



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration
Behavioral Health

Clinic Services
Emergency Medical Services
Environmental Health/Animal Services

Public Health
Public Administrator/Public Guardian

Prepared by: Environmental Health Bureau,
Environmental Health Review Services
(831) 755-4505

Subject: EHB Review of Cannabis Operation Applications

The following list is a comprehensive list of items and/or information that EHB may need to evaluate your proposed cannabis business operation. However, some items may not be applicable to your particular project. Once a comprehensive application packet is submitted to EHB and reviewed by staff, additional information/reports may be requested to make a complete application.

Project Description/General Information

- Provide a project description with number of anticipated employees and daily visitors.
- Update the project description to clarify if there will be an onsite caretaker.
- Please clarify that no new structures are proposed with this application.
- Please clarify the extent of the historical uses of the property and when those uses ceased.
- Please provide a description of how odors will be managed so that odors from cannabis are not detectable off site.

Wastewater – Existing Treatment Plant

- Provide certification that _____ can and will provide sewer service for the proposed property/project.
- Supply additional information regarding the wastewater generation proposed for the project including total number of connections, estimated maximum day demands (both annual and peak hour demands).
- Provide an updated wastewater generation calculation for all uses served by _____ Treatment Plant. The wastewater generation shall not exceed the limits set forth in Order No _____ from the California Regional Water Quality Control Board. If the wastewater generation rates exceed the permitted amount for the facility, an updated Wastewater Reclamation Requirements from the Regional Water Quality Control Board.

Wastewater – New Treatment Plant

- Regulations are in the process of being upgraded to conform to the California State OWTS Policy. Depending on when applications are applied for, the regulations at the time will govern how any proposal onsite would be processed. No new wastewater treatment plant or alternative treatment system can be approved until EHB has an approved Local Area Management Plan (LAMP) from the Regional Water Quality Control Board pursuant to California OWTS Policy.
- Submit plans for the sewage treatment operations and dispersal methods design.
 - Plans shall include the stormwater management plan details.
- The treatment must meet or exceed Monterey County Code Chapter 15.23 Sewage Treatment and Reclamation Facilities – Prohibiting the discharge of sewage in a manner which may cause contamination of groundwater supplies in Monterey County and the Regional Water Quality Control Board Basin Plan.
- Summary of Soil Profile that extends at least 2’ past maximum depth of proposed disposal field
- Determination of depth to impervious layer; boring(s) must extend at least 10 feet below the proposed maximum depth of the disposal field
- Determination of depth to groundwater
- Linear loading rate evaluation
- Percolation Testing witnessed by EHB of the soil zone at the final depth intended to be utilized and credited as part of the effective wastewater infiltration area as well as an aggregate test of the entire effective wastewater infiltration area.
-Or- Soil texture analysis of soil at the proposed maximum depth
- Waste Discharge Requirements - Regional Water Quality Control Board (RWQCB)
 - Application must be completed by a licensed engineer or professional geologist that has demonstrated experience in onsite wastewater disposal when a Basin Plan Exemption is required from RWQCB.
http://www.waterboards.ca.gov/centralcoast/water_issues/programs/wastewater_permitting/
 - The Waste Discharge Requirements shall be approved by the RWQCB prior to the development being deemed complete by EHB.
- Preliminary budget projection including revenues, expenditures, rate structure, and capital improvement fund

Wastewater - OWTS

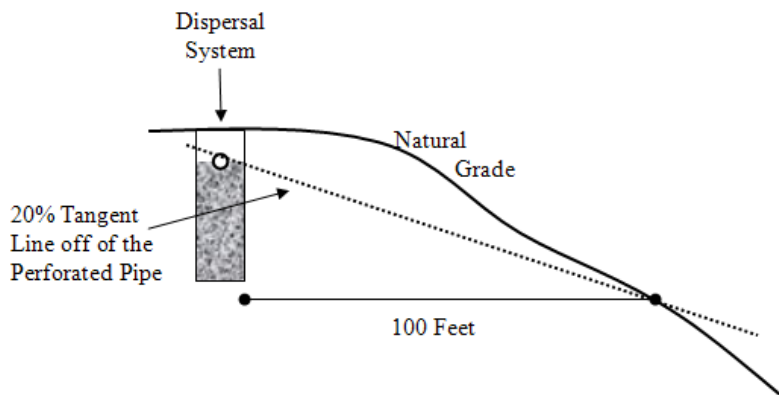
- Onsite Wastewater Treatment System (“OWTS”) regulations are in the process of being upgraded to conform to the State Water Resources Control Board’s OWTS Policy. The regulations in place at the time of OWTS and construction permit issuance will govern any onsite wastewater disposal proposal.
- Submit a detailed wastewater generation estimate.
- Detail how wastewater will be disposed. Will chemical toilets be used?
 - Note: Chemical toilets shall not be used for more than 10 calendar days per year (Monterey County Code 15.20.050 – Public Assemblages).

- Soil analysis and percolation testing are required to prove that the site is suitable for onsite wastewater disposal and that it conforms to the standards found in Monterey County Code Chapter 15.20, Septic Ordinance, and the Central Coast Basin Plan, RWQCB. Contact EHB prior to proceeding to determine the scope of work and to oversee soil testing.
- In order for the Environmental Health Bureau (EHB) to determine that adequate area exists for onsite wastewater disposal for the proposed development, a site visit will be required. Submit onsite wastewater treatment system (OWTS) plans and application for review and approval indicating the location, design layout and size specifications that meets standards found in Monterey County Code Chapter 15.20, Sewage Disposal Ordinance, and the Central Coast Basin Plan, Regional Water Quality Control Board.
- The property is heavy constrained by steep slopes. The OWTS design shall include cross sectional slope analysis to verify that the siting of the system will meet the Regional Water Quality Board slope setbacks.

Basin Plan VIII.D.3.a. Site Suitability states:

If no restrictive layers intersect, and geologic conditions permit surfacing, the setback distance from a cut, embankment, or steep slope (greater than 30 percent) should be determined by projecting a line 20 percent down gradient from the sidewall at the highest perforation of the discharge pipe. The leachfields should be set-back far enough to prevent this projected line from intersecting the cut within 100 feet, measured horizontally, of the sidewall. If restrictive layers intersect cuts, embankments or steep slopes, and geologic conditions permit surfacing, the setback should be at least 100 feet measured from the top of the cut.

This section is better represented as an image:



- Provide Restroom facility and Onsite Wastewater Treatment System Design. Flush toilets are required pursuant to Monterey County Code, 15.20.020 Flush toilets required.

Wastewater: Irrigation and Process Water:

- Provide a description of the irrigation system and specify the volume of runoff anticipated. In the event runoff is projected, a Storm Water Pollution Prevention Plan may be required to be obtained from the State Water Resources Control Board.

- Provide a detailed description of the proposed cannabis processing workflow. Indicate approximate volumes of waste materials and how they will be managed. The applicant may be required to obtain Individual Waste Discharge Requirements or enroll in a General Order of Waste Discharge Requirements from the Regional Water Quality Control Board.

Water – Municipal System:

- The subject property receives domestic water service from California-American water. Prior to issuance of construction permit, provide documentation from the Monterey Peninsula Water Management District indicating that a water permit has been issued or that the requirement to obtain a water permit has been waived.
- Provide written certification and any necessary certification from State agencies that _____ can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards.
- Supply additional information regarding the water usage proposed for the project including total number of connections, estimated maximum day demands (both annual and peak hour demands).

Water – New Water System:

The development meets the definition of a water system (water source serving more than one dwelling) and the establishment of a permitted water system shall be required. Please submit the following:

- Water System Consolidation Letter
 - Identify all existing water systems located within one mile (three miles for public water system) and the feasibility of incorporating into the existing system or being owned, operated or managed by a satellite agency.
- Well Completion Report
- Water Rights
 - Deed of Trust for well, and/or;
 - Documentation of Surface Water Rights
 - Identification of any other water rights issues
- Additional Technical, Managerial and Financial (TMF) Water System Requirements as Summarized below:
 - Source Water Assessment Program (SWAP) evaluation including a map of potential contaminating activities (PCAs) that could affect the system. Map shall show all PCAs within one mile (e.g. onsite wastewater systems, dry cleaners, animal enclosures, pesticide application, stormwater pond, hazardous chemical storage, etc).
 - Description of type of ownership
 - Preliminary budget projection including revenues, expenditures, rate structure, and capital improvement fund (only for public water systems with proposed treatment)
- Water Source Capacity Requirements (Pump tests)
 - Witnessed and performed in accordance with EHB requirements.
 - The minimum gallons per minute shall be based on engineered calculations based on max day demand and approved by EHB and the Monterey Peninsula Water Management District.
 - Safe yield determination from water management agency and EHB.

- Complete Source Water Quality Analysis
 - Meets all Title 22 water quality parameters
 - Independent re-sampling to confirm contaminants as necessary
 - Best Available Treatment technology plan with estimated start-up and operating costs

Please note that new public water systems are subject to a Technical, Managerial, Financial review by the State Water Resources Control Board – Division of Drinking Water (DDW). An applicant is required to submit a preliminary technical report to the DDW six months before initiating construction of any water-related improvement. The EHB will be unable to issue construction permits until documentation indicating the DDW has accepted or approved the proposed public water system’s technical report.

Water – Existing Water System (Permitted or Unpermitted through the EHB)

Please review this section carefully as it has potential to significantly impact the project proposal.

- Water Quality Testing is required:
 - The following water samples need to be taken (new/current samples results are needed). [Analyses must be performed by a lab certified by the State of California.](#) You are required to have a third party pull the samples for you if they are knowledgeable in water sampling and have a professional license. This list also includes independent samplers you may hire to test for you.
 - Primary Standards Inorganic Chemical Analysis (Table 64431-A in Title 22 of the California Code of Regulations): Aluminum, antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate (NO₃), nitrite, (NO₂), perchlorate, selenium, and thallium. Asbestos and cyanide may be waived if determined to not be vulnerable. Written waiver must be requested from owner of the property.
 - Secondary Standards (Table 64449-A and B in Title 22 of the California Code of Regulations): Total dissolved solids, specific conductance, chloride, sulfate, fluoride, calcium, magnesium, potassium, sodium, iron, manganese, carbonate, bicarbonate, hydroxide alkalinity, total hardness, MBAS, copper, zinc, thiobencarb, color, odor, turbidity, pH, Silver, and Methyl Tertiary Butyl Ether (MTBE). MTBE may be waived if determined to not be vulnerable. Written waiver must be requested from owner of the property.
 - *Please ensure to request perchlorate and thiobencarb as it is not in most standard panels.*
 - Coliform Bacteria Analysis with a chlorine residual reading.

- In the event, the water quality analysis indicates a primary drinking water standard exceeds the Maximum Contaminant Level established by Title 22 of the CA Code of Regulations, the water source may not be used to serve the water system without EHB-approved treatment. Water treatment is not always feasible, depending on the classification of the water system, water treatment waste disposal constraints, and more.
 - **Public Water Systems (15+ connections or at least 25 individuals > 60 days/year)**
If the source water for this project does not meet state Maximum Contaminant Levels for a primary water constituent(s) (for example if the Nitrate is above 10 mg/L (as NO₃-N)) the following will be required:

- The existing unpermitted water system shall obtain a new water system permit or amend an existing water system permit (regardless of whether this new entitlement moves forward) and provide potable water by either:
 - Installation of a Water Treatment System (Point of Use (POU), Point of Entry (POE) or Centralized)
 - In order to utilize POU/POE, the applicant must first demonstrate that the use of centralized treatment is not technically or economically feasible.
 - Submit a treatment plan that utilizes Best Available Technology plan with estimated start-up and operating costs
 - Install treatment as approved by the EHB to obtain compliance with water quality standards

OR

- Obtaining a new source that meets EHB standards for water quality and quantity.

Once the water system demonstrates that a POU, POE or Centralized water treatment system is feasible or that a new source has been obtained and tested, EHB can recommend approval of the entitlement subject to the condition that the water treatment system is installed prior to issuance of a Commercial Medical Cannabis Business License.

○ **Local and State Small Water Systems (2-14 connections)**

The EHB is currently considering a code amendment to allow local and state small water systems to utilize Point of Use and/or Point of Entry water treatment systems to achieve compliance with drinking water standards. However, at this time the use of non-centralized water treatment systems is prohibited by MCC, Chapter 15.04. Until an amendment to Chapter 15.04 of MCC is adopted by the Board of Supervisors, the following is required:

- The existing unpermitted water system shall obtain a new water system permit or amend an existing water system permit (regardless of whether this new entitlement moves forward) and provide potable water by either:
 - Installation of a Water Treatment System
 - Submit a treatment plan that utilizes Best Available Technology plan with estimated start-up and operating costs
 - Install centralized treatment as approved by the EHB to obtain compliance with water quality standards

OR

- Obtaining a new source that meets EHB standards for water quality and quantity.

Once the water system demonstrates that a centralized water treatment system is feasible or that a new source has been obtained and tested, EHB can recommend approval of the entitlement subject to the condition that the water treatment system is installed prior to issuance of a Commercial Medical Cannabis Business License.

- Effective immediately, the existing unpermitted water system shall provide bottled water to all water system users until treatment is installed or an adequate water source is obtained. If the water system includes non-residential uses, notification signs shall be

posted at all taps indicating the water is not suitable for drinking. All water taps or faucets located in areas that are accessible to employees and/or guests shall be posted with a minimum 5" x 7" sign and 16-point font. An example of acceptable sign is attached for your reference or use, formatted as an 11" x 17" page.

- The property is currently served by _____ water system. The water system has high nitrates (over 10 mg/L as N) with no treatment installed and requires quarterly notification to all users. Prior to approving a new use on this water system, the following is required.
 - Install a Water Treatment System
 - Submit a treatment plan that utilizes Best Available Technology plan with estimated start-up and operating costs
 - Install treatment as approved by the EHB to obtain compliance with water quality standards
 - Once the water system demonstrates that a water treatment system is feasible (either centralized or Point Of Use) Or a new source is obtained and tested, EHB can recommend approval of the entitlement subject to the condition that the water treatment system is installed prior to issuance of a Commercial Medical Cannabis Business permit.
- OR
 - Obtain a new source that meets EHB standards for water quality and quantity.

Please contact Ms. Cheryl Sandoval of the EHB to discuss water-related matters further, (831) 755-4552.

Water – New Single Connection:

- To determine well yield for the new habitable unit (office with break room, caretaker unit, etc.), the well shall first undergo a minimum of a 72-hour continuous source capacity test. The source capacity test shall be conducted during August, September, or October. A representative of the Environmental Health Bureau shall witness the source capacity tests. The applicant shall pay all associated fees to the Environmental Health Bureau. Application materials and further information is available on the website at: <http://www.mtyhd.org/> (search for: source capacity testing procedures for water wells).
- Water Quality Testing is required:
 - The following water samples need to be taken (new/current samples results are needed). [Analyses must be performed by a lab certified by the State of California](#). This list also includes independent samplers you may hire to test for you. You may also have a third party pull the samples for you if they are knowledgeable in water sampling and have a professional license.
 - Primary Standards Inorganic Chemical Analysis (Table 64431-A in Title 22 of the California Code of Regulations): Aluminum, antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate (NO₃), nitrite, (NO₂), perchlorate, selenium, and thallium. Asbestos and cyanide may be waived if determined to not be vulnerable. Written waiver must be requested from owner of the property.

- Secondary Standards (Table 64449-A and B in Title 22 of the California Code of Regulations): Total dissolved solids, specific conductance, chloride, sulfate, fluoride, calcium, magnesium, potassium, sodium, iron, manganese, carbonate, bicarbonate, hydroxide alkalinity, total hardness, MBAS, copper, zinc, thiobencarb, color, odor, turbidity, pH, Silver, and Methyl Tertiary Butyl Ether (MTBE). MTBE may be waived if determined to not be vulnerable. Written waiver must be requested from owner of the property.
 - *Please ensure to request perchlorate and thiobencarb as it is not in most standard panels.*
- Coliform Bacteria Analysis with a chlorine residual reading.
- Synthetic Organic Chemical Analysis (Table 64444-A in Title 22 of the California Code of Regulations) (if determined to be vulnerable) – *YOU MAY NOT NEED TO RUN THIS TEST. IT IS YOUR DECISION TO HAVE THIS TEST RUN NOW OR TO WAIT AND SEE IF THE INORGANIC ANALYSIS DETERMINES IF IS NECESSARY OR NOT.*
- In the event that the development meets the definition of a water system (water source serving more than one dwelling) the establishment of a permitted water system shall be required.
- Indicate the use of the onsite well. Revise the site plan to not have impact on the existing well and water tank enclosure. All unit pads and roads should be at least 50 feet away from the well.

Solid Waste / Recycling

- Provide a detailed description of how solid waste will be managed on site, including plant waste materials, and specify if the operation will utilize a waste hauling service.
- Indicate the recycling/trash enclosures on the site plan. They shall be sized to accommodate the waste generated from daily/weekly activities anticipated on the site.
- California Assembly Bill AB 1826 requires commercial operations that generate greater than 4 yards of organic solid waste per week to arrange for organic waste recycling services. Organic waste includes food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste.
 - Ms. Maria Ferdin of the EHB can be reached at (831) 755-8915 for specific questions.
- Recyclables shall be separated from other solid waste generated on the premises and shall such recyclables shall be placed into a different approved container to facilitate segregation at a solid waste facility pursuant to Monterey County Code 10.41.
 - Submit a written plan on how recyclables will be collected and stored, to be reviewed by the Recycling and Resource Recovery Services of Environmental Health Bureau.
- Construction and demolition materials shall be handled in accordance with Cal Green's requirements to divert at least 65% of waste to an approved recycling facility (effective January 1, 2017).

Consumer Health Protection Services

- Clarify for the record that food processing, packaging, or sales will not occur on the site.
- Cannabis manufacturing is proposed. Prior to commencement of operation, provide evidence that an appropriate license has been obtained by the California Department of Public Health.
- The facility may not meet the definition of a food facility; however, it is highly recommended that the facility be constructed to meet the Retail Food Code in the event the facility does meet the definition of a food facility in the future.
 - The design specifications can be a condition on the planning project to be completed prior to issuance of the construction permit.
 - Submit a detail of the proposed food facility including equipment cut sheets.
 - Submit a description of the maximum event(s) in terms of number of guests and employees, and anticipated outside vendors.
- Food Facilities shall be designed to meet or exceed all criteria in the California Health and Safety Code, Division 104, Part 7, California Retail Food Code:
<http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf>
 - A condition will be applied to the project for food facility plan check from EHB Consumer Health Protection Services.

Hazardous Materials

- This facility will likely require hazardous materials permits from EHB. Please provide preliminary information on the anticipated hazardous materials and the storage plan (where on site which materials will be stored / maintained).
- Complete a **Hazardous Materials Questionnaire form (attached)** to be submitted with the planning permit application.
- If a business will store hazardous materials at 55 gallons or more, compressed gases at 200 cubic feet or more, and/or solids at 500 pounds or more then the owner/operator will be required to register with our office and consent to an inspection within 30 days.
 - Each business shall maintain an up-to-date Business Response Plan that meets the standards found in the California Code of Regulations, Title 19, Division 2, Chapter 4 (Hazardous Material Release Reporting, Inventory, and Response Plans) and the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Material Release Response Plans and Inventory), and the Monterey County Code Chapter 10.65.
- All required Unified Program information must be uploaded into the California Environmental Reporting System Database. www.cers.calepa.ca.gov
- Indicate all proposed and existing Under and/or Above Ground Storage Tank(s) on the site plan.
- Provide a description of all waste products produced on the property. EHB will evaluate to determine if a Hazardous Waste Generator permit is required.

- Known contamination exists on the property. EHB will contact Department of Toxic Substance Control (DTSC) when the application is submitted. DTSC may require additional action.

Monterey Bay Air Resource District

- Prior to issuance of construction permits for demolition, renovation, and/or new equipment installation (including odor management devices), the applicant is responsible to contact the Monterey Bay Air Resource District (“MBARD”). The MBARD will determine if the proposed scope of work is subject to their District Equipment Operating Permits per Federal, State, and Local regulations and/or Federal EPA Asbestos National Emissions Standards for Hazardous Air Pollutants (“NESHAP”) regulations for Renovations and Demolition of Structures.
 - Note that significant penalties for non-compliance can be assessed against property owners and/or any person who controls, supervises or performs demolition or renovation activities or operates equipment without a District permit.
 - Action is usually taken against the property owner and all contractors involved.
- Contact the Monterey Bay Air Resources District by calling (831) 647-9411 and visit www.mbard.org for more information.

Animal Services

- Clarify if animals are proposed to be included in security operations. All dogs require licensing with Monterey County Animal Services and a current rabies vaccination.

Planning, Evaluation and Policy (PEP)

Please review and answer each of the questions below with respect to the proposed project. If the answer is ‘yes’ to any of the questions below the Health Department’s Planning, Evaluation and Policy unit may have recommendations to incorporate into your project that will create more equitable health outcomes. Please contact Dr. Krista Hanni at (831) 755-4586.

Does the proposed project include any:		Yes	No
1.	Potential changes to neighborhood design, including street safety (e.g., walkability or bikeability, social gathering options, street lighting, crosswalks, pedestrian and traffic signals, transit options, open space and trail connections, tobacco and alcohol retail outlets, food availability)		
2.	Construction that affects healthy infrastructure (e.g., agriculture, community gardens, mixed use, indoor air quality)		
3.	Development that relates to increase or decrease of affordable, quality housing		
4.	Sustainable building opportunities (e.g., landscaping for storm water collection, community water infrastructure services, green building, reduced footprint)		
5.	Construction that may affect sensitive receptors such as schools, occupied dwellings, residential care facilities (e.g., projects that produce continuous noise, major soil disturbance and dust production, buffer zones for industrial or transportation corridors)		