

Item G - Public Comment



May 15, 2024

RE: General Comment May 16, 2024 APCD Hearing

Hello Chair Capps and Board Members,

In August of 2023, APCD reinterpreted their permitting rules and sent out an updated Cannabis Advisory to clarify that they would be requiring permits for all post-harvest cannabis processing operations, including processing activities such as drying, trimming, curing, and flash-freezing. This update surprised the cannabis industry in the County of Santa Barbara's coastal zone. After working with the County, its community, and APCD for the past six years on developing the robust Odor Abatement Program that is part of the Cannabis Land Use Ordinance and Licensing Program, cannabis operators were dismayed with such a big change this late in the program.

Back in November of 2017, APCD provided comments on the Draft Programmatic Environmental Impact Report for the Cannabis Land Use Ordinance and Licensing Program. The County incorporated the comments and used the recommendations to develop the current Odor Abatement Plan (OAP) requirements in Chapter 35 of the Land Use and Development Code and the Coastal Zoning Ordinance. Project CDPs, including OAPs, were reviewed by APCD as part of their oversight of each land use permit application submitted to the County. Many operators received comments from APCD's review, including their various APCD permit requirements, but none of the comments required permits for processing activities.

The confusion caused by APCD's initial comments on land use permits and their new advisory is compounded by the fact that they no longer define processing as an agricultural operation exempt from permit. This is in direct conflict with the County Code of Ordinances 50.2(i) that defines certain post-harvest cannabis operations (processing) as an agricultural operation. Any conflicting enforcement or permit conditions from APCD resulting in this or any other differing rules will compromise the Planning and Development's permits and vice versa. If both programs are to continue existing in tandem, effective collaboration between the two governing agencies is essential for them to successfully mitigate air contaminants.

We have attended multiple public hearings since January and it was clear to us that the existing county odor requirements and inspection protocol was not understood by APCD staff. When the Community Advisory Council asked questions about the County's process, staff often answered incorrectly, significantly shorting the County planning department's efforts to work to abate odor. We spoke with both departments to encourage them to talk to each other in the hopes that they could streamline requirements for both themselves and operators.

We took the time to research other air pollution districts throughout the state in hopes of finding a more streamlined option. Although the California Health and Safety Code is clear that Air Districts must permit sources that emit air contaminants, it does not specify the requirement to permit cannabis odor. In fact, the majority of California Air Districts don't have rules or programs to permit cannabis. Out of the 35 Air Districts in California, only 6 permit cannabis. 2 out of those 6 only permit cannabis manufacturers that conduct volatile and non-volatile extraction due to the use of solvents in both types of extraction processes. The remaining 3 permit odor control for various types of cannabis activity, and one of those only permits odor control that vents to the atmosphere.

Why are 94% of the Air Districts in California not involved with permitting post-harvest, storage, distribution, and packaging operations? Because these operations don't use solvents and they are typically conducted within enclosed warehouses outfitted with negative pressure systems and carbon scrubbers and other means of odor control that ensure the facility does not release air contaminants or vents to the atmosphere.

That said, we understand Santa Barbara APCD's desire to enforce and inspect operation's post harvest odor control systems and **propose the following solution**: APCD provides operators that have approved OAPs from another governing agency with a waiver to eliminate permitting redundancy that would act as an enforceable document. APCD could require operators to submit approved OAPs to receive a waiver so that it can confirm the operator is using an effective odor-control system. APCD could maintain authority over the air quality, using the OAP as an enforceable document. An enforceable document will allow APCD to inspect annually and enforce when necessary, i.e. in the case of a complaint.

We hope that given this information, your Board can direct APCD staff to reevaluate their Cannabis Permitting Program requirements. We are confident there is a solution that doesn't require operators to get yet another permit and still gives APCD the ability it desires to inspect and enforce on odor events while saving both parties time and money.

Thank you,

Whitney Collie

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