

FINAL DETERMINATION:

SRCAA has completed its review of your processing exemption application (Application) and issues the following final determination. Spokane Regional Clean Air Agency (SRCAA) hereby issues an Order granting an exemption from the requirements of SRCAA Regulation I, Article VI, Section 6.18) subject to the conditions set forth below.

This exemption is strictly enforced and violations of this Order may result in permanent revocation of this exemption.

The processing exemption (exemption) is granted, provided that the following conditions of this Order are met:

1. A copy of Order #18-01 and the application shall be kept on site and shall be made available to SRCAA personnel upon request.
2. Only processing of purchased marijuana concentrates (e.g. marijuana oil) to manufacture marijuana-infused products is allowed. Production or direct processing of marijuana plants and plant material is not allowed under this exemption.
3. The processing operation shall comply with the requirements of SRCAA Regulation I, Article IV, Section 6.04 – Emissions of Air Contaminant Detriment to Person or Property. The facility shall not 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:
 - i) injurious to the health or safety of human, animal, or plant life;
 - ii) injurious or cause damage to property; or
 - iii) an unreasonable interference with enjoyment of life and property.
4. The Control Officer, or duly authorized representative, shall be allowed to enter the facility premises at reasonable times to inspect operations, equipment, and/or records specific to the control, recovery, or release of contaminants into the atmosphere, in accordance with SRCAA Regulation I, Article II and RCW 70.94.200.

For the purposes of this Order, reasonable times include, but are not limited to, any of the following: normal business and/or equipment operating hours, periods of equipment breakdown or malfunction, and times when the Control Officer, or duly authorized representative are investigating air quality complaints filed with agency and/or have reason to believe that air quality violations have occurred or may be occurring.

No person shall obstruct, hamper or interfere with any such inspection.

5. This Order is limited to the LCB licensed operation at the location listed above. This Order is not transferable to a new location.

6. This Order may be suspended or revoked for cause including, but not limited to, the following:
 - a. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts.
 - b. Violation of SRCAA Regulation I.
 - c. Violation of any conditions of this Order.
 - d. Changes to state or federal law that preempt SRCAA's jurisdiction or are more stringent than SRCAA's regulations.

General Information

This Order does not relieve the proponent of the obligation to comply with all other applicable federal, state and local regulations and requirements.

Pursuant to the Revised Code of Washington (RCW) 43.21B, you have the right to appeal SRCAA's production exemption decision under this Order with both the Pollution Control Hearings Board (PCHB) and the Spokane Regional Clean Air Agency (SRCAA) on or before the 30th day of receipt of SRCAA's decision.

Required procedures are detailed in state law (Chapter 43.21B RCW and Chapter 70.94 RCW) and the PCHB's own regulations (Chapter 371.08 Washington Administrative Code) which may be found in many public libraries, county and municipal law libraries or on the Internet at www.access.wa.gov/. Since others publish these documents, copies are not available from SRCAA.

If you are filing an appeal, mail, deliver, or fax it to SRCAA and the PCHB at:

SRCAA Address

SRCAA
3104 E. Augusta
Spokane, WA 99207

SRCAA Fax Number

(509) 477-6828

PCHB Mailing Address

PCHB
Environmental & Land Use Hearings Office
P.O. Box 40903
Olympia, WA 98504-0903

PCHB Fax Number

(360) 586-2253

PCHB Physical Address

PCHB
1111 Israel Rd. SW. Ste 301
Tumwater, WA 98501

The PCHB also accepts appeals via email at: PCHB-SHBappeals@eluhoh.wa.gov.