

# Frequently Asked Questions about Cannabis, Permitting and the Cannabis Odor Compliance Form

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*Does the MDAQMD (District) require permits for cannabis?*

Yes. An air permit application is required for cannabis extraction/refinement/purification equipment, and air pollution control devices (including odor control devices) which vent to atmosphere, per Rule 201. The application form is titled “Cannabis Cultivation, Extraction, and Refinement/Purification Permit Application Form,” one must be filed for each device requiring a permit, and there is a filing fee for each application submitted.

*Does the MDAQMD (District) require permits for cannabis cultivation or dispensing?*

No. However, the District does require a Cannabis Odor Compliance Plan to be filed for every licensed cultivation operation – but not for dispensing or retail sales.

*Does the MDAQMD require odor control equipment?*

No, at least not initially. However, the District may require a public or nuisance odor to be abated in response to an odor investigation, which may effectively require an odor control device.

*Does the MDAQMD have a cannabis rule?*

No. The District regulates cannabis odor under Rule 402 - *Nuisance* and Cannabis Odor Compliance Plans are required by Rule 302 - *Other Fees*.

*Does the MDAQMD inspect cannabis operations?*

Yes. The District inspects issued permits and Odor Compliance Plans at least annually, will investigate odor complaints through site inspection (including cannabis odors), and will periodically investigate expected unpermitted or non-compliant cannabis operations as needed.

*I have MDAQMD permits now – Do I need to file a Cannabis Odor Compliance Form?*

Yes. The Cannabis Odor Compliance Form requirement is separate from, and unrelated to, District permits. It is similar, in that it is an enforceable document that the District will inspect from, but it is **in addition to** a permit requirement (if you have equipment requiring a permit).

*Do I need to file a Cannabis Odor Compliance Form?*

If you are licensed as a cultivation, extraction (including edibles) or distribution operation under California Business & Professions Code Division 10 (cannabis), then you need to file a Cannabis Odor Compliance Form, per Rule 302(J)(5). If *any* of those operations are occurring at your site, then you need to file. If your site has dispensing or retail sales (only), then you do **not** need to file.

*What will happen if I don't file a Cannabis Odor Compliance Form?*

Failure to comply with a District rule will result in an enforcement action, with a minimum civil penalty of \$5000 per day of negligent non-compliance. Please note the Rule 302 Cannabis Odor Compliance Form requirement was adopted in June 2019.

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*Is there a fee for the Cannabis Odor Compliance Form, and if so how is it calculated?*

Yes there is, \$0.16 per facility square foot (2019), calculated on licensed facility building square footage. This annual fee is submitted with the Cannabis Odor Compliance Form initially, and will be invoiced by the District annually thereafter.

*What if I am licensed but not operating? Do I still need to file a Cannabis Odor Compliance Form?*

No. However, you must have a Cannabis Odor Compliance Form filed **prior** to operating. If the District discovers a licensed cannabis operation through site inspection or investigation which has not filed a Cannabis Odor Compliance Form, an enforcement action will be initiated.

*What is the purpose of the Cannabis Odor Compliance Form and related fee?*

District fees are charged to cover the cost of doing District business; in the case of cannabis operations in the District, the number of odor complaints and related District costs associated with cannabis operations resulted in the adoption of the Rule 302 requirement.

*Does the requirement apply to other crops?*

No, the requirement is cannabis only; for example, not hemp at this time.