipment to capture and control emissions. At times they may have problems arise.

Please continue to submit an odor complaint if you are impacted by odors from marijuana or other types of operations.

8. Industry impact on air quality; control equipment already installed; emissions from indoor, outdoor, and other producers.

Mary Curley

"...We recognize that our industry has an impact on SRCAA and the community at large. We do not object to registering our business with the SRCAA and being available to work with the agency on ways to improve outdoor air quality in our community.

As an indoor producer, we take our presence in our Spokane Valley neighborhood very seriously. We work hard to be considerate to our neighbors (who are a mix of indoor producers and other industrial businesses). We already utilize carbon filters, avoid direct ventilation to the outside air and all doors and windows are kept locked and shut at all times as we operate a secured facility.

In reviewing the proposed rules, we have concerns about the proposed approach to reducing air contaminants and the consequences of the proposed rules and additional taxes & fees...

...and will not provide any greater impact to the community as we are already abiding by the proposed desires for our business type..."

Kimberly Hoff

"... We were told at that time that it really wasn't a problem for indoor, what they were having a problem with was hoop houses. So I said because we're putting in a great big outdoor at the same time, we don't want to be your problem. You know what I mean. So we and we were told well as long as you don't condense it down into a hoop house you're all good. Well that isn't the case and that seems to be the case of a lot of people here..."

Brandon Powell

"... To regulate these in the way that you are with the fees that you have providing for us seems as if I have a car that can go over 70 mph, I drive on a street that's 60 mph yet I'm not going over 60 but the fact that I can go over 60 mph means that I'm going to give you fine or you should pay a fee because this car is capable of doing that. A lot of us put a lot of money into our facilities to make sure that you cannot smell anything and I guess we want to be known in this industry for providing a safe product for the public to smoke...."

Craig Nielson

"MR Wholesale, Airway Heights, I'm Ops. Manager out there and I'm not really here to talk about that company outside the fact that we have invested tens of thousands of dollars in air scrubbers and equipment to minimize the odor and we've been trying to work with SRCAA the best that we can..."

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for being an engaged community partner and taking proactive actions at your businesses to minimize emissions from your production operations. Comments about fees are addressed further on in the document.

Indoor and outdoor production is allowed. The commenter is correct that indoor producers with properly designed, installed and maintained control measures reduce odors.

9. Definitions clarification.

Crystal Oliver

"...I'm thinking that your definition of outdoor production and other production needs to be clarified. Your statement that "short term covering of plants for a portion of each day for frost protection is not considered control of env." and one could qualify as an outdoor producer if they aren't engaging in control of env. conditions yet you list that other marijuana production as being producers who use hoop houses.

To put is succinctly; An outdoor producer may use hoop houses in a temporary fashion to extend the growing season without using any environmental controls. ...

...Comments:

-For consistency sake I think all instances of LCB should be revised to read WSLCB.

-I don't know what direct processing is, I see that those with processing exemptions can't do it...I just don't know what it is nor is it defined..."

Spokane Regional Clean Air Agency (SRCAA) Response:

The intent of including "... short term covering of plants for a portion of each day as needed for frost protection are not considered control of environmental conditions" in the definition for control of environmental conditions [6.18(C)(1)], was to acknowledge that at times there may be unexpected frost. This allows outdoor producers to temporarily cover marijuana plants to protect plants from frost. Frost protection is very short term for only a portion of a day, not every day for extended periods. Hoop houses are considered environmental controls by definition. They would not be considered as a temporary covering for frost protection. For the purposes of the regulation, a producer that uses hoop houses in a temporary fashion to extend the growing season is an "other marijuana producer."

When developing the proposed regulatory program for marijuana production and processing operations in Spokane County, SRCAA started with the Washington State Liquor and Cannabis (LCB) definitions for producer [314-55-075 WAC] and processor [314-55-077 WAC]. Then SRCAA modified the LCB definitions to meet air quality needs.

Thank you for the suggestion of using the acronym WSLCB in the regulation. SRCAA will continue to use the LCB acronym.

The term direct processing is only used with the processing exemption [6.18(H)(1)], that allows processors that only purchase marijuana concentrates (e.g. marijuana oil) to manufacture marijuana-infused products to apply for a processing exemption. If further clarification is needed of what direct processing is, it will be included in the conditions of the processing exemption.

10. Program requirements clarification; ideas.

Crystal Oliver

"...5. Will all farmers be required to engage in mitigation planning with your agency even if they have had zero complaints?

6. Will all farmers be subject to regular inspections even if they have zero complaints?

7. How often will onsite inspection occur?

8. During outdoor harvest season (July & October) will the agency engage in "random" inspections of outdoor farmers who don't have odor complaints in an effort to exact fines and collect additional revenue from outdoor farmers? ..."

Cyrus Miller

“... I don’t think anybody can smell anything unless you’re actually on my farm. People who are my neighbors, I let them plow one corner of my land. I have very good relations with my neighbors. Maybe there’s an exception we can do if you have like signed things from your neighbors saying they’re okay with it. ...”

Aaron Juhl

“... People that are doing the random inspecting/inspections should also have protocols in place to insure that they are not spreading common grow room pests such as spider mites, broad mites, russet mites, thrips, root aphids, fungus gnats, powdery mildew, etc. from one farm to the next...”

Gene Flynn

“... Third and I’d like to repeat what my friend Aaron Juhl said, protocols for cross contamination; one of the biggest problems that cannabis farmers face is pests and those pests are microscopic. Casey Connell who spoke earlier is an expert in integrative pest management and he can speak to this, but you walk into one indoor grow that’s infested with russet mites, you walk into the next indoor grow that has no russet mites and there’s a very high likelihood that that second farm is now infested with russet mites which could destroy the entire crop. If you have an interest in inspecting the farms, you have an obligation to do it in a manner that will not jeopardize the crop of the farm...”

Spokane Regional Clean Air Agency (SRCAA) Response:

All LCB-licensed marijuana production and processing operations in Spokane County must meet requirements in the regulation. All registered sources are subject to periodic inspections. Typically when new sources become part of SRCAA’s registration program they have an initial inspection. After that, periodic inspections will vary in frequency based on several factors. Registered sources are rarely inspected more than once a year unless an issue is identified or a complaint is received.

When SRCAA receives a complaint it results in a complaint investigation. If the investigation finds a violation of an air quality regulation occurred, then SRCAA may issue a Notice of Violation and assess a civil penalty.

This regulation is designed, as are most air quality regulations, to be proactive and prevent air emission problems. An emission of air contaminants cannot be mitigated after it occurs.

The idea shared by a commenter to receive signed neighbor consent is not something the regulation allows.

SRCAA fully appreciates industry concerns regarding the introduction of pests into a controlled growing environment. It is common practice for such facilities, regardless of the type of plants, to have, among others, an entrance protocol to address these concerns. Pest management (including prevention) practices are site specific. It is therefore inappropriate to specify these requirements in a rule.

It is standard professional practice for inspectors to follow all facility protocols with a few exceptions such as the ones described below. To assure site specific standards are being met, it is also standard practice for the facility to provide any equipment or facilities necessary for the inspector to meet the protocols. Some 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 of course will not knowingly do anything which is illegal or unsafe. For example, inspectors cannot wear improperly sized gear which creates a safety hazard. Also, 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 and thereby, a violation under state law. This is an infrequent occurrence.

SRCAA will obtain the facilities specific entrance protocols during the initial registration process. Facilities can update this information any time they update their specific protocols.

11. Unfair program requirements.

Mary Susan Gress

"Most odor complaints come from outdoor farms. It is unfair for indoor cannabis farms to be subjected to arbitrary and ineffective regulations just because the Agency can't control outdoor farm odor. Demanding the same equipment regardless of its effectiveness with a farms particular growing methods and equipment layout is wasteful, burdensome, and pointless.

Many indoor farms grow far from their neighbors, and no odor escapes their property line. Why should they be forced to install expensive and unneeded equipment, and pay you an annual fee, for no reason whatsoever? This is simply a fee for growing a plant some people don't like..."

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA has received odor complaints from all types of marijuana production and processing operations.

The regulation has requirements for operations to meet. Requirements differ, depending on the type of operation. SRCAA recognizes not all marijuana operations are the same. This is why the operational standards are different for each type of operation. This is also why the regulation does not specify control methods.

This regulation is designed, as are most air quality regulations, to be preventative and proactive. The regulation development did not consider whether people liked or disliked marijuana.

12. Control equipment requirements; state energy code requirements.

Cannabis Farmers Council SRCAA Rulemaking Form Letters

"...5. Installation of a significant amount of control equipment recommended or required by SRCAA will make it challenging for marijuana farmers to comply with state energy codes. Regulations that conflict with other regulations should be avoided as it's unfair to the small businesses caught in the middle. ..."

Cannabis Farmers Council Report

"...Requiring farmers to install significant amounts of odor-suppression equipment will make it challenging and in some cases impossible for marijuana farmers to comply with both the Agency rules and state energy codes.

Regulations that conflict with other regulations should be avoided as it's unfair to the small businesses caught in the middle...."

Suzanne Caughran

"... I will also speak to the whining and complaining of the growers about not having the money to grow marijuana so that the public is not affected by the smell. If you can't afford to carbon filter and use scrubbers inside steel sided buildings, then you should not be in business. I would love to start my own business, but I don't have the income to do that so I don't..."

Spokane Regional Clean Air Agency (SRCAA) Response:

The regulation does not specify methods of control in order to allow for site specific flexibility. Indoor producers and processors may use air pollution control equipment, facility design, or both, to reduce air contaminants. Energy use is dependent on what methods of control an operation chooses to implement.

13. Penalizing outdoor producers; regulatory overreach; Governor's carbon reduction initiative; the Clean Air Act.

LaDonna De Ment

"...so unless someone is doing something real bad, you aren't going to shut them down, no matter what the public says! So, let's stop the madness and quit over regulating these businesses!!..."

Ryan Rush

"...Putting forth a regulation stating the farms need to control the odor coming from the farms will put many smaller farms completely out of business. If that happens it could mean that the county will lose out on valuable tax revenue. This proposal is completely ridiculous and solely based off someone not liking the smell of marijuana."

Cannabis Farmers Council SRCAA Rulemaking Form Letters

"...3. Penalizing outdoor farmers for growing a plant outdoors is ridiculous and discriminatory....

...The reality that the clean air agency, funded in part by tax payer's money would seek to force cultivation of a plant indoors is beyond disappointing to me. This is clearly an example of regulatory agency overreach and too much government in the private lives of individuals and businesses. Over regulation only serves to stifle growth, scare off investment, and transfer opportunity away from small business owners. Please abandon these ill conceived rules and let cannabis farmers farm without interference....

...4. Creating regulations that incentivize indoor cultivation conflicts with the Governor's direction that regulatory agencies adopt regulations that consider carbon impact, it also appears to conflict with the state clean air act which reads "In selecting air pollution control strategies state and local agencies shall support those strategies that lessen the negative environmental impact of the project on all environmental media, including air, water, and

land.” Not only do outdoor cannabis plants convert CO2 to oxygen and deposit carbon into the soil, outdoor cultivation has a significantly smaller overall carbon footprint compared to indoor cultivation. ...”

Cannabis Farmers Council Report

“...We consider the proposed rules and fee structure to be extraordinary in their regulatory overreach and exorbitant in the costs imposed on small farmers...

... Governor Inslee has directed regulatory agencies to adopt regulations that consider carbon impact. Penalizing cannabis farmers for growing outdoors via increased fees is in direct conflict with this directive.

The State Clean Air Act reads “In selecting air pollution control strategies state and local agencies shall support those strategies that lessen the negative environmental impact of the project on all environmental media, including air, water, and land.” Not only do outdoor cannabis plants convert CO2 to oxygen and deposit carbon into the soil, outdoor cultivation has a significantly smaller overall carbon footprint compared to indoor cultivation....”

Shawn DeNae Wagenseller

“...The implication of setting precedent by Spokane County will have negative impact upon the entire industry as other counties are likely to face this issue brought on by the over reach of the Clean Air Agencies...

...Cannabis is a plant that cleans carbon from our air and produces clean oxygen. Please block this action from this agency as it will poses no safety risks to the population yet impose a heavy burden on small family business like ours...”

Alan Talbott

“....Our farm is an outdoor farm and it appears that the rules discourages the operation of outdoor farms and provides incentives for operations that grow indoors. This conflicts with the state clean air act that aims to reduce negative environmental impacts. Our farm uses the clean free energy from the sun so our outdoor cultivation has a significantly smaller overall carbon footprint than indoor cultivation.”

Cyrus Miller

“... So these regulations kind of support big business and they support over regulation which in turn supports the black market; because if we can't compete against the black market, they're going to be looking at nuggets in stores that nobody wants to smoke because we're trying to compete with all this over regulation. So it's going to be the nail in the coffin to I-502 and cannabis legalization in my business and my family...”

NORML

“...I am a marijuana business owner with my wife Crystal; I agree with everything she said and has submitted. I also am here as a representative, I'm a board member of the National Organization for the Form of Marijuana Laws. We are a, you may have received some letters from our constituents in regards to this issue. We are the world's largest consumer lobby, it just happens to be about marijuana; it started in 1950 by our current legal counsel Keith Struck, who is an actual student of Ralph Nader. Consumer issues, selling marijuana and legalization are our priority. We have the most complete archival records of the history of prohibition and scientific impurity studies on file at the University of Massachusetts Amherst. Our mission is to move public opinions sufficiently to legalize responsible use of marijuana, serve as an advocate for their safety, high quality marijuana safe, convenient, affordable and promote policies that prevent undue government interference, your overreaching

regulation in those people entering the legal market place. We support a legal market place. We support marijuana being treated as a business as an industry. However, to treat a plant like a uranium manufacturing facility or to instill prohibitive regulations based on prohibition biased of a plant is a precedent that will be recorded in history. Spokane is significant to the marijuana movement at large because we represent an all American average American city. I'm glad this is all public record, as we advise policy . . . around the nation, all of your comments and actions will be public and I certainly hope that future policy makers don't shake their head and laugh at a tragic overreach by a municipal corporation. In addition, I believe that many of these regulations not comport to the Washington Clean Air Act in selecting, which states specifically, in selecting air pollution control strategies of the State and Local Agencies that support these strategies should lessen the negative environmental impact of the project on all environmental medium including air, water and land. Not only do outdoor cannabis plants convert CO₂ to oxygen and deposit carbon into the soil, outdoor cultivation has a significantly smaller overall carbon footprint compared to indoor cultivation; everything from the electricity to the light bulb manufacturing to the concrete that goes into the building. I just ask you to use common judgment, objective judgment and know that the whole world is watching..."

Toni Nersesian

"...This is an overreach that we've really, I mean I'm sorry that you don't care and I know you don't care if we make money or not, you didn't ask us to go into this business; but the reality is we are a business, they are targeted, I get treated like a drug dealer more than I can tell you, although I put 30 years into the non-profit entities of this town in my other life before I became a second act drug dealer. You have 40 illegal grows that you reported to the police, I think it was 40 Julie, I could be wrong, that nothing happened. They're causing smells in neighborhoods. I don't live in a neighborhood. I'm being regulated, the cops won't even go after the illegals and I'm becoming more of an activist than I can ever believe at a time when I thought I was going to be farming a product and selling it in the retail market."

Edward Cohen

"...This is overreaching; we are the most highly regulated industry in the world and we are threatened with compliance or the fines or the fees and I pay so much to comply with regulations that this overreaching statute is going to hurt us. Now I did hear the gentleman saying that you guys have an obligation to the citizens of Spokane County; I don't dispute that, I employ 25 people from Spokane County. Those people have families that depend on the employment of Sweet Water Farms. These additional fees, I have no problem, I do have issues with the regulations that is overreaching, but you do need to regulate and I understand that and that legitimizes this business, however you are saying that you are treating us like every other business; congratulations, you're probably the only people in the whole world that treat this industry like any other business..."

Spokane Regional Clean Air Agency (SRCAA) Response:

Air, water, land, flora and fauna are all interconnected. An impact on any will have an impact on all. Impacts, environmental or otherwise, are always a trade-off. SRCAA attempts to balance these impacts as much as possible but protecting air quality is our primary mission.

SRCAA enforces federal, state, and local regulations to reduce air pollution. Citizens, small businesses and large industry all have clean air requirements to meet.

SRCAA's work, in partnership with the citizens, local municipalities, and other agencies has dramatically improved air quality in our community, while accommodating a growing economy.

SRCAA disagrees that the regulation forces operations indoors. Both indoor and outdoor production is still allowed. Because each type of operation has different air quality impacts and mitigation solutions the types are addressed separately in the regulation. In fact, outdoor operations have no new operational requirements in the regulation. The intent of the regulation is to balance the rights and responsibilities of all affected parties. It is not the intent of the regulation nor does SRCAA have the authority to shut down marijuana operations.

Whether grown indoors or out, plants produce oxygen and contribute carbon to the soil.

14. Regulation should be applied equally.

Colum Tinley

"As a small tier 2 cannabis farmer I object to the discriminatory nature of the proposed Spokane Clean Air Agency rules and fees. Any rules or fees created by any agency need to be applied equally to all farmers, factories, retailers, auto repair shops, etc. in order to avoid discrimination...

...If any clean air agency is truly interested in clean air their enforcement efforts should be focused on actual polluters. A farmer growing kale, pumpkins, hemp, cannabis or just about any other plant is not polluting our air. Businesses like paper mills, wood fired cogeneration plants and cruise ships are indeed big time polluters. To avoid discrimination I suggest the Spokane Clean Air Agency stop targeting struggling cannabis farmers and only create rules and fees that apply to all businesses without exception."

Tracy Smith

...Meanwhile other industries, like hops farmers, do not face the same level of restrictions that cannabis does, despite also being used in a controlled substance and producing nearly identical terpenes. Yakima County, which encourages hops farming, is the largest hops producer in the country. Spokane used to be the largest producer of marijuana but is losing ground....

Ruby Wilson (additional comment information in Cannabis Farmers Council form letter)

"...Furthermore how can you justify these fees and what evidence can you possibly give that shows any of these fees will affect "clean air" in our state in any way? Growing Cannabis does not negatively affect our air! My farm has an incredibly noxious smelling compost company on the north side of our business and a animal crematorium on the south and neither of these companies would be subject to such steep fees!..."

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA has regulations that apply to all businesses (large and small) and residents in Spokane County, such as the odor regulation and asbestos regulation. SRCAA also has regulations for certain types of activities, such as wood heating and surface coating. The regulation to minimize air contaminants from marijuana production and processing apply equally across the industry. There are many commercial operations that SRCAA works with to minimize the release of air contaminants, including the paper mills, crematories, and wood fired boilers were mentioned. SRCAA is not aware of any hop producer operations in Spokane County. Hop farming in Yakima County is outside SRCAA's authority.

15. Clarification on requirements for “other marijuana producers”; production exemption.

Crystal Oliver

“...Other Specific Questions:

The Production Exemption sections and references seems confusing. Traditionally I believe the term exempt means one would not be subject to some regulations, what one is exempt of is unclear in my reading of your proposed rules.

...I'm also unclear on what will happen with "other marijuana producers" who are in operation after Section 6.18 is adopted? Would they still need to apply for the exemption?..."

The Cannabis Alliance

“... And then going onto the exemption, kind of based on what I’m looking at, I’m confused as to what the point of the exemption is. You, if you give me an exemption, you’re exempted from 6.1C so is that the, or 6.18D so is that you’d be exempt from the disjunctive of being an indoor or an outdoor or are you exempted from all of the definitions in 6.18C; kind of unclear on that one, a little bit ambiguous and then going into the just pretty much the context that all I want here and I’ll wrap this real quick up...”

Crystal Oliver

“...Some of my other concerns are the use of the word exempt to describe the licenses that use hoop houses, it’s kind of a strange use of the word exemption based on my readings of other regulations, they’re not really exempt from much, they’re gonna pay extra for those types of operations...”

Aaron Juhl

“...Worst of all, this rule does not allow new or expanding producers to utilize temporary structures such as hoop houses or even apply for an exemption. As a tier one producer/processor that has never generated a complaint, I’m one of the smallest farmers in the state and if I can’t expand my business to my allotted 2000 square feet, my business is going to fail.”

Spokane Regional Clean Air Agency (SRCAA) Response:

The commenter is correct that the term exempt means that an operation is not subject to some regulations.

“Other marijuana producers” that apply for a production exemption are applying to continue operation as an “other marijuana producer,” which exempts them from Section 6.18(D)(1) requirements for indoor and outdoor producers.

The regulation allows existing producers and processors in operation before the regulation effective date, 12-months from the regulation effective date to comply with Article VI, Section 6.18. All businesses must continue to comply with the existing odor regulation, Article VI, Section 6.04.

The regulation allows “other producers” that are in operation before the regulation effective date two options:

1. Apply for a production exemption to continue operations which do not meet the indoor or outdoor definition, such as hoop houses, temporary structures or other similar structures. SRCAA must receive a complete production exemption application and fee within 180-days of the regulation effective date.
2. Move production operations indoors or outdoors (as defined by the regulation).

If a production operation starts after the regulation effective date, the operation must meet the requirements for indoor or outdoor marijuana production at the time of start-up. No exemption is allowed. With the regulation already in place, new or expanded operations have to plan in advance to meet the necessary requirements.

16. Confidential business information concerns.

Cannabis Farmers Council SRCAA Rulemaking Form Letters

“...7. The proposed rule to require marijuana farmers to report proprietary harvest schedules puts the safety and security of marijuana farmers at risk. Because SRCAA is subject to PRR that information can be made available to the public and can be leveraged by competing farms and/or individuals seeking to rob or burglarize a farmer at the ideal time. This provision must be removed....”

Cannabis Farmers Council Report

“... The proposed rule to require marijuana farmers to report individual harvest schedules puts the safety and security of marijuana farmers at risk. Because the Agency must comply with the Public Records Act, that information (which is otherwise proprietary to each farm) can be made available to the public and leveraged by competing farms and/or individuals seeking to rob or burglarize a farmer at the ideal time. This provision must be removed.

This invasion into the privacy of cannabis farmers cannot be justified on its face by any compelling county interest. Indeed, it seems to be an effort by the Agency to identify when it would be most lucrative to conduct “random” inspections of the farms, to generate additional revenue for the Agency via fines for violations. It is also an excessive administrative burden for both the farmer and the Agency....”

Aaron Juhl

“... Asking for a harvest schedule from any farmer is completely unacceptable especially if that information is going to be used to maximize fines. The cannabis industry has enough problems with crime and we can’t have more government agencies making non sensible rules that put us all in danger. Harvest time is a busy and stressful time for any farmer. Producers should not be pestered by the Spokane Regional Clean Air during this time...”

Casey Connell

“I’m in a light industrial area. I might be all over the board here but I just wanted to voice my opinions on a couple of things that I have witnessed today and that have been brought up. My story’s similar to the gentleman that just spoke with I spoke with all my neighbors and I was very proactive about what I was about to do before starting and no one had a problem with it in our area and I made sure of that before we started building and we spent hundreds of thousands of dollars on our business. But one of the things that concerns me is as I have witnessed here earlier today you guys passed a provision, I believe, to protect, your concerned for your employees with violence and kind of people intimidating others due to your guy’s employees; well I think we have the same

concern with releasing our harvest schedule and I think we would like to keep us and our employees protected as well and I do feel that that's really follows the exact same line there. So I think that is a bit of information that shouldn't be out there..."

Spokane Regional Clean Air Agency (SRCAA) Response:

For businesses with confidential or proprietary business information, SRCAA implements and enforces RCW 70.94.205, Confidentiality of records and information.

A facility must be operating in order to complete an inspection. The need for return visits increases costs and fees. For this reason SRCAA requires advance notification from other season or temporary operations, such as asphalt and concrete plants, rock crushers and asbestos abatement projects.

17. It is a waste of Agency resources to implement program.

Cannabis Farmers Council SRCAA Rulemaking Form Letters

"...6. It is a waste of agency resources to require all marijuana farmers to report to your agency, be inspected, and develop mitigation plans when most, more than 67% based on figures in your fact sheet, are not associated with a single complaint...."

Spokane Regional Clean Air Agency (SRCAA) Response:

The regulatory program does not require operations to develop mitigation plans. Air quality regulations are intentionally proactive. Once they occur, air emissions cannot be mitigated. A complaint-based approach is reactive. In addition, a planned, organized compliance approach is much more cost effective for both SRCAA and the industry, than a complaint based reactive approach.

18. Disappointed about new regulation.

Tracy Smith

"...We were disappointed after having worked so closely with Spokane Clean Air, to hear about the new regulations and fees being proposed. We urge you to reconsider this targeted and discriminatory enforcement of new regulations on our budding industry. ...

... If not, then, because of pollutants or for the safety of the community, we must ask why these disproportional and unfair laws are being placed into effect. We can only conclude without further evidence that this is a discriminatory ruling based on unfair bias against the cannabis industry. Any codes that further decrease our industries place as a legitimate and even beneficial part of our community must be opposed. ...

...Additionally, our facility and many others have provided far more jobs than there are anecdotal complaints about the smell....

...The net effect of these unnecessary extra regulations and monitoring, will be to reduce income for the area as will have to locate elsewhere. More product will be brought in from other counties as demand is not going to change, sending more of our community's money to the east side....

...We urge you to discontinue this attack on the cannabis industry and to consider marijuana what it is, an agricultural product that benefits the community with revenue, jobs, and lower crime. We also invite you to do as others have done and tour our facility. You will see a large family of happy workers who will attest to the positive effect of the industry, and you will see a professional and respectable facility with industry-leading standards....”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA regulates air emissions from residents and 600+ other businesses in Spokane County. It would be discriminatory not to include a new industry that generates air emissions.

It is very likely the industry has benefitted Spokane County. True benefits cannot be known without also considering impacts. The regulation attempts to balance the rights and responsibilities of all who are impacted.

19. Rule seems excessive; wildfires; farm smells.

Cannabis Farmers Council Report

“...A regulatory scheme like the one proposed by the SCRAA is unprecedented for any other cultivated plant (leaving aside the contrived position that cannabis is not an agricultural product), and is of questionable validity as it appears blatantly discriminatory against a legal activity in the State of Washington...”

David Camp

“While I am exceedingly grateful for the Clean Air Agency’s work to keep Spokane air clean, this rule against pot growers seems excessive—and targeted less against the smell than against the product.

It’s particularly striking that so many of the complaints come from the same kinds of rural residents who have long told suburbanites to stop complaining about the smells of farm country.

Marijuana odors are not harmful, and are certainly less offensive than the choking reek from livestock feedlots and chicken houses that are so common around here, let alone the smell of grain fields after manure applications, or the rich stink of composting onion waste.

I see no reason to spend our resources on regulation of marijuana farm smells any more than on aromas from other agricultural pursuits. Instead, let’s focus your resources on the clean air issue that everyone in Eastern Washington complains about: the endless, unhealthy clouds of summer smoke from wildfires being amplified by global warming.”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA’s regulation was developed to address air quality impacts from the production and processing of marijuana. Opinions about marijuana are of no consequence in that effect.

SRCAA staff have responded to odor complaints from other agricultural pursuits mentioned in the comment. Poultry and livestock operations have developed practices and equipment to minimize odors from their operations.

Exhibit R in Article IV lists common industry sectors SRCAA regulates, including agricultural commodity operations. Some of the regulations we administer are industry-specific, others are general meaning they apply to everyone. For example odors, dust, and smoke emissions, asbestos, etc. apply to everyone.

SRCAA agrees that another area of concern for air quality is wildfires. Wildfires are outside of the scope of this rulemaking.

Comment Theme: Fees & Fines

20. Support fees.

James Ming

“...Like it any business, Marijuana producers and processors should pay for the expense of regulating their industry, So I affirm the fees included in this action...”

Carl Caughran

“... I was a member of the MAC Advisory Committee... We heard at the last hearing when we addressed this fee schedule, that the marijuana industry’s not able to regulate itself, they had some players that don’t want to be part of the process, you’ll hear that there are habitual offenders, it’s well document there’s habitual offenders and currently the fee schedule with the taxes going to the west side of the state and not returning to the County, the Regional Clean Air’s left holding the bag to police these efforts and get rid of these offenders. So I want to encourage you to adopt this new fee schedule, it will allow them to enforce 17-19 and to the industries liking, you should be able to get rid of these habitual offenders and legitimize their business and allow them to go on and, and make their, their money that they want without the, the odor complaints and the marijuana producers that are processors that are causing these problems, giving them a black eye. So this new fee will allow, allow Regional Clean Air to address these habitual offenders and the complaints should, should die down and be the, the best of both worlds, so thank you for considering that and your time in doing that.”

Spokane Regional Clean Air Agency (SRCAA) Response:

The purpose of the regulation is to minimize air contaminants from LCB-licensed marijuana production and processing operations in Spokane County. It includes registration fees for all marijuana producers and processors. The fees cover the agency’s cost of administering the marijuana regulatory program. When an operation is part of the SRCAA annual registration program, periodic inspections to ensure compliance with air quality regulations will occur.

21. Oppose fees; fees burdensome; state/city receives money from the industry; state/federal taxes .

LaDonna DeMent

"...We do not agree with you charging the marijuana growers more fees to stay in compliance when that fee doesn't do anything but lining your pockets!

Here is part of the article in the SR, that says you don't even have any new regulations in place, but you are going to charge another fee to stay compliant.

"Under current rules, marijuana growers and processors are required to file paperwork with the agency only if they bought and installed certain equipment, including boilers or generators, that could produce emissions in the process of cultivating marijuana or preparing it for sale as an extract.

Crystal Oliver said the proposed fees, which would range annually from \$528 for small-scale, indoor grows up to nearly \$5,000 for large-scale outdoor operations using hoop houses rather than enclosed structures such as greenhouses for growing, present significant hurdles.

The rules do not lay out in detail what a business needs to do to reduce fumes, but it must stay in compliance with agency rules that prevent the emission of an odor "distinct and definite, any unpleasant characteristics recognizable."

"A lot of people want a piece of the revenue," she said. "They think the farmers have a lot of money. We don't have a lot of money."

The growing operations and the sales of marijuana are bringing in lots of money for the state/city,..."

John Hancock

"...Because of the financial returns to state and local government, please encourage this industry, don't penalize it. I believe that the powerful stigma on this herbal product was (maybe still) a strategic program of racism, big pharma, and political opportunism. Please provide the leadership necessary for the further discovery of its benefits to be discovered and shared. There's a lot of evidence now about the medical values. I suggest your general support for this growing industry."

Cannabis Farmers Council SRCAA Rulemaking Form Letters *SRCAA Note: Some of the form letters provided analysis of individual facility finances and the fees range from 0.4% to 95% of the gross income for their facility.*

"...9. -The proposed fees are unduly burdensome. In comparing the initial registration fee plus the annual registration fee with the fiscal year 2016 median revenue for the various farm sizes some of the proposed fees amount to 7%-18% of the median gross revenue of a farm. This may very well be higher than the farmers profit considering the over-regulation and over-taxation the industry is already seeing...

Cannabis Farmers Council Report

"... We recommend that the Agency abandon its efforts to impose unduly burdensome fees on cannabis farmers in Spokane County. The proposed fees range up to 18.4% of some farmers' FY 2016 gross revenue. This is far from reasonable and will devastate many businesses...

... Our membership reports that their businesses cannot presently support the proposed fee structure. Should the farmers be assessed these fees, it will likely result in employee layoffs and/or shuttering of businesses. The small

independent cannabis farmers of Spokane County simply cannot accommodate another fee on their businesses operations. ..

... Over-Taxed: Cannabis farmers are significantly over-taxed, because a provision of the IRS tax code (Section 280-E) prevents them from taking standard business deductions such as marketing expenses...”

Colum Tinley

“...I understand the commonly held belief that anyone in the cannabis business is filthy stinking rich but unfortunately that is very far from the truth, in fact most cannabis farmers are struggling to survive, myself included. Due to over regulation, over taxation and a money grabbing attitude from many suppliers of cannabis related growing and processing equipment this is a very difficult business to succeed in...”

Alan Talbott

“... Our farm is located in Spokane County and will be subject to the proposed rules and fees. The fees are particularly onerous for our farm, as we are a small family-operated farm of modest means. In fact, the proposed fees would be roughly 20% of our gross income for all of 2017....”

Jay Low

“...Over regulation is detrimental to the I502 industry in its infancy. The proposed fees are unduly burdensome and are as high as 18.3% of the FY 2016 Median Gross Revenue for Spokane farmers.

Please consider all the difficulties and expenses associated in running an I502 farm successfully, and do without the proposed hike in fees and regulations.”

Mary Curley

“...Concern 4: Over Burdening small businesses

Lastly, we are a small business. Although the lure of the marijuana industry seems like a green rush of money, the reality is far from that.

We employ roughly 15 people, all of whom are supporting families that live in Spokane County and the surrounding area. We do not have outside investors or accounts with millions of dollars sitting in them. We are completely funded from sales of our products and most months we just barely squeak by to the next month.

We are competing in a tight market where the costs of doing business are higher than non-marijuana industries and where we (as indoor producers) receive roughly the same price for our product as outdoor producers receive with far less overhead costs. At every turn we are being taxed by anyone and everyone who can find a reason to charge us more than they would a non-marijuana business. We already pay additional licensing fees to the state and cities we do business in. We already operate under most of the guidelines outlined in the proposed rules. Adding an additional \$1000 and similarly priced recurring fees every year is not funds that our business readily has on hand....

...We kindly ask that the fee structures and requirements take these factors and our concerns above into account before rules are set...”

James Hodgen

"I'm writing this letter in opposition to any new clean air regulations against legal marijuana production and processing.

We are a indoor and outdoor grow and we've never had any complaints. If the agency is to add more regulations and expenses / fees, it will be very hard to stay in business. We have 4 full time employees and 2 part time and are not profitable at this time as it's a very competitive business. Adding more regulation and fees will not help keep the doors open and people employed..."

The Cannabis Alliance

"... Our concerns about the main element of the proposed rules: The fees

...In the above statement we take issue mainly with the fees. ...

... In closing, our solutions and recommendations

We request that you withdraw these proposals rules immediately until you have conducted a Least Burdensome Alternative Analysis.

It is our opinion that there are much more cost effective ways to arrive at the goal of minimizing air contaminants from state licensed marijuana production and processing operations in Spokane County....

Cannabis Alliance

"...And then there's also the producer with Agency granted production exemption; a lot of these fees just seem to be like a quick cash grab and I mean I understand that the Agency has to recoup some of its costs...

...but we're kind of missing the mark here on this one. It's not the, the producers aren't the ones that have all the money; unfortunately, it's actually where the retailers are at. So you're trying to grab, the type of green you're asking for payment is not the type of green these people have....."

Cyrus Miller

"...And this would impact my business negatively, I have greenhouses and outdoor and indoor and we're struggling to survive. You know, just because you have a tier three, doesn't mean you have all the money to put into it to make it put out as something like a Fat Panda or Blue Roots or these bigger compounds can do....

...I think there's a revolving door aspect in these compounds that are getting complaints, the people that won't be able to pay for these regulations will move out, a new farm will move into these places from the landlord and there will be a continual thing; the air quality won't change and... I guess that's pretty much all I have, I'm pro small business, I'm anti-black market and I hope you agree with me."

Crystal Oliver

"... I have a lot of concerns about these proposed regulations. I submitted a pretty comprehensive analysis of the data that I hope you all have seen; but some of my biggest concerns are that the fee structure is excessive; for a tier one operators, in particular, it amounts to 5% to 18% of the medium gross revenue of those farms. I don't find it reasonable for an agency to ask a small business owner for 5% to 18% of their gross revenue. And in this

particular industry, with the excessive regulations that we're facing, I don't think these farmers have 5% or 18% to give you....

Aaron Juhl

"... I'm here today because I oppose these rules and fees. To be honest, if these rules and fees had been in place when I went through the application process, I never would have started this business. I'm sure that these very aggressive rules and fees will drive some businesses out of the county, others will completely shut down. If these rules are adopted, they would be the strictest most excessive rules of that any clean air agency has ever passed in regards to cannabis and I fear it will have a devastating impact on my own small business. I'm particularly concerned with the definition of other producer. The fees are completely unfair because unlike the 600 other businesses you regulate, our fees are not tax deductible....

Brandon Powell

"... I just feel as if you're trying to grab something from people that don't actually have what you want to grab. We don't produce the money that you think we produce, we don't. We don't make the money that you think we make and I've said before that most of the money is in the retail and retail doesn't have to pay anything out of any of these fees and don't have any of these issues. Which I, you know, there is no odors coming from retail stores, I understand that, if there is a fee like some of these people say three or four farms, with mass majority, if there's a fee for that then I can, we'll happily pay that fee you know if it is proven that we've had a certain amount of complaints; whatever it is, I don't know how you measure the parts per million or however it is, if there is a breach in that limit, I don't know exactly how you measure air quality but if there is a breach in that limit, then yeah we'd agree to the fee; but like I said before, a lot of use have spent thousands of dollars to try and keep this odor inside of our facility and I guess that is all I have to say."

Kimberly Hoff

"...And pretty much, you need your, I wanted to say also in, you know, there's 165 people or farms in Spokane, the total profit per, according to 502 data there's only \$2,000,000 split between 165 farms; 2016 it was only \$6,000,000. That's split between 165 farms and 21 of those were making over \$100,000, most of the income is between \$15,000 and \$30,000 for all these farms and so according to my data, 37 so a total of 58 farms made over \$30,000 for that, you know, \$8,000,000. The rest of us are all under \$30,000."

Wes Tuttle

"...I fell this is an overreach. I feel we're an over regulated industry to begin with. The stores make most of the money, we do not, we're all struggling and the State makes a \$1.50 for every dollar I make. Why don't you guys go get money from them? It's my concern that you shouldn't come at us, you should go to where our money is actually going. Farmers are going out of business all the time and you guys are just going to put more of them out of business. You're talking about a few residents, but we're talking about thousands of jobs and lively hoods. I think the larger group trumps the smaller group..."

Toni Nersesian

"...on the other hand bipartisan legislature was in place for this current budget they're working on to eliminate taxes 280E and give us a bigger break and un-schedule us. ...

...I really feel like this is overreach, your intentions were good when you started but the Commissioners really took care of a lot and please work with the Commissioners, give us a nominal fee a \$100 bucks, I'd happily pay it, put in your warnings and fines and go after those that you need to without hurting an entire industry that was brave enough to become pioneers and didn't want to be buried by over regulations..."

Edward Cohen

"... The fees in this are excessive, it's going to hurt many operations and it's going to put people out of business and it's going to affect the citizens of Spokane County, that's who works at these farms, it's citizens of Spokane County. I just want this Board to realize that yes you don't have an obligation to make sure we make the money, but I think you should also in your considerations understand that the excessive fees that you are imposing upon us is detrimental and it's going to hurt a lot of businesses, put businesses out of business and it's going to affect Spokane County residents..."

Crystal Oliver

"...The amount of money the agency is seeking from the industry as a whole is alarming, considering the county is facing a budget shortfall and has to reallocate funds away from roads etc. I can't believe that the Clean Air agency is going to be permitted to extract this sort of money from businesses in the county to fund their mostly unnecessary and ineffectual regulation of our businesses. I would much prefer to pay a small couple hundred dollar annual license fee to the county than pay several thousands of dollars a year to the Clean Air Agency, at least the county could use the money to fund projects that benefit the public. Paying the clean air agency to regulate businesses that don't impact air quality is a great example of the problem with over-regulation in our country.

The per farm fees are excessive, my small business simply cannot provide your agency 9% of my gross revenues on top of the excessive fees, taxes, and other expenses we have...."

The Cannabis Alliance

"...As you may or may not be aware there is a significant financial burden on this industry, much greater than in other industries due in no small part to the federal tax code 280e. 280e is a tax regulation that prevents cannabis companies from deducting expenses from their income, except for those considered cost of goods sold. This tax burden in addition to a host of other contributing factors (increased fees from other agencies, falling prices, consolidation) make the margins on a farm slim to none. Requiring all farms to add an additional expense to this burden will cause many to close, losing revenue to the county as well as the loss of hundreds of jobs..."

Aaron Juhl

"...These fees they don't seem like much when you think about a business that's actually making money, but we're being so over taxed and over regulated we can't subtract these fees from our bottom line; we don't get to subtract regular business expenses so this hits us extra hard as it would any of the other businesses you regulated em...."

Crystal Oliver

"...When it comes to the fee schedule, keep in mind that those fees are actually 30 percent to 50 percent higher than what you have on paper because they will be taxed like income because of tax code 280E. So that's

something I'd also like you to keep in mind that the fees on paper are not just [Inaudible] we'll pay, we'll pay taxes on those fees at the federal level as well."

Spokane Regional Clean Air Agency (SRCAA) Response:

The 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.

SRCAA finances are separate from Spokane County and other local and state agencies.

SRCAA receives no marijuana tax income. SRCAAs does not consider finances and tax implications for individual facilities.

SRCAA is not required to perform a Cost-Benefit and Least Burdensome Alternative Analyses for rulemaking.

The initial registration fee is for the first year. The annual registration fee is for subsequent years.

22. Fee structure clarification; ideas; associate fees with risk.

Crystal Oliver

...Fee Specific Questions:

1. Should these proposed rules and fee schedules be adopted when will the registration fees be due for existing farmers?
2. Are there payment plan options for farmers who are unable to pay the fees in full?
3. Does a T2 & T3 producer only or processor only have to pay an initiate registration fee? ([the chart](#) is a bit confusing on this point, there is black bar that perhaps is intended to separate the producer only and processor only initial registration fee of \$525, but since it aligns with the LCB Tier 1 column it's a bit unclear.)
4. Will farmers have to pay any other fees, such as facility fees, NOC fees etc.?..

Tracy Smith

".... The fees associated with the level of risk and compared to the fees set for other industries are unreasonably high. Our initial fee is more than 18 times that of other industries. Such fees are especially restrictive on the smaller grows in the area as we all run on tight budgets with 20% of all revenue going to excise taxes. Taxes that help fund education, health services, and get sent directly back to the community..."

Mary Curley

"...Concern 2: Distribution of pollution risk and fairness of fees

As an indoor producer, we do understand that there is an odor generated by marijuana. It seems logical that outdoor producers will have a much harder time containing odors than we do. Also, tier 3's have three times the allowed canopy space than a tier 2. So an outdoor, tier 3 farm will face a much harder time containing odor than a tier 2, indoor grow. This exponential increase in canopy space and contribution of odor is not fairly represented in the proposed fee structure. The amount of money a tier 3 can generate is far beyond what a tier 2 can generate.

-How were the proposed fee structures created? Was there any consideration given to the risk of odor pollution or was it just based on an arbitrary starting point and stepped increases?..."

Cannabis Alliance

"...First one is really just regarding the fees in particular; the other one is regarding the exemption. So I'll start off with the fees. It's very unclear, ambiguous, seemingly arbitrary, I'm especially regarding the initial registration fees. If you're a producer only and a tier two is it \$525 or is it the \$1,000, it's unclear, same with the tier three. Also in regarding the annual registration fees, I'm kind of at a loss to kind of understand how that's put together. You've got an outdoor only facility that seemingly is going to have the most open exposure to the air which is probably going to have the most contaminants; we can argue about whether or not it's actually a contaminant, but that's for another point. If it's outdoor, makes sense you've got a lot of people. If it's indoor, it's going to be by design it's going to have less access to the air, therefore should have less smell. So it doesn't make sense to have a producer indoor and outdoor facility having, basically being double charged. If they're gonna be charged for the outdoor facility only because that's going to be the most, lack of a better word, the most pungent operation as opposed to an indoor; so why you would add the indoor and the outdoor to a producer of an indoor and outdoor facility is just strange..."

Crystal Oliver

"... I also have some concerns about outdoor producers being charged more than indoor producers. An outdoor field producer is going to be producing on an open plat of land and the plants are only going to be in flower for a couple week period and that is when the plants are in flower is when you do have the monoterpenes like pinene, the pine trees also produce, that's when it's more prominent and that's only a couple week period for the outdoor farmers. Whereas the indoor producer, you know they can do yearlong production, yearlong harvesting, so that impact was really long; so it's kind of a, I have some problems with that part of it..."

...Ultimately, you know there's a growing problem in the United States with over regulation of small businesses. I know some of you are out on platforms that talk about economic development and supporting small businesses and being, you know anti-excessive regulations and if asking a small business owner for 5% to 18% of their gross revenues isn't excessive, I really don't know what is. I don't have much else to say, I've written a lot of it down and submitted to you, but I'm up here it's an emotional subject for a lot of us in this room, we've poured a lot of energy, time and money into our businesses and this could very well devastate a lot of the farmers in this county."

Aaron Juhl

"... I'm not comfortable with outdoor growers having to pay indoor and outdoor fees and in many cases other producer exemption fees just because they propagate, just because their propagation occurs indoors or in a temporary structure such as a hoop house. I think these rules can still use a little bit of work and could be made a little bit more fair for the producers and processors involved. And I just want to say that these regulations will hurt the smallest farmers."

Crystal Oliver

"...The proposed fees charge outdoor farmers more than indoor farmers which is completely illogical. When the outliers are omitted most complaints are associated with indoor production in industrial areas, likely because they engage in year round cultivation, harvesting, and are closer to their neighbors."

Outdoor production is seasonal, there are likely 8-10 months a year where no plants would be in flower, to charge seasonal businesses more to grow a plant outdoors is ridiculous. The fees should be reflective of actual impact, a year round operation will have greater impact than a seasonal operation.

Requiring outdoor farmers to also pay an indoor fee if they engage in propagation indoors is excessive, vegetative plants, seeds, and clones do not emit monoterpenes like flowering plants do. ...”

Aaron Juhl

“...But I am here today because I’m against these fees, I think, I don’t think they’re proportionate the way they’re set up. If you have, I’m a tier one marijuana producer and I noticed that the tier two marijuana producers, I’m capped at 2,000 square feet of a farm and a tier two is 10,000 square feet. That’s five times as much odor producing that’s gonna be put out and I’m only being charged a couple hundred bucks less than someone in at that level. So I think the, I think the fee structure of this is completely unfair to the smallest farmers that really can’t afford these fees. Not only that is I think a lot more of the producers/process, most of the people are producer/processors, they will be gettin double charged on this. Most of um, I think fall under the category of other producer, which is gonna put em into the highest fee schedules. I don’t think that’s right, especially if they’re just using, puttin some plastic over they’re plant or something like that would put em into that, would categorize them as the other producer.

... You know, I, I just find it, I just can’t even wrap my head around the fact that so many people came forward against this and you guys still signed it in, it’s just wrong. You know, I hope we can get, at least make these fees a little better. It, it, it’s a strangle, it’s gonna strangle my business. Honestly, if this, these rules would have been in place as we were going through the application process, I don’t think I would have been able to do this, this is, it’s too much.”

Kim Hoff

“...I’m also a producer/ processor with a processing license. When this first happened, the LCB had us say okay if you’re a producer and you want to be a processor, that’s fine, but you weren’t able to process your own equipment, or your own product. Well since then they’ve changed their rules to be now that the, that you can just be a producer and process your own equipment or product as far as packaging. I still have a license, a processing license, I’m not using it, do I pay it, yes because at some point it may be a benefit to my business. _You know and to tax me for something that I’m not even using at the most expensive thing is ridiculous. So if I, if I turn around am a tier two with a producer/processor, yes; but at the same time, I believe I would probably be taxed with an exempt at that point and still be paying more money than even to the beginning is from what I’m understanding by these numbers. So I’m supposed to be at a tier two, 10,000 square feet, paying the most, probably 37 898 according to these clarifications; when I’m not even using one of my licenses. It’s just [Inaudible] there and I pay the LCB and people are collecting taxes off of me that I could just turn around and turn it back and you know, it’s, it’s ridiculous and especially with I, the current rate right now of bud in [Inaudible], I sent my son out to get me my cell phone cause I was gonna actually show you; there’s people right now because of the system is so over [Inaudible] they’re selling for 60 cents, between 35 and 60 cents a gram out there. How can you even expect, and it’s not even selling. Most of these people here are just barely making ends meet because it’s not selling; and with the increased fee schedule, it’s just going to hamper us even more. And so, I would like some clarification, I think that there needs to be clarification if you have a producer/processor license and you’re not using your processing license, there has to be something or if I have to separate, maybe that’s something that I

need to do and I guess I need clarification from you is what about if I separate it from a location, if I have an outdoor facility, which I do have, you know and I'm just processing inside, what are the clarifications on getting the best deal I can at this point because you can't just combine them all together with a producer/processor when you're not using producer/processor because people that just have processing license are getting less than me...."

Toni Nersesian

"..At our farm we are not allowed to do anything more than package flower. I would like you to seriously look at that because people who are only growing and packaging flower, there is nothing to processing.

...So I would like you to take that into consideration because I do feel that's an extra fee we shouldn't have the fee if we're just packaging. I do agree that I would like to see a sliding fee that's a little less for tier ones because yes I am one and then up [Inaudible] because the dollars are totally different. I am an indoor grower..."

Crystal Oliver

"... Okay and then as far as the fee schedule, I am glad to see that the annual registration fee won't be assessed until the following year, I think that's good it gives a little bit of breathing room there. I do think that the fees are high. I also didn't see in the presentation, it didn't seem that it addressed the scenario where a producer is an outdoor producer who's also doing some propagation indoors, such as sprouting seeds and taking clones. My reading of the rules said that in that scenario I would pay indoor registration fee as well as an outdoor registration fee. I find that provision to be excessive especially since a processor who purchases orals can get an exemption to, to not have to pay a registration fee because there aren't odors associated with that.....

...So I think that, that language really should be stricken from the rule, or from the fee part as far as like there's some language in there about propagation having to pay the indoor fee as well and I think that's too excessive..."

Spokane Regional Clean Air Agency (SRCAA) Response:

The initial and annual registration fees are based on program costs. As required by state law, the fees collected may only be used for this program. As with other SRCAA fee based programs, the fees are structured to be full cost recovery.

SRCAA plans to mail out initial registration mailing to affected operations the spring of 2018. The mailing will include an invoice for the initial registration fee. As with other registered sources, the invoice is due 45 days from invoice date. The initial registration fee breaks down as follows:

- Producer with processor license: Tier 1 - \$750, Tier 2 - \$1000, Tier 3 - \$1250
- Producer only: \$525
- Processor only: \$525

The initial registration structure is simplified to allow for use of available information.

The annual registration structure is designed to account for relative air quality impacts and program costs as show in the two tables below. In addition, producer tier size is considered. This allows for fees to adjust for business size.

Table 1: Air Quality Impacts

	Emissions	Duration
Indoor Producer, Indoor Processor	Controlled	Year Round
Outdoor Producer	Uncontrolled	Growing Season
Other Producer	Uncontrolled	Year Round

Table 2: Staff Time/Effort

	Inspection	Complaints
Indoor Producer, Indoor Processor	Controls	Least-due to controls
Outdoor Producer	Operational practices	Middle-seasonal
Other Producer	Exemption (site specific)	Most-year round

Any business which falls into a category listed in SRCAA Regulation I, Article IV, Exhibit R, that is not exempted in Article V, Section 5.02.P, must obtain an approved Notice of Construction (air quality permit) and pay permit and annual registration fees. For example, marijuana producers and/or processors with an operation that has a boiler, an emergency generator, or extraction equipment that triggers an air quality permitting requirements.

It is up to the source to contact SRCAA about a payment plan option before the payment is due.

Locations used only for propagation activities will not be used in making the facility type determination.

LCB license information will be used when determining an operations tier size and activity type(s) (producer/processor) for fee purposes.

The SRCAA Board of Directors (Board) suspended the annual fees for subsequent years until further discussion and direction by the Board. Information from initial registration along with comments provided during rulemaking will be helpful when the Board discusses the annual registration fees.

23. Marijuana revenue; reinvest in business.

Cannabis Farmers Council SRCAA Rulemaking Form Letters *SRCAA Note: Some of the form letters used the introduction to provide additional information including: business name, analysis of number of full time, part time, and rotating employees and percent average over minimum wage (20%), analysis on number of businesses in the state, and the business is their livelihood.*

“There are 138 marijuana farms in Spokane County, that’s 138 small businesses. In 2016 these farmers in Spokane employed more than 1,100 individuals, generated more than \$62 million in gross revenue on less than 50 acres.

The industry is still in its infancy and the farmers need to be able to reinvest and grow their businesses to remain competitive and over regulation significantly interferes with their ability to do so.

I've reviewed your recently proposed rules and fees for marijuana farms and am highly concerned about a number of aspects...."

Spokane Regional Clean Air Agency (SRCAA) Response:

The fees are structured to cover costs of SRCAA administering the marijuana regulatory program. As required by law, the fees collected may only be used for this program. Fees are reviewed annually and revised as appropriate.

The intent of the regulation is to minimize air contaminants from production and processing operations, not prohibit the industry from investing in their businesses.

The cost of minimizing and mitigating environmental impacts is a business expense for all businesses with an environmental impact.

As the commenters state, this new industry is grossing millions of dollars in revenue. If adopted, the projected initial registration fee revenue for SRCAA is less than 0.3 percent of the 62 million dollars cited by the commenters.

24. Use fines instead of fees.

David Young

"....Tax tax tax and fine fine fine them out of business...."

Crystal Oliver

"...5. Where can I read information about the various fines you will assess should a farm be found out of compliance?..."

Brian Foss

"...I think these marijuana producers should be fined much more than proposed for their efforts to ruin the lifestyles of their neighbors. ..."

Mary Curley

"...Concern 3: Taxing everyone instead of fining the offenders

If there were 44 businesses that comprised 322 complaints, then it seems logical to hold those businesses (with a final count comprised of legitimate complaints) financially responsible for the added burden and cost the SRCAA is experiencing. Taxing the 160+ businesses in Spokane County because less than 44 of them are being irresponsible seems excessive and inappropriate...."

Kimberly Hoff

"...I mean these fees are extraordinary. You have to understand with, even at the rendering plant, which has no comparison to diseased rotting carcasses compared to this plant. They only in 2004, when they put the third air scrubber in only had 300 complaints. They only had 37 NOVs at that time in 2004 and they received a \$100,000

worth of fines that year. There are fines and you guys could fine the three bad actors in this, not fine everybody else. There are tools in your toolbox to take care of this problem. It's just instead of fining everybody else and putting some more statutes in on everything else, maybe you guys should look at moving forward on fixing the problem instead of regulating everybody else that's not the bad actors..."

Toni Nersesian

"... I would like to recommend that you charge, because it seems like you are bent on charging all of us and monitoring all of us, a \$100 per grow. Then put into place warnings and fines that truly deal with the problems that you have instead of punishing everyone for what is a couple of people causing a lot of problems and deal with it that way. You refer to us in your presentation as you should treat us like all other commercial entities. ..."

Cannabis Alliance

"... We suggest the fee element of the rules can be removed in lieu of better and clearer methods of enforcement, possibly coupled with a fine should a licensee be consistently operating out of compliance and no actions are being taken to remedy the situation...."

...We believe it is possible for Spokane Regional Clean Air Agency to work with the problem farms within the existing resources of the agency, especially if most farms are complying within the limits of detection, which the data suggests. We believe the agency can spend resources much more efficiently through the enforcement of a few farms versus all...

...We are hard pressed to see how assessing a fee on all farms reduces odors.

However, it makes sense to establish a level that is enforceable and possibly a fine that the agency can use for technical assistance if required. We request that you encourage compliance through education, inspections and the evaluation of a businesses' needs on a case-by-case basis should it be required. We suggest this, again, because the majority of licensed farms have no complaints and therefore, no enforcement, fee or action should be required. If no enforcement or action is required there is no cost to the agency...."

Spokane Regional Clean Air Agency (SRCAA) Response:

It is not the intent of the regulation to tax or fine an operation out of business.

Fees pay for administering the marijuana regulatory program. The cost of minimizing and mitigating environmental impacts is a business expense for all businesses with an environmental impact.

Fines are given for violating the regulations.

Enforcement is one of the tools SRCAA uses to gain compliance. Enforcement may include issuing a Notice of Violation (NOV) and civil penalty (fine). The amount will vary depending on several factors of non-compliance. The maximum penalties are set in state statute. More information on NOV's and penalty assessments can be found at <https://www.spokanecleanair.org/about-us/regulations-fees>, and our NOV fact sheet, https://www.spokanecleanair.org/documents/our_air/NOV-April-2012.pdf.

Comment Theme: Complaints

25. Industry perspective from looking at SRCAA complaint data; focus on “problem farms”.

Danielle Rosellison

“In your statement for proposing the rules you say the following: “Production and processing marijuana began in Spokane County in 2014. From July 1, 2014 through August 31, 2017, odor complaints filed with Spokane Clean Air more than doubled from the previous three year period. During this period, 322 complaints filed with Spokane Clean Air regarding odor impacts from marijuana operations. There were 69 unique complainant addresses that filed complaints. There were 44 unique odor source locations (addresses) that had at least one odor complaint filed against them.”

We reviewed the 322 complaints after receiving the results of a public records request and we found that 39 (12%) were associated with either personal, medical, unknown source, testing labs or retailers... not licensed farmers.

Of the 283 complaints remaining, 211 (or 75%) were associated with 3 farms and were made by the same people each time. These proposed rules seem to be an overreaction to complaints driven by a few people against 3 farms. Are there other actions that could be taken rather than regulate, fee and fine an entire industry for a few problem businesses?”

Shawn DeNae Wagenseller

Based upon the facts that 75% of the complaints are against only 3 out of over 100 licensed growers, creating a financial burden upon all cannabis farmers is unjust.

Dallas Durkoop & Bruce Eicher (additional comment information in Cannabis Farmers Council form letter), **Jay Low**

“...74% of the farms in Spokane have had zero complaints while 75% of the complaints are associated to only 3 farms. It is unreasonable to assess high fees on all the farmers as a result of the poor relationship a few farmers have with their communities...”

Cannabis Farmers Council Report

“...A close look at the sources and objects of the complaints received by the SRCAA reveals a relatively small problem primarily involving three (3) farms (all of which are actively addressing the concerns raised), with many of the complaints filed coming from a handful of anti-cannabis activists....

...We also find it disturbing the 74% of the farms in Spokane County have had zero complaints and that the vast majority (75%) of complaints are associated with only 3 farms which does not justify the adoption of these draconian regulations and severe fees impacting all cannabis farmers...

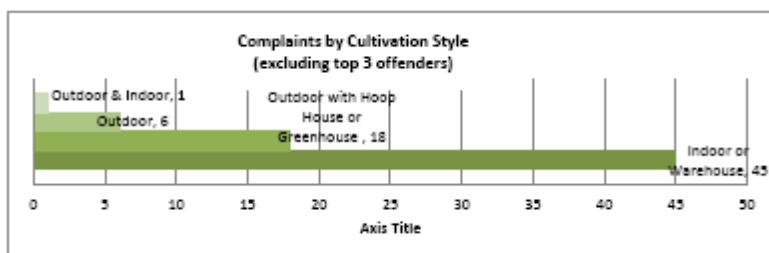
...The numbers presented by the Agency also fail to discern that most of the complaints received are associated with only 3 farms:

Bangs	119
MR Wholesale	79
The Happy Crowd	13
Total	211

In fact, 75% of the 282 complaints associated with licensed farmers are associated with only 3 farms...

...There are 136 licensed producers and processors in the county reporting sales and 74% of these businesses are associated with ZERO odor complaints. Most farmers have had no complaints of any nature.

The Agency proposes that outdoor farmers and farmers utilizing hoop houses should pay higher fees to cultivate cannabis plants outdoors, claiming that those styles of cultivation result in the most complaints. When you remove the three outliers from the equation, the data tells a different story.



Because 75% of the complaints are associated with only 3 cannabis farms in the county, we recommend that the Agency focus on these problem farms, who we understand are cooperating with the Agency to employ odor mitigation technology and improve their relationships with their neighbors. The Agency should not be assessing unreasonable high fees on all farms when the majority, 74%, have had zero odor complaints....”

Alan Talbott

“...Therefore I view the proposed rules and fees to be discriminatory. According to the information in the SRCAA fact sheet over 67% of all producers in the county are not associated with a single complaint. Hitting small producers with these fees will be counterproductive, will lead to the loss of jobs, loss of tax revenue, and will eventually result in cannabis producers fleeing the county to relocate to other counties that do not impose unreasonable and discriminatory rules and fees...”

James Hodgen

“...Please don’t penalize all farms for a few isolated Incidents at other farms where it’s obviously that the neighbors are so adamantly against this new industry that they complain about anything associated with it...”

Cannabis Alliance

“... Our concerns regarding the reasoning that Spokane Regional Clean Air Agency (SRCAA) uses for proposing the rules...

When you start to look at these numbers in more detail, which was made possible through a public records request for the information, the story becomes very clear from where the majority of complaints are coming. Of the 322 complaints 198, or well over half, were made on just 2 locations. The same eight people also generated those 198 complaints every time.

Of the 44 unique locations, 12 are not associated with a producer/processor location. Of those 32 locations remaining, the majority had 3 or fewer complaints levied against them. According to SRCAA there are approximately 18 producers, 22 processors and 120 producer/processors licensed in Spokane County, or a total of 160 businesses that will be affected by these proposed rules.

Regardless of how you turn the numbers, it is clear that the majority of licensed farms have no complaints levied against them and that the majority of complaints are related to only a handful of farms, made by a handful of people.

We are troubled by the fact that these rules propose sweeping changes that will impact every farmer regardless if they are cause for concern or not....

... The assumption that these rules will reduce odors and thereby complaints...

"...Again, we believe it is possible for Spokane Regional Clean Air Agency to work with the problem farms within the existing resources of the agency, especially if most farms are complying within the limits of detection. We believe the agency can spend resources much more efficiently through the enforcement of a few farms versus all farms. We would ask that enforcement be applied on a case-by-case basis with a fine attached should compliance not be achieved...."

Cannabis Alliance

...All of this is regarding 322, 28 complaints over 56% of those are from only eight households and those, all of those were targeting three farms. So it's a 165 people, a 165 facilities that are going to be levied this for the purpose of three complaints, three people, that seems a little a, a lot of hoopla for a little bit..."

Cyrus Miller

" I don't think contaminants are necessarily the same thing as complaints, even though they're nuisance...."

Crystal Oliver

"...We are on a small tract agricultural zoned parcel and it is 10 acres and we haven't had any odor complaints associated with our location.

...You know 75% of the complaints were associated with three farms, 74% of the farmers in Spokane County have had zero complaints; so I find it really alarming that we're going after this amount of money from these farms that haven't produced any complaints with their neighbors."

Gene Flynn

"...Another point that was made by another speaker was focusing on the problem farms. Well, I'll agree that there are a very few number of farms who have attracted a very large number of complaints brought by a very few people. Fine, if there are problems, then focus on those problems, not, do not throw a very expensive net over the entire industry. It makes no sense and it's certainly not fair...."

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA takes odor complaints seriously and implements regulations to protect the air. Complaints received may be an indicator of additional problems with an individual operation or a source category. SRCAA does not regulate any industry solely based on complaints. All industries must meet Article VI, Section 6.04, SRCAA's odor regulation.

From July 1, 2014 through August 31, 2017, 322 marijuana related odor complaints received by SRCAA were from citizens whose residences or work places were impacted by marijuana odors. Odor complaints included 41 of 160 LCB production/processing operation licenses, which is 26% of the industry in Spokane County. This indicates an industry issue, not just a few problem sites.

SRCAA agrees compliance through education is important. SRCAA provides technical assistance to citizens, commercial and industrial operations on a wide range of activities that pollute the air. In 2014, SRCAA began sending information to newly licensed LCB producers/processors, giving presentations to industry groups when invited, and working with area regulatory partners to develop regulation related information tools for the new industry. SRCAA will continue to provide education and technical assistance along with other more formal compliance tools.

26. Complaint process; enforcement of odor complaints; legitimacy of complaints.**Mary Curley**

"...We were incorrectly targeted earlier this year for a complaint generated by our neighbor. We operate in separate buildings from them and they share a building with an indoor tier 1 p/p. In the complaint it was noted that the complainant had issues with the indoor air quality from sharing a building with an indoor grow as well as concerns about outdoor air quality and they (and SRCAA) mistakenly assumed we owned both locations. The SRCAA agent did not detect odor outside of our facility and the complaint was closed. What is noteworthy about this incident is that the complainant stated he was filing the complaint to get out of his business lease.

Marijuana is a new industry and one that still generates a lot of emotion in the community.

-Has there been any consideration regarding how many of the increased complaints are genuinely from concerns about air pollution rather than a dislike for who their neighbors are? (Of the 322 complaints, they all tie back to only 44 businesses and only 69 complainants. That does not seem like the majority of the industry is causing problems but rather there are other issues at play between neighbors.)

-Of the complaints filed, how many have been found to be credible and worthy of further action against the marijuana producer?

-Has there been any breakdown of complaints by year rather than just pre-legalization vs post legalization? Is the rate of complaints increasing dramatically year over year?

Certainly having SRCAA know who we are and who our neighbors are would have helped this situation, however this information is already publicly available online and from the state. So is registration more an issue of coordination with the WSLCB rather than forcing businesses to register individually?"

Carl Caughran

"... Directly from the Spokane Clean Regional Air Agency (SRCAA) "Spokane Clean Air takes odor complaints seriously and follows protocols established through our air quality regulations to protect the air and public health. Per agency Regulation I, Article VI, Section 6.04: It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to unreasonable interfere with enjoyment of life and property." Sounds great, right? Sounds easy to enforce, right? Not so much! Calling or submitting an online complaint does not guarantee a timely response or even an onsite response at all from a Field Inspector. Enforcement of the odor complaints are an issue that needs to be addressed with whatever rules are adopted...."

Suzanne Caughran

"...Spokane Regional Air is getting ready for public comment on enforcing new rules regarding marijuana grows. Although the new rules sound great, how would they be enforced any different than the current rules that they don't enforce now. See, the problem with all these new rules are, what has been and continues to be the problem, lack of enforcement.... I understand that the "strict enforcement" of the marijuana grows is difficult to obtain, so...there is no strict enforcement happening currently. Spokane Regional Clean Air itself does not even respond to most complaints...."

Janette Birch, Anthony Birch

"...This is your primary duty.... The SRCAA has not been effective under its present rules to control the odor, light pollution, dust, and traffic caused by this particular grower, As they have been allowed to expand, the problems have continue to increase. Most of the odor issues are happening in the late evening, early morning or on weekends.

We live in our home 24/7, but apparently SRCAA is currently not able to provide monitoring and enforcement on a 24/7 basis."

William Thompson

"...Most of our phone calls are during the weekend and evening when we are home and SRCAA is closed. Like most people, our working hours are 8-5 Monday through Friday, so the time we do spend at home and outside is after business hours of SRCAA and so our efforts feel useless when reporting the odors...."

Frank and Kathy Diteman

".... We have complained at least four times this growing season and NO ONE came out to check up on our complaint. We have lived at this address for 11 years, and not one of the growers or processors next door live in this area. ..."

James Ming

"...but most of the odors come in the evening and on the weekend and that's when we don't have inspectors and this would help provide funds so that we can have inspectors when the problem is there and I appreciate that...."

Casey Connell

“... I do, I believe it was Margee spoke about a group of experts that came together to create an opinion and form some of these things that we are speaking of today. I have had complaints and what I’ve witnessed is from speaking to all my neighbors and building a relationship with them, I’ve discovered that there are about a half a dozen medical grows in my neighborhood and when the person that approached me on your department that we had a complaint, I didn’t see one piece of equipment that said even where the direction of the wind was coming from that day; but of course I was the one that was guilty because I have the eight foot fence and it’s pretty obvious what it is I’m doing. And so, I think that, you know, there’s a line between expertise and maybe opinion. I’ve heard of this calculation of a level two, what is a level two, how are you calculating that level, is this someone’s opinion? I have meters at my facility for dozens of things. We calculate CO₂, we calculate electric climativity, we calculate ph of our water, we calculate temperature, we calculate humidity, we have so many meters and I haven’t seen this Agency maybe present one and of course we’re being, we’re at fault and we’re in the wrong and I witness our neighbors also producing their own medicine for their health and that’s completely okay and their privacy and they have every right to do that; but I would just ask that maybe, that what’s happening be looked at and differently and then try to figure out what direction is the wind coming from, is it the eight foot fence, and I’m all for if we have an issue, to take care of the issue, I just feel that there needs to be more of a, some kind of an expertise involved instead of an opinion...”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA takes odor complaints seriously and follows regulations to protect the air. SRCAA staff will continue to investigate complaints. Wind direction is part of complaint investigations. All inspectors carry anemometer to measure wind speed. Inspectors receive odor training and are routinely tested for odor sensitivity. Anyone outside the statistically normal range does not enforce the odor rule.

SRCAA is not always able to respond to complaints immediately, for example, when complaints SRCAA receives are outside regular business hours. The limitations on timely response due to business hours and other factors is a primary reason to not rely solely on complaints to regulate an entire industry. The new regulation is not complaint based and includes proactive requirements so that it is not entirely odor based. This will make it easier to regulate the industry during regular business hours and on a level playing field.

From July 1, 2014 through August 31, 2017, 322 marijuana related odor complaints were received from citizens whose residences or work places were impacted by odors. 88% percent of the complaints (282 of the 322) were about 24 unique odor source locations that have a total of 41 production/processing licensed operations. Of the 322 marijuana related odor complaints, the three conditions listed below were met and SRCAA issued four NOV's.

Three conditions must be met for a Notice of Violation (NOV) to be issued:

1. An inspector detects the odor at an intensity level of 2 or greater using the following scale:

Level 0 – no odor detected

Level 1 – odor barely detected

Level 2 – odor is distinct and definite, any unpleasant characteristics recognizable

Level 3 – odor is objectionable enough or strong enough to cause attempts at avoidance

Level 4 – odor is so strong that a person does not want to remain present

2. The person(s) impacted by the odor provides an affidavit describing the impact.

3. An inspector identifies the source of the odor.

The majority of SRCAA's 600+ registered sources that the agency regulates do not receive odor complaints. From July 1, 2014 through August 31, 2017, 3% (15 out of 600+) of registered sources received 52 odor complaints.

SRCAA has the ability to sort marijuana related odor complaints by year:

- 20+ complaints July - December 2014
- 60+ complaints in 2015
- 120+ complaints in 2016
- 105+ complaints January - August 2017

Comment Theme: Using Marijuana, Medical Marijuana

27. Spokane Clean Air should not prevent people from using marijuana.

Jane Orr

"....Stop trying to get people to stop using marijuana by making up "fumes"...."

Agency Response:

The proposed rules do not affect marijuana use.

28. Odors from illegal and/or medical marijuana grow and use of medical marijuana in residential neighborhood.

Laura Dalley

"I am writing to voice my concern about the noxious smell produced in the production and use of marijuana in Spokane County neighborhoods. My family currently lives next door to a home ...with occupants who smoke Marijuana in excessive amounts, in effect they "hot box" this residence. I recognize these individuals' right to engage in activities of their choice within their own home, however when your personal actions within your home began to have a negative impact on the surrounding neighbors you should no longer have the right to engage in that activity. The overwhelming smell that is produced by their use of marijuana is nothing short of noxious and stifling. The smell is constant and my children choose not to play outside because of the offensive smell. The smell is so pervasive that our entryway and garage constantly stink of this drug.

I do not feel that these individuals should be allowed to make the choice for me, my family and the neighborhood as to whether we are able to enjoy and feel comfortable at and around our own residences. The standard and quality of our neighborhood and home as lowered due to the noxious smell that has overtaken this area...."

Matthew McCloskey

"I am a neighbor in the Mead School district area, and I have a neighbor at 221 W. Alderwood Ave, in particular that is growing marijuana in their garage. This neighbor is a renter and is growing marijuana in their home. Myself

and a handful of neighbors have tried to reach out to the homeowner/landlord over the overpowering odor to no avail. The renters may be in their legal right to grow marijuana due to medical purposes. However; their growing of marijuana has adversely affected our neighborhood and has been a major detriment to those affected by it. When they vent their garage to allow the marijuana odor to be released, the odor is so strong from the plants that its unbearable to be outside. My family and I can't spend more than a few minutes outside because the odor is so strong and pungent. ...”

G.A. Smith:

“... I know there’s regulatory things in hand and you know, they’re appreciated by people, residence, neighborhoods, but I think there’s rogue operations’ going on in different places. In my own neighborhood, I can speak directly to the rental house is puking out a skunky smell on a regulatory basis, has been doing it for a year and a half. I contacted the City Director last year; he responded that there was no license at that neighborhood or in that residence. They’ve been complained, there are complaints on file in that neighborhood and nothing’s ever been done about em. They are within 500 feet of Brentwood Park adjacent to Brentwood Elementary School; I understood that those kind of things in the beginning were regulatory, but nothing’s been done, nobody’s ever come around, there’s been no inspection. I suspect it’s going on in a lot of places and your complaints would indicate that. The smell is derogatory, it’s a testimony that I’ve been given in a six block area is that it’s affecting people in their own yards, patios, summer, springtime, it’s just, you know and. So any regulations that address that, we’re anxious and whatever this committee decides to do we hope that that will be a consideration. I respect the industry, I have had no problem with that, but where these things are happening is where the consideration for neighborhood and people, families, that’s I think their rights need to be addressed as well as the entrepreneurship of this type business and your monitor the air quality in this county, this kind of thing needs to be monitored and where it’s happening, it would be appreciated if the investigators would look into them when these complaints were filed. And so, with that I say thank you for whatever you do or whatever you decide to do...”

Edward Cohen

“... I agree with just about everything that has been said. I understand the frustrations of the residents. I just want to clarify just three points for the Board. Number one, I think the problem is with the illegal grows and that’s what needs to be concentrated on; is going after the illegals...”

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for sharing the issue about a medical marijuana grow in your neighborhood. SRCAA does not have the information necessary to determine if a complaint at an address without an LCB license is from a medical or illegal grow. For safety reasons, these complaints are referred to LCB.

Comment Theme: Other Concerns

29. Agency spending money on visiting marijuana production and processing operations without having regulations on the book.

Cannabis Farmers Council SRCAA Rulemaking Form Letters

"...8. I understand the agency has spent a large amount of money to inspect & visit marijuana farms over the last few years. It is my belief that it was irresponsible for the agency to engage in those activities prior to having regulations on the books granting them authority to do so..."

Spokane Regional Clean Air Agency (SRCAA) Response:

Consistent with RCW 70.94.081 Powers and duties of authorities, SRCAA has the authority to use resources to both administer regulations such as the existing odor regulation (Regulation I, Article VI, Section 6.04) that applies to all sources within Spokane County and to learn more about the operations, activities, and emissions of this new industry that may require new or modified regulations.

30. Spokane Clean Air should be concerned about chemicals that are polluting our air, water and lands.

Jane Orr

" I say let's attack the known chemicals that are polluting our air, water and lands. Let's get rid of plastic grocery bags and, for the love of God, Polystyrene!! We have years of proof that these two alone wreak havoc on us all..... Our trash goes to an incinerator, that release carcinogens into the air when Styrofoam is burned. Hot food eaten out of these monstrosities destroys the reproductive systems of our children and grandchildren. How many of you have seen the whales full of plastic bags?"

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for expressing your concerns about the environment. SRCAA agrees with the commenter that there are many environmental issues impacting our air, water and lands. We use many tools to improve air quality. SRCAA works with residents and commercial and industrial operations to minimize air contaminants including criteria air pollutants, toxic air emissions, Volatile Organic Compounds (VOCs), and odors.

31. Working with community officials and agencies; cannabis education.

Tracy Smith

" We at Grow Op Farms are the largest Producer/Processor of marijuana in Spokane County and consider ourselves a leader in the industry and cannabis community. When the City of Spokane Valley was considering their moratorium, we invited officials to our facility for a tour, as we felt knowledge and openness was a better tool than the fear that can drive such decisions. When your agency emailed us and wanted to do testing on our product, we jumped at the chance to assist in your research. Our facility employs nearly 400 Spokane County residents, not including our employment footprint with contractors and local vendors..... Thank you for your time

and consideration. Please contact us and we will happy to help dispel myths about the cannabis industry and brainstorm on other ideas to compromise and connect with our neighbors.”

Spokane Regional Clean Air Agency (SRCAA) Response:

Thank you for being an engaged community partner and working with agencies such as SRCAA and the City of Spokane Valley. In 2016, SRCAA reached out to Grow Op Farms for a SRCAA Board of Directors (Board) tour of the operation. SRCAA was declined an opportunity for the Board to tour. SRCAA agrees that knowledge is a great tool and we appreciate your willingness to work with us.

32. State agency regulations; state agency fees.

Cannabis Farmers Council SRCAA Rulemaking Form Letters *SRCAA Note: Some of the form letters provided information on WSLCB and DOH fees.*

“...Between the burdensome regulations imposed on our farms by the WSLCB, & DOH, the 42% increase in license fees we experienced this year, the increase in county permitting cost, the 50% increase in testing fees due to regulatory change, & the reality that we are unable to take standard business deductions I’m not sure my business can support another fee. This burdensome fee may be the straw that breaks the camel’s back...”

Cannabis Farmers Council Report

“...Over-Regulated: Cannabis farmers are over-regulated by the WSLCB, Spokane County, WSDA, SBCC, DOH, and other authorities. Large operators and lobbyists, as well as those opposed to cannabis, continue to push for increasingly complex and expensive regulations that challenge the viability of small independently owned cannabis farms in Washington State.

Fee Increases: This year the cannabis farmers of Washington State were hit with a 48% increase in license fees to fund a replacement to the state traceability system. It was supposed to be delivered November 1st 2017 but has been delayed to no sooner than January 1st 2018. In its place an Excel spreadsheet-based contingency plan has been implemented. This disruption was visited on farmers during the height of the harvest season, and among its many imperfections it has forced approximately 25% of licensed farmers to resort to a manual process. (These same farmers are also now encountering retailers who refuse to buy their product because of doubts and administrative burdens related to this “contingency solution” of the WSLCB.)...”

Alan Talbott

“...Our farm cannot handle the proposed fees. We are already subject to very strict regulations: the WSLCB increased licensing fees by 42% this year, the county is increasing permitting costs, testing fees have increased 50% due to regulatory change, and our industry is prohibited from taking many standard tax deductions. I fear these additional rules and fees may be enough of an additional burden that could lead to the closure of our business. We would then try to sell our license and the purchaser of the license would almost certainly move the operation outside of Spokane County to avoid these unreasonable rules and fees....”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA does not have authority over state or other local agency fees and regulations. These comments are outside the scope of rulemaking.

33. Zoning regulations and agriculture.

John Hancock

“Outdoor growing operations seem like agriculture to me, especially in rural areas. As such, they should suffer no more stringent requirements than crops or livestock operations. Zoning regulations have boxed in this industry, in order to protect the skeptical public. Don’t make it further complicated....”

Cannabis Farmers Council Report

“...Washington L & I classifies marijuana farm employees as agriculture workers and the WSDA regulates the pesticides and fertilizers cannabis farmers can use. Cannabis is a plant and grows in the soil. The WSDA has also begun rulemaking for an “organic” certification program for cannabis similar to its other organic crop certification. Basing regulatory policies on a denial of the nature of the thing regulated is bad government pure and simple....”

Spokane Regional Clean Air Agency (SRCAA) Response:

Agricultural operations are regulated by many agencies. SRCAA staff have responded to odor complaints from other agricultural pursuits mentioned one of the comments. Poultry and livestock operations have developed practices and equipment to minimize odors from their operations.

34. Current county zoning requirements; county zoning rulemaking.

Cannabis Farmers Council Form Letters Combined

“...I've reviewed your recently proposed zoning ordinance for marijuana farms and am concerned about a number of provisions set forth in it.

- I strongly oppose the county modifying the definition of agriculture to exclude marijuana cultivation. Marijuana is a plant, cultivation cannabis most closely resembles agriculture. Washington L&I classify marijuana farm employees as agriculture workers and the WSDA regulates the pesticides and fertilizers cannabis farmers can use. The county should not adopt prejudicial definitions.
- I oppose the requirement for a CUP process for farms seeking permits for expansion or construction. It is expensive and time consuming for both the farmer and the county....”

James Hodgen

“Thank you for asking time to read this. First off yes some of this letter is the same letter that has been sent to you by many farms, but I truly believe what it says. As a struggling farmer I have four full-time employees and two part-time employees . It is just getting overly burdensome with regulations and possible more expenses. We haven’t made a profit yet and any more regulations and expenses are probably gonna to put us out of business in short order. So I’m writing in opposition to a number of provisions in the proposed zoning ordinance for marijuana farms. My Farm is a outdoor and indoor farm and hasn’t had any complaints about odor or misuse of the land .. and to clump us in with a few farms that have had issues is not really a fair assessment. .

In 2016 these farms in Spokane employed more than 1,100 individuals, generated more than \$62 million in gross revenue on less than 50 acres. The industry is still in its infancy and the farmers need to be able to reinvest and grow their businesses to remain competitive and over regulation significantly interferes with their ability to do so....”

Cannabis Farmers Council Spokane County Zoning Rulemaking Form Letters

“ There are 138 marijuana farms in Spokane County, that’s 138 small businesses.

In 2016 these farmers in Spokane employed more than 1,100 individuals, generated more than \$62 million in gross revenue on less than 50 acres. The industry is still in its infancy and the farmers need to be able to reinvest and grow their businesses to remain competitive and over regulation significantly interferes with their ability to do so.

I’ve reviewed your recently proposed zoning ordinance for marijuana farms and am concerned about a number of provisions set forth in it.

- Firstly, I strongly oppose the county modifying the definition of agriculture to exclude marijuana cultivation. Marijuana is a plant, cultivating cannabis most closely resembles agriculture. Washington L & I classify marijuana farm employees as agriculture workers and the WSDA regulates the pesticides & fertilizers cannabis farmers can use. The county should not adopt prejudicial definitions
- Secondly, I oppose increasing the rear and side property line setbacks from 50’ to 100’. It is unreasonable to deprive property owners of the use of that much of their land for the purposes they desire. The reality is that most marijuana farmers have not had complaints from their neighbors.
- Thirdly, I oppose the requirement for a CUP process for farms seeking permits for expansion or construction. It is expensive and time consuming for both the farmer and the county.”

Tracy Smith

“ We at Grow Op Farms are the largest Producer/Processor of marijuana in Spokane County and consider ourselves a leader in the industry and cannabis community. When the City of Spokane Valley was considering their moratorium, we invited officials to our facility for a tour, as we felt knowledge and openness was a better tool than the fear that can drive such decisions. When Spokane Clean Air wanted to do testing on our product, we jumped at the chance to assist in their research. Our facility employs nearly 400 Spokane County residents, not including our employment footprint with contractors and local vendors.

It may appear as if we have no stake in the proposed zoning laws, as they only affect new grows; however, we must disagree and urge the commission to reconsider this targeted and discriminatory enforcement of new regulations on our budding industry. The zoning laws are in part based on the research we assisted with for Spokane Clean Air. We agree that there are VOCs released by marijuana and make no dispute to that claim. That being said, we also feel the amounts emitted ($0.0000000173 \text{ lbs/ft}^3$) are insignificant. When we compare to the standards set by Spokane Clean Air of 1 ton per year, we see that objectively our totals of less than half a ton per year are well below these rates. Compared to the 17.3 tons of VOCs per year released by the nearby papermill

alone, we cannot see a significant contribution from even our large farm. Furthermore, the VOCs released have no scientific evidence to support claims that they are harmful.

If not, then, because of pollutants or for the safety of the community, we must ask why these zoning laws are being placed into effect. We can only conclude without further evidence that this is a discriminatory ruling based on unfair bias against the cannabis industry. This, then, is our stake in the zoning laws. Any codes that further decrease our industries place as a legitimate and beneficial part of our community must be opposed. Since Washington state legalized cannabis in 2012, violent crime rates have gone down significantly. Drug related arrests have decreased. There has been no increase in teen use or vehicular fatalities, which was cited as a potential side effect by opponents of legalization. In fact, revenue for the state has increased. The industry has brought tens of millions of dollars in tax revenue to Spokane County, not including money from jobs and increased employment that used to go to criminal sources. Additionally, our facility and many others have provided far more jobs than there are anecdotal complaints about the smell.

The net effect of not calling marijuana what it is, an agricultural product, will be to reduce income for the area as new and growing farmers will have to locate elsewhere. More product will be brought in from other counties as demand is not going to change, sending more of our community's money to the east side. Counties like Chelan have used such zoning changes to essentially ban cannabis farms and are now facing costly lawsuits and potential damages claims. Other industries, like hops farmers, do not face the same level of restrictions that cannabis does, despite also being used in a controlled substance and producing nearly identical terpenes.

We urge you to continue to consider marijuana what it is, an agricultural product that benefits the community with revenue, jobs, and lower crime. We also invite you to do as others have done and tour our facility. You will see a large family of happy workers who will attest to the positive effect of the industry, and you will see a professional and respectable facility with industry-leading standards.

Thank you for your time and consideration. Please contact us and we will happy to help dispel myths about the cannabis industry and brainstorm on other ideas to compromise and connect with our neighbors."

Cyrus Miller

"...So I'm kind of shaky up here because it's, I mean we're casually talking about my livelihood and I think that maybe we can make exceptions for people in agricultural zoning or something, I'm not even allowed to make hash out at my place because of the stringent regulations in Spokane County..."

Toni Nersesian

"... While you all were meeting and trying to deal with this problem and it was taking you a long time; the Spokane County Board of Commissioners headed by Al French took some major steps in the last year and that includes, they have, we changed our zoning, they increased the setbacks, they are working more to make sure that things happen outside of the Liquor Control Board (LCB) so they now have a Conditional Use Permit. So if I wanted to go outside instead of in door; I would pay the \$5,000 single fee. Well, they've done massive work that I think they really needed to have done, but it wasn't being done so you formed a committee, you put a lot of time into this, but the Commissioners were moving really fast and they took care of a lot of issues. Many of us, I'm in

the rural ag zone, but many people are in the industrial zones, so go into the industrial zones and a lot of growers are, they met all those needs and they're not in neighborhoods. We will become an ag product when we are no longer a scheduled one drug and on one hand I feel like that is even beyond my lifetime...

... So it won't happen this year, it might not happen next year, but by the time you get your thing really rolling, we're going to be qualified for ag. We're still going to be run by the County Commissioners."

Craig Nielson

"...I think that this whole meeting here isn't necessary and I agree with the woman that was up here talking about the additional the CUP conditional use permits that are now being, you have to acquire one to start up a farm and I'm in that process right now and part of that process is I have to go to a title company and get the addresses of all the property owners around the property that we're looking to set up and basically get their permission. You know, if they disagree with it, doesn't necessarily terminate the project, but, you know that's the right route to go and what we're doing here I think is an overreach and the County is already addressing these problems. That's like I've gone through and personally talked to all the neighbors out where we have property out by Elk and that that and they're okays before I purchase the property myself; and I told them it's like if you a problem with this, tell me now, I'll go by a piece of property somewhere else and so in my view I have issues with the whole conditional use permit process and the expense, how expensive it is, but that addresses this problem and you know given SRCAA this much more authority it's a bad idea in my opinion."

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA is a separate government agency from Spokane County. These comments relate to Spokane County rulemaking proposal. These comments do not apply to SRCAA rulemaking.

35. Work with county and new zoning regulations.

Tom Barlow, Toni Nersesian

"... We recommend you work with the Spokane County Commissioner's new zoning rules, including the Conditional Use Permit for all new farms or farm expansions. I realize this does not cover existing farms - but only three out of 138 farms had over 78% of all complaints. The Spokane Regional Clean Air Agency does not need to take on over-site of all the marijuana farms in Spokane County when we have a progressive zoning laws going into place to assist you....

...We request that you do not follow through with the proposed rules, unnecessary fees and overreach."

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA works with local municipalities, including Spokane County. The county's proposed zoning changes do not address the odor issues from existing marijuana production and processing operations. The marijuana regulatory program shifts from a reactive, complaint-based approach to a proactive approach to protecting air quality.

36. Other zoning, safety, light and noise pollution concerns; property value/assessment concerns.

Bryan Foss

"... I don't see how a few hundred dollars in registration fees is going to reduce the odor and the contaminants they pollute our air with, especially the outdoor producers? If there continue to be such minimal restrictions as to where these producers and processors can start their operations, the lifestyles of the law-abiding citizens in our state will continue to be ruined...

... These neighbors happen to have an oddly shaped property of exactly 5 acres, which to my understanding is the minimum size lot for an outdoor producer license. They also happen to live just barely beyond the 1000 ft limit from our local elementary school. ...

In addition to the terrible odor and great concerns for the health of my young family, especially when my wife was pregnant with our youngest child, the physical safety of my family has been a concern. The type of people that are racing in and out of their driveway and past our house and the people who camp out in their back yard along our fenceline creates a great concern for the safety of my family, especially my young daughter who likes to ride her scooter and bicycle around our driveway.

This neighbor had up to 3 families living in their house and not one could water or mow their lawn or take care of the 3-4 foot tall weeds that became their yard, yet the government felt they were qualified to operate a marijuana production license. It is truly astounding how little vetting is done by the government to hand out these marijuana licenses.

I had called the Spokane County Sheriff, the Spokane Regional Clean Air Organization, our local County Commissioner, and other agencies that I could think of to try to get some answers or get the situation under control when it first started. I did not receive a single call back on the matter other than the county zoning representative who told me this was outside his jurisdiction unless we could prove the three families living in a single-family residence were not somehow related. There was no advance notice of this marijuana production starting nor any input allowed from the neighbors to try to stop it. Our local government seems more interested in protecting the pot industry than in following our federal laws and protecting the health and property values of our law-abiding citizens.

On top of all that has been going on next door, the Spokane County has raised our assessed property value in each of the last few years, even though we cannot even enjoy being outside on our own property.

This allowance of these marijuana producers to start an operation in a residential neighborhood has been incredibly stressful and has left me with many sleepless nights, a lot of frustration in cleaning up the garbage blowing in from this neighbor's "farm", and a lot of additional financial stress. In my opinion, adding additional regulations and fees for these growers will help your agency to cover the costs of the additional calls that you handle, which is fine and I don't have a problem with these people paying extra, but the problem won't be solved until the government puts real regulations on this business and gets these producers out away from all residential neighborhoods and preferably completely out of our state..."

Linda Carver

"... 3. At times when driving by, there have been a few to several cars parked at that location- I'm assuming that is when they are harvesting? This location is adjacent to a State sign that says

NO PARKING and at times there are cars parked in the NO PARKING area. When this happens, the vision for cars coming to the stop sign on Forker, that are trying to get on Highway 206, is terribly impaired .

When the facility first opened it was an ongoing problem, but seems to have lessened somewhat.

4. This past summer there was an outside grow - and the outside area, adjacent to the inside grow, was surrounded by big black tarps or fabric- which, needless to say was super ugly- definitely visually

degrades the beautiful Mt. Spokane scenery and our neighborhood. I know that it was an outside grow because a friend has one of the phones that have pictures of areas and the picture clearly indicates the plants...."

Warren & Sylvia Riddle

"...We live about 1 mile from the Forker Rd and Hwy 206 marijuana grow. For the most part we ignore them. But we feel for the several neighbors who have a greater impact from their presence....

...2. Tarps Visually the black tarped outdoor addition is a shame. It is now sagging and blowing in the wind.

3. Parking Years back the owner of that structure installed a guard rail barrier to prevent skiers, mountain bikers, car poolers etc from parking in the otherwise rarely used parking area. That owner also added no parking signs to prevent parking on the 206 and Forker edges which makes some sense.

More recently the current owner placed no parking signs near their east entry area. So where do the grow staff park when they are at their grow??? Well their own parking area is blocked off by the heavy duty guard rails. Typically they park on the Forker or 206 road edges, blocking good visibility for traffic at that intersection. To be good neighbors they should at minimum park their own several vehicles on their property and not on the right of way.

We will probably live here on the farm for another 20 to 30 years. If we lived just a bit closer to this grow, had to look at the grow from our yard and had concerns about resale value of our property we would be pretty angry."

Stacy Musser

"...and now that more greenhouses have been added the light pollution is as bright as being in downtown Spokane on a Saturday night, and then there is the noise pollution, when the fans are running the noise is equal to a small airplane running its engines up but it doesn't fly away it just keeps roaring away. ...

...excessive night lights, and an airplane engine noise.Better yet make the whole business go away and give us our neighborhood back."

Laura Dalley

"...If the county chooses not to change, implement and enforce rules regarding the harmful and noxious smells that coincide with the excessive use of marijuana, then not only could they be held liable for the loss in property

value of surrounding homes but they would be sending a clear message to those in the county that an individual's right to use this drug prevails over the families and communities we hope to keep happy and healthy."

Matthew McCloskey

"... We're requesting that the guidelines and rules change so that you cannot grow marijuana in residential neighborhoods, or at the very minimum directly next to schools or parks. Thank you for your time. If you would so kindly respond with the specific RCW on the legal perimeters and distances in which people can produce/grow marijuana, so we can properly educate ourselves, that would be greatly appreciated...."

Leslie Walsh

"... He drilled a well which is using who knows how much water to grow and clean the product. Only after a legal action would he reimburse the farmer for destroyed crops as agreed to in the sales contract. I am still carrying the control on the land upon which he has built his facility against the sale contract again. The fire department has visited him for his bonfires. He has titillated a contractor's employee to punch him. He boasts of carrying a gun in his pocket. This is not the sort of person welcome in any neighborhood. And this is not a business our Christian farming community wants.

Our acreage is minutes away from Spokane City. My property value assessment is down. In fact, because of this Cannabis growing facility I cannot sell my property to future homeowners who want the country living close to down, to raise their kids, to enjoy their retirement, etc. There is no enforcement to keep the pot growers in compliance and this one does whatever he wants with belligerence and more money than we have.

This Pot-growing Farm, Kouchard Productions, is not acceptable on any level. And experience with this grower makes me think that smoking this product changes ones brain function into unacceptable and possibly dangerous or criminal behavior. Please get it out of Spokane County and make them go to less populated areas. Better yet outlaw it..."

Kelly & John Rykken

"...Our plan has always been to move back to Spokane at retirement and to this same area where Kelly was raised. But now we have the following real concerns about moving back to our land. Would we want to live there if we had to live with the smell of growing marijuana? Is it likely to draw criminal activity to the area? If we needed to sell, would we be able to find a buyer? Will the marijuana farm itself have a negative impact on property values? We think it's likely that it will.

We would like to ask you to consider additional restrictions on these types of operations."

Roger Bertsch

"... While not directly bearing on a hearing on air contamination there are also mitigating issues that are germane. These mitigating issues are important to understand as they are a part of the greater issue of cannabis farming in Spokane County neighborhoods.

a. Light Pollution: Hoop Houses with their water-thin white opaque plastic coverings when light emit a bright yellow-orange glow into the otherwise clear dark sky.

b. Excessive use of energy. The utility bills to heat uninsulated hoop house must be huge. While energy is abundant in our region the heating of hoop houses in my opinion is both wasteful and unneeded.

c. Parking Lot: Typically, 10-12 cars are parked in front of the Bang's Cannabis Company.

d. School Children: Our neighbors have children who ride the bus every school day. In my opinion, exposing children to a cannabis operation is not a good idea.

e. Property Values and Real Estate: Some homeowner have had their property taxes reduced because of the adverse impact of proximity to a cannabis operation. This year, several homeowners are appealing to the Spokane County Board of Equalization for property tax reduction.

These are my reasons for supporting the proposed rules to minimize air contaminants from marijuana production and processing. I would also hope that Spokane County would consider a land swap to remove existing operations out of the neighborhood into areas where the adverse impact of cannabis operations could be reduced."

Carl Caughran

"...I could go on about the hazards of marijuana to our health, how it is going to affect future generation of our children, etc., but the fact is, that what started out in a rural traditional home on 10 acres as an illegal marijuana grow operation, has exploded into a legal, per Washington State Laws, commercial operation that does not fit the current zoning use. In fact, the homeowners at Bangs cannabis, Patrick and Lacy Bangs no longer choose to reside at the location. They don't even want to live there,..and I can't blame them!..."

Suzanne Caughran

"... As a property owner, I would like to see Bang's Cannabis moved from traditional rural to a commercial area which is where they belong. Bang's has anywhere from 5-12 cars parked in their yard daily. Not only do we have the stench, but the potential for criminal activity brought to our neighborhood by Patrick and Lacy Bang, who by the way, no longer reside on the property. Marijuana is not a benign drug, it is a Federally mandated schedule 1 drug. It is an addictive drug and the THC levels that are being hybrid by the growers is very high and if they didn't addict people they would be out of business. Bang's Cannabis has brought a bad element to my neighborhood. The employees stand outside and smoke, then drive their cars on the same roads with school buses full of children and innocent people including myself. If I wanted to live next to a major light polluter and marijuana dealer I would have moved into town.

There is nothing right about the zoning for these grows in the county. They bring danger as is being witnessed in the pot shops in Spokane and Cheney...."

Frank and Kathy Diteman

"...The proposed changes seem to really only benefit Spokane Regional Clean Air's pockets and not those of us who have the misfortune to live next to one of these operations. The sheer size of the compound that is next to us causes not only the smell, but noise of loud music playing, more traffic causing potholes, etc., to our road, the allergy problems (marijuana plants pollinating are much worse than ragweed), and the stress of not know when we are ready to sell our property, if we will be able to do so for what it is worth.

If the powers to be decided to designate all rural area as fair game to marijuana operations of this kind, they should at least put in better parameters for already established neighborhoods, such as an indoor operation only...."

James Ming

“...Processing does not belong in residential areas. It belongs in commercial areas....

...I find it worth noting that this site across the street from me was the Bangs home with no growing of any kind for a number of years. Now they have expanded from 1 to 5 hoop structures, they have moved their family out of the area. What is left is a plastic covered factory that should be in a building....”

Spokane Regional Clean Air Agency (SRCAA) Response:

Zoning, public safety, fencing, light and noise pollution, and property assessments and values are handled by counties, cities and towns. These issues are outside SRCAA’s authority and the scope of rulemaking.

For information about the where marijuana grows may take place, please visit the Washington State Liquor and Cannabis Board (LCB) website, www.lcb.wa.gov.

37. Growers join together.

James Ming

“...And I think, I’m kind of surprised it’s been eluded several times that a lot of the complaints are against a very few, I’m actually surprised the growers haven’t banded together against the ones that are giving them a bad name....”

Spokane Regional Clean Air Agency (SRCAA) Response:

This comment is outside the scope of rulemaking.

38. I-502 issues; schedule I drug.

John Hancock

“...The public authorized this product at the ballot box. That’s the bottom line for me.”

David Young

“I am opposed to any form of illegal drugs pot included....”

Cannabis Farmers Council Report

“...Falling Wholesale Prices: There is a significant imbalance in market power between the producers and retailers due to the structure of the market created by the state that placed a cap on the total of permitted stores, yet licensed an unlimited number of farmers. This has led to continually falling wholesale cannabis prices, pushing many small farms to the brink of insolvency.

Consolidation: The WSLCB has recently begun allowing market consolidation via acquisition of existing businesses which is allowing only the biggest and most well-capitalized to grow even larger...”

Tracy Smith

“...Since Washington state legalized cannabis in 2012, violent crime rates have gone down significantly. Drug related arrests have decreased. There has been no increase in teen use or vehicular fatalities, which was cited as a potential side effect by opponents of legalization. In fact, revenue for the state has increased. The industry has brought tens of millions of dollars in tax revenue to Spokane County, not including money from jobs and increased employment that used to go to criminal sources....”

Tom Barlow, Toni Nersesian

“...When marijuana is taken off the Schedule One drug list, many aspect of our industry will change, among them the fact that we will become an agricultural crop. At that time, your needs, rules and requirements will change greatly when dealing with marijuana...”

Brandon Powell

“...I understand coming out of prohibition and some of us looked a little worse for wear, we’re aren’t clean cut, we come from a different cloth I guess, but we’re all here in the same facility, the same region, we’ve all voted on these rules and the rules were passed by the people.”

Edward Cohen

“... I don’t know of any other industry where you have to wait in line to pay your payroll taxes because you can’t get a bank account and then you get a 10% penalty for paying your taxes, your payroll taxes in cash. I don’t know of any other industry where you can’t open a bank account, where you can’t pay your bills and it’s just one fee and one fine after another while we try to be compliant....”

... I just want you to be aware of that, that we are not treated like any other business. We are ostracized, we are fined, we are regulated and it seems like governments are attempting to try to put us out of business notwithstanding the fact that the people of the State of Washington requested and passed this. So in your thoughts, just, there’s a lot more here to consider and I would appreciate it if the Board did so...”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA will revise its regulations as necessary when laws change. Comments are outside the scope of rulemaking.

39. Failure rate of licensees.

Crystal Oliver

“...3. Has your agency done any fiscal projections with 50%-75% failure rate for licensees in Spokane?...”

Spokane Regional Clean Air Agency (SRCAA) Response:

No, this is not required of the agency. This comment is outside the scope of rulemaking.

40. Profitability; black market.

Suzanne Caughran

“... So, where you are whining during public comments about how am I going to feed my kids...you should be saying to your children, “I am sorry to subject you to growing up on and around these pot grows”. You should be ashamed at what you are doing to your children. They don’t have a choice, you as a parent do. You should be ashamed. You have sold your soul and your children out for the money. Oh, and by the way, reading the headlines in the news, it appears the black market that you thought you were going to wipe out by legalizing marijuana, is still thriving....”

Janette Birch, Anthony Birch

“....You have no duty to ensure the profitability of marijuana growers.....”

Agency Response:

These comments are outside the scope of rulemaking.

41. Cigarette processing.

Marketch

“I'm calling this simply nonfactual and agenda based. When I see the processing of cigarettes that have taken place for decades and decades, I have not one doubt that this recent clean air scam that the county is trying to pull off is from a bunch of liars who work for the government and have an agenda to mess up this county with more and more dumb rules that make no sense what so ever.It's all about the cry wolf syndrome, or the sky is falling now. Today I am so bent out of shape with the SRCAA authority that I would like to get this organization closed up for good and never darken our County again. WE are not to be regulated in this latest scam that you people have cooked up on your own based on a green globalist UN agenda. Then if that Volatile Organic Compounds phrase is true then it must be the same rules for Cigarettes also equally and must apply to everything.”

Spokane Regional Clean Air Agency (SRCAA) Response:

SRCAA is not aware of any cigarette processors in Spokane County.

42. Rendering plant.

Kimberly Hoff

“... We’re on an agricultural tract of 28 acres total out there. I have a little bit of different knowledge I think I need to testify about. So my husband who is co-owner with me worked at the rendering plant for eight years. Gross job, did everything, he was their general maintenance, he did everything. He also installed the air scrubbers there. About a year ago, maybe a little bit more, a year and a half ago, I met with Julie and Joe to see about when this problem all started, about what we could do as a cannabis, being proactive what we could start maybe

getting a program together, maybe he could get some type of something, cause he understands how air scrubbers work, because if you can control the air at the rendering plant, he can pretty much control anything on an inside facility....”

Agency Response:

This comment is outside the scope of rulemaking.

43. *Odors associated with hemp production.*

Crystal Oliver

“...4. How does the agency plan to address odors associated with Hemp production, since it is in same plant family as marijuana, specifically cannabis sativa and has same odor issues?...”

Agency Response:

This comment is outside the scope of rulemaking.

44. *Questions on Regulation I and rules coordinator.*

Crystal Oliver

“....1. How long have you been the rule coordinator for Spokane Clean Air Agency?

2. Where can I find the full/complete current Spokane Clean Air Agency Rules?...”

Spokane Regional Clean Air Agency (SRCAA) Response:

The rules coordinator has served in the position for two years. This comment is outside the scope of rulemaking. SRCAA Regulation I is available on the agency website, www.spokanecleanair.org.