



Washington State Liquor Control Board

Regulatory/Permitting Guidance for Greenhouse Marijuana Producers

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

These additional regulatory requirements may have separate timelines and costs from the WSLCB process. They can include environmental permitting¹, land-use regulations (zoning), business licensing and building/fire codes.

Note: This fact sheet is for informational purposes only. It is intended to help marijuana producers be aware of local, state and/or regional requirements they may need to meet. For more technical information, contact the local, state and regional regulatory authorities listed below. WSLCB staff cannot answer permitting questions.

Local Government Permits and Regulations

Local governments are responsible for determining how land is used and where businesses can locate in their jurisdictions (except for the 1,000 foot buffer zone mandated by I-502). Typical land-use designations include residential, commercial, industrial, manufacturing and agricultural although local authorities may develop marijuana-specific zoning. Make sure local zoning allows your proposed use before committing to a location.

Local governments may also have their own business licensing requirements. They also administer building, fire, electrical, mechanical, energy and plumbing codes. If you plan to make any changes to the structure or use of your building, you may need a permit.

Tip: Many local governments offer a "pre-application" meeting where you can learn what local permits you will need and the time/cost it will take to obtain them. Call your local permitting agency, often the planning and development department, and ask for their help. It could save you time and money.

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

If SEPA is required, project applicants must complete a checklist describing the possible environmental impacts of their project. Processes such as wastewater and solid waste disposal, CO₂ use in the growing cycle, odors, etc. may be included. Additional guidance about SEPA can be found at:

- www.ecy.wa.gov/programs/sea/sepa/agenciesApplicantsGuidance.html

State and Regional Environmental Permits and Regulations

There are a number of environmental permits and regulations that may apply to greenhouse growing operations. These permits are generally administered by state or regional agencies unless a local jurisdiction has been delegated by the state to issue the permit.

Water Quality Permits – water quality permits address wastewater or stormwater discharged from a facility or leaving facility grounds. Drainage from greenhouses may require permits, depending on the environmental conditions of the greenhouse location, the content and amount of discharge water and the type of drainage system.

Several types of drainage systems can be used with greenhouses. Any system that drains to ground in any fashion – directly, drainage trenches, or infiltration trenches – may need a *State Wastewater Discharge Permit*. Land application of wastewater from greenhouses to cropland or other vegetation may also need a permit. Draining wastewater into surface water, including stormwater ditches, is not allowed.

State Wastewater Discharge Permits are issued by the state Department of Ecology (Ecology). For more information see:

- <http://apps.ecy.wa.gov/permithandbook/permitdetail.asp?id=20>

¹ The term 'permit' is a synonym for process, permit, authorization, license, regulation, certificate and approval.

Tip: Contact your local Ecology office to schedule a meeting to discuss your plans. Come prepared to describe the amount of water you will use, how much wastewater you will discharge, the wastewater composition and where the discharge will go. This will help regulators determine how to best assist you.

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

- <https://fortress.wa.gov/ecy/publications/publications/1010077.pdf>

Chemigation and Fertigation Regulations – Chemigation or fertigation refers to the application of fertilizers and/or pesticides through an irrigation water system. (Fertilizers can also include water reclaimed from food processing or wastewater treatment facilities.)

Chemigation and fertigation systems must be installed according to state regulations, WAC 16-202-1001 and WAC 16-202-2002. The Department of Agriculture has a technical assistance program to assist individuals who chemigate and fertigate in protecting human health and the environment, from the potential hazard of improper fertilizer and pesticide use. For more information see:

- <http://agr.wa.gov/PestFert/ChemFert/>
- <http://apps.leg.wa.gov/WAC/default.aspx?cite=16-202>

Water Resource Regulations – If a greenhouse will not be using a public water supply for irrigation water, a grower has four options to supply water to the plants: 1) Obtaining a water right permit; 2) Utilizing the water right permit exemption for small uses of water, 3) Obtaining water from a water purveyor such as an irrigation district or; 4) Relying on rainfall.

- A *Water Right Permit* from the state Department of Ecology (Ecology) is needed for ground water withdrawals over 5,000 gallons a day or any surface water withdrawal.
- A *Water Right Permit Exemption* is available for groundwater withdrawals (“exempt wells”) of no more than 5,000 gallons a day. This is considered a “small use” of water. Although this withdrawal does not need a permit, it is still subject to the same requirements as a permitted water right. Only one groundwater exemption is allowed for any one project, regardless of size.
- Rainwater collection systems are allowed in Washington without requiring a water right. They can be used to store water collected in wet seasons for later use. Groundwater from exempt wells can also be pumped to a rainwater collection system and stored until needed for beneficial use as long as the 5,000 gallon limit per day is not exceeded.

Collected rain or ground water can only be used on the same parcel from which it was captured. For more information about water rights and rainwater collection systems, see:

- www.ecy.wa.gov/programs/wr/rights/water-right-home.html
- www.ecy.wa.gov/programs/wr/hq/rwh.html

Tip: The average wait to obtain a Water Right Permit is fifteen years. The average wait to transfer a right is over five years. Ecology can help determine if a property has a water right, see: www.ecy.wa.gov/programs/wr/rights/find_existing_wr.html.

Air Quality Permits – Air quality permits regulate releases from industry that could contribute to an increase in air pollution and are issued by Ecology or a local clean air agency, depending on location. If a greenhouse uses a boiler in its operations, such as for heating or CO₂ generation, that boiler could need a permit. For more information see:

- <http://apps.oria.wa.gov/permithandbook/permitdetail.asp?id=108>

In addition, clean air agencies have the authority to regulate odors that “may unreasonably interfere with another property owner’s use or enjoyment of his property” (WAC 173-400-040(5)). Facilities that receive odor complaints can be subject to fines or be required to add air filtration equipment.

Tip: Contact the local clean air authority or Ecology before beginning operations to determine if any permit is needed for your operation. Before odor complaints occur, consider adding odor control technology to your building’s heating, ventilation and air conditioning system.

To determine who regulates air quality in your region, see:

- <http://www.ecy.wa.gov/programs/air/local.html>

Solid Waste Handling – The marijuana licensing rules require that marijuana wastes from indoor growing operations be rendered unusable by mixing with 50% other materials and ground before disposal or composting. These ground and mixed materials are considered “solid waste” by state regulations and must be handled according to the state Solid Waste Handling Standards (WAC 173-350) and the requirements of the marijuana licensing rules.

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

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

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

To find local health districts see:

www.doh.wa.gov/AboutUs/PublicHealthSystem/LocalHealthJurisdictions.aspx

Hazardous Waste Management – Waste pesticides and used mercury-containing bulbs, including high-intensity discharge bulbs (HID), may require special disposal.

- Mercury-containing bulbs: As of January 1, 2013, all mercury-containing lights must be recycled (RCW 70.275.080). For information see: http://www.ecy.wa.gov/mercury/mercury_light_bulbs.html
- Waste pesticides: The WA State Department of Agriculture operates a waste pesticide collection program; <http://agr.wa.gov/PestFert/Pesticides/WastePesticide.aspx>

Tip: Waste pesticides may be accepted at your local hazardous waste collection facility and a list of commercial lamp recyclers can be found at: <http://apps.ecy.wa.gov/hwsd/> by searching under “Fluorescent Light and Ballast Management.”

Do You Need Environmental Permits?

Applicants are advised to consult with local and state authorities since permit requirements vary based on site- and process-specific conditions. This document is for reference purposes only. Your local permitting agency should be able to determine if you will need any environmental permits.

You can also contact the Department of Ecology in your region for more information and assistance. See <http://www.ecy.wa.gov/org.html>