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WAC 314-55-097 Cannabis waste disposal and waste sales to non-licensees—Liquids and solids. (1) Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable state and local laws and regulations. For purposes of this section, "cannabis waste" means solid waste generated during cannabis production or processing. "Cannabis waste" does not include "hemp" or "industrial hemp," as defined in RCW 15.140.020.

(2) Wastewater generated during cannabis production and processing must be disposed of in compliance with applicable state and local laws and regulations.

(3) Cannabis licensees must evaluate cannabis waste in accordance with the state's dangerous waste regulations outlined in chapter 173-303 WAC to determine whether the waste is classified as dangerous or hazardous. If a generator's waste is not classified as a dangerous or hazardous waste, then that waste(s) is subject to the cannabis waste management standards set forth in this section.

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(a) Wastes that must be evaluated against the dangerous waste regulations include, but are not limited to, the following:

(i) Waste from cannabis flowers, trim and solid plant material used to create an extract (per WAC 314-55-104).

(ii) Waste solvents used in the cannabis process (per WAC 314-55-104).

(iii) Discarded plant waste, spent solvents and laboratory wastes from any cannabis processing or quality assurance testing.

(iv) Cannabis extract that fails to meet quality testing.

(b) Cannabis wastes that are not classified as dangerous or hazardous may be managed in accordance with the requirements outlined in this section.

(c) A cannabis plant, useable cannabis, cannabis plant roots, trim, and other plant material in itself is not considered dangerous or hazardous waste as defined under chapter 173-303 WAC unless it has been treated or contaminated with a solvent.

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(4) Cannabis waste that is not designated as dangerous waste based on the evaluation by the cannabis licensee that generated the waste, and has a THC concentration of 0.3 percent or less may be sold by the producer or processor to a person who is not a licensed cannabis business under the following conditions:

(a) The cannabis licensee must report the intended sale to the WSDA prior to completion of the sale; and

(b) The cannabis licensee must notify the LCB of the intended sale in the format specified by the Board.

(c) The report includes at least the following information:

(i) the quantity of cannabis waste,

(ii) the sale price, and

(iii) the name and contact information of the buyer.

(d) The sales of cannabis waste must be conducted in a manner that is open and accessible to all members of the public without discrimination.

(5) Cannabis waste that is not designated as dangerous or hazardous waste and is not sold to a non-licensee, as provided

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in this section, must be rendered unusable before leaving the licensed premises.

(a) The process for rendering cannabis waste unusable must involve the grinding the waste and mixing it with other ground materials so that the resulting mixture is at least 50% non-cannabis waste by volume. Other methods to render cannabis waste unuseable may be proposed but must receive prior approval from the LCB before implementation.

(i) Acceptable materials for mixing with cannabis waste include but are not limited to the following: compostable mixed waste, such as food waste, yard waste, vegetable greases or oils, or other compostable materials approved by the LCB; and non-compostable mixed waste, with materials such as paper waste, plastic waste, cardboard waste, or other non-compostable materials approved by the LCB.

(b) Once rendered unusable, cannabis waste may be disposed of at a permitted solid waste facility, including composting facilities, anaerobic digesters, landfills, or incinerators, subject to approval by the local authority,

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(c) Alternatively, cannabis waste rendered unusable may be managed on-site by the waste generator in accordance with the standards of Chapter 173-350 WAC.

(d) Licensees must maintain records documenting the final destination and method of all cannabis waste rendered unusable in the required format.

(6) The LCB may conduct inspections and audits to ensure compliance with this section. Licensees found in violation of these rules may be subject to penalties.

(a) Licensees are responsible for keeping accurate and complete records of all cannabis waste evaluations, sales, rendering, and disposal activities. These records must be made available to the LCB upon request.

(7) Cannabis wastes rendered unuseable following the method described in subsection (5) of this section can be disposed of.

(a) Disposal of the cannabis waste rendered unuseable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

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(i) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department.

(ii) Noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.

(b) Disposal of the cannabis waste rendered unuseable may be managed on-site by the generator in accordance with the standards of chapter 173-350 WAC.

[Statutory Authority: RCW 69.50.342 and 2022 c 16 § 168. WSR 22-14-111, § 314-55-097, filed 7/6/22, effective 8/6/22. Statutory Authority: RCW 69.50.325, 69.50.342, 69.50.345, and 69.50.369. WSR 18-22-055, § 314-55-097, filed 10/31/18, effective 12/1/18. Statutory Authority: RCW 69.50.342 and 69.50.345. WSR 16-11-110, § 314-55-097, filed 5/18/16, effective 6/18/16; WSR 15-11-107, § 314-55-097, filed 5/20/15, effective 6/20/15. Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-097, filed 10/21/13, effective 11/21/13.]