



**DENVER**  
THE MILE HIGH CITY

# Denver's New Nuisance Odor Regs MJ Industry Workshop

December 9, 2016

FOR CITY SERVICES VISIT | CALL  
**DenverGov.org** | **311**

- Introductions
- Overview of New Rules and Regulations
- How to Submit Information to DEH
- How DEH Will Review OCP's
- How to Request Assistance
- Building Permits, Zoning, and License Implications
- Questions and Answers

- **Workshop Panel Members**
  - Environmental Health
  - Excise and License / Office of Marijuana Policy
  - Community Planning and Development
- **Ground Rules for Workshop**
  - Please save questions until after the presentation
  - We will alternate answering questions between audience and Webinar
  - When asking a question, please wait for us to hand you a microphone

# Overview of Rules and Regulations

- You can download a copy of the regulations from the City website
  - [www.denvergov.org/OdorOrdinance](http://www.denvergov.org/OdorOrdinance)
  - Links are also listed on the fact sheet we handed out at the door and in the Industry Bulletin that was emailed out

- **MJ grows and MIPs are required to submit an Odor Control Plan to DEH by February 8, 2017**
  - Facility information
  - Odor emissions information
  - Odor mitigation practices
  - Timeline for implementation
  - Complaint tracking
- **When an existing licensee is transferring location, a new OCP will be required**

- Acceptable odor control technologies
  - Guidance is provided in the OCP templates located in the rules and regulations
    - Grows
      - Carbon filtration is a best control technology
    - MIPs
      - Carbon filtration is a best control technology
      - Facility may demonstrate that engineering controls are not necessary if all of the following apply
        - » Does not use oil activation processes on-site
        - » Has a DFD permit for (or does not use) distillation or extraction processes on-site
        - » Does not have a cultivation processes co-located on-site

# Overview of Rules and Regulations

- Updates to approved OCPs are required when:
  - Modification is made to a facility or process that has the potential to impact the nature or degree of Odor, or affects the control of odor
  - Updated OCP is due to DEH within 30 days of the facility modification
  - When DEH determines that a facility needs to implement additional odor controls

# Overview of Rules and Regulations

- Implementation
  - Implement OCP per the timeline approved in your plan
- Compliance
  - Report malfunction and upset conditions to DEH
    - End of the next business day after discovery
      - Email the reporting form to the Division at [EQcomments@denvergov.org](mailto:EQcomments@denvergov.org)
      - OR —
      - Notify the Division by calling 311, followed by mailing the form
      - Reporting form is available at: [www.denvergov.org/OdorOrdinance](http://www.denvergov.org/OdorOrdinance)

- **Recordkeeping**
  - Must maintain and provide to DEH upon request
    - System installation
    - System maintenance
    - Training
    - Complaints and response actions
- **Inspections**
  - Allow DEH reasonable and safe access

- **Timeline for submitting your OCP**
  - Existing facility: February 8, 2017
  - New facility: Early in your business license process
- **How to submit your OCP**
  - Email a pdf of your plan to [Eqcomments@denvergov.org](mailto:Eqcomments@denvergov.org) OR
  - Mail a hard-copy or CD of your plan to DEH, OR
  - Hand deliver a hard-copy or CD of your plan to DEH

Denver Environmental Health

200 W 14th Ave. 3rd Floor

Denver, CO 80204

- Reporting an Upset / Malfunction
  - Email the reporting form to the Division at [EQcomments@denvergov.org](mailto:EQcomments@denvergov.org)
  - OR —
  - Notify the Division by calling 311, followed by mailing the form
  - Reporting form is available at: [www.denvergov.org/OdorOrdinance](http://www.denvergov.org/OdorOrdinance)

- OCP Review Checklists



Denver Department of Environmental Health  
Environmental Quality Division  
200 W. 14<sup>th</sup> Ave., Suite 310, Denver CO 80204  
www.denvergov.org/deq | Phone: 311 | Fax: (720) 865-5534

OCP Review Checklist:  
MJ Cultivation

### OCP Review Checklist: Marijuana Cultivation

Instructions: Check one or more of the following in each section if sufficient info provided, unless otherwise specified.

<b>1. OCP TRACKING NUMBER</b>	
OCP Tracking #: _____	
<b>2. FACILITY INFORMATION</b>	
a. <input type="checkbox"/> Name of facility	f. <input type="checkbox"/> Facility type
b. <input type="checkbox"/> Name, phone #, and email of facility owner	g. <input type="checkbox"/> Facility hours of operation
c. <input type="checkbox"/> Name, phone #, and email of facility operator or licensee, and any authorized designees	h. <input type="checkbox"/> Description of facility operations
d. <input type="checkbox"/> Facility physical address	i. <input type="checkbox"/> Emergency contact information
e. <input type="checkbox"/> Facility mailing address (if different from physical address)	j. <input type="checkbox"/> Business file number(s)
	k. <input type="checkbox"/> Air permit and permit number
<b>3. Facility Odor Emissions Information</b>	
a. <input type="checkbox"/> Facility floor plan	
b. <input type="checkbox"/> Specific odor-emitting activity/activities	
c. <input type="checkbox"/> Phase (timing, length, etc.) of odor emitting activities	
<b>4a. Administrative Controls</b>	
i. <input type="checkbox"/> Procedural activities	
ii. <input type="checkbox"/> Staff training procedures	
iii. <input type="checkbox"/> Recordkeeping systems and forms	
<b>4b. Engineering Controls</b>	
<b>Select Type:</b> Choose <u>only</u> one of the following – sections I, II, or III:	
I. <input type="checkbox"/> Existing facilities WITH engineering controls in place on the date of rule adoption:	
1) <input type="checkbox"/> Evidence that they were installed and operational on date of rule adoption;	
2) <input type="checkbox"/> Evidence that they are sufficient to effectively mitigate odors through one of the following: (Circle letters A, B, C, or all that apply)	
A. Consistent with accepted and available industry-specific best control technologies;	
B. Reviewed and certified by a Professional Engineering or a Certified Industrial Hygienist;	
C. Approved by the Department as sufficient;	
II. <input type="checkbox"/> New or existing facilities WITHOUT engineering controls in place on the date of rule adoption:	
• <input type="checkbox"/> Reviewed and certified by a Professional Engineering or a Certified Industrial Hygienist;	
III. <input type="checkbox"/> Reasons provided on why engineering controls are not needed at their location.	
Components of Engineering Controls Included in the OCP:	
A. <input type="checkbox"/> System design	
B. <input type="checkbox"/> Operational processes	
C. <input type="checkbox"/> Maintenance plan	
<b>4c-d. Implementation Timeline &amp; Complaint Tracking System</b>	

- Approval/  
Deficiency Letters



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Environmental Quality Division  
200 W. 14<sup>th</sup> Ave., Suite 310,  
Denver CO 80204  
Phone: 311  
Fax: (720) 865-5534  
[www.denvergov.org/deq](http://www.denvergov.org/deq)

[Date]

[Authorized Personnel Name]  
[Facility/Business Name]  
[Street Address]  
[City, State, Zip]

**Subject: Odor Control Plan Approved**

The Environmental Quality Division of the Denver Department of Environmental Health completed a review of your Odor Control Plan (OCP) and would like to inform you that the Plan has been approved.

Please ensure that the components outlined in the OCP are executed as planned. If you have any questions, please feel free to reach me at [assigned inspector's email address] and [assigned inspector's phone number].

Sincerely,

[signature]

[DEH Staff Name]  
[Date]

- Different requirements - MIP's and Grows
  - What is the same:
    - Facility information
    - Odor emissions information
    - Timeline for implementation
    - Complaint tracking
  - What is different:
    - Easier threshold to demonstrate that engineering controls are not necessary

- **DEH Office Hours**
  - One-on-One OCP Development Assistance - DEH will meet with businesses to review the odor control plans and provide guidance. Multiple days and times are available through Feb. 7, 2017.
  - [www.OdorControlPlanAssistance.eventbrite.com](http://www.OdorControlPlanAssistance.eventbrite.com)

1. If you are a marijuana business that is either changing the square footage, layout, or principal uses of any portion of your facility, or if you are performing work that would require a change to your video surveillance system, you must:
  - File a Modification of Premises application with [Denver Excise & Licenses](#) and successfully complete it. **Note:** A corresponding modification application must be filed with the [Colorado Marijuana Enforcement Division](#)).
  - Receive zoning approval and any necessary permits.
  - Obtain building permits and pass appropriate inspections.
2. If you are modifying the exterior of your building in any way (including modifying components found on your roof or adding components to your roof such as roof top air handling equipment), you must:
  - Receive zoning approval and any necessary permits.
  - Obtain building permits and pass appropriate inspections.
3. If you are adding or modifying any components of your building, mechanical, plumbing, or electrical systems, without changing the floor area devoted to building service equipment, you must:
  - Obtain building permits and pass appropriate inspections.

## Questions?