

ATTACHMENT D

Written Public Comments

January 10, 2024

Santa Barbara County Air Pollution Control District
Community Advisory Council

260 San Antonio Road, Suite A
Santa Barbara, California 93110



December 21, 2023

**RE: Amendments to District Rule 210, Fees
NOTICE OF OPPOSITION**

Dear Santa Barbara County Air Pollution Control District:

Coastal Blooms Nursery writes in opposition to the amendments to District Rule 210, which impose unwarranted fees on the cannabis industry that will hamper legal businesses while indirectly benefiting the illicit cannabis industry.

We operate cultivation, processing, packaging, manufacturing, and retail locations. We pride ourselves on not only the quality and consistency of our products, but also our commitment to continue working with our community and County on the abatement of cannabis odor.

A key pillar of following through on our commitment to drive the ball forward on odor control has been continuous research, exploration, testing, deployment, and the operational refinement of odor control systems and technology. The proposed amendments will financially restrict our ability to continue to do so.

Specifically, we **oppose** the amendments to Rule 210 for the following reasons:

- **Unnecessary Redundancy:** Existing code already evaluates the efficacy of odor control technology (County Code Chapter 50, CZO Section 35-144U, LUDC Section 35.42.075). In unincorporated areas of the County, operators are required to have an Odor Abatement Plan (OAP) certified by a Professional Engineer or Certified Industrial Hygienist that is approved through the Land Use Permitting process. Once permitted and operating, the operator is required to pay for a County contractor to perform quarterly inspections that confirm the efficacy of the odor-control system. The District permitting odor-control devices undermines the discretion of the Planning and Development Department to evaluate OAPs and could ultimately exacerbate public nuisance rather than improve it.
- **Counterproductive Prohibitions:** The odor-device fee structure proposed in the amendments do not incentivize cannabis operators to go above and beyond to ensure odor abatement. The District requires operators to undergo a modification of the permit and pay new fees every time an upgrade is made to the odor-control system. Best available

control technology (BACT) is always evolving and should not be taxed. Operators should be encouraged to develop and deploy new methods to abate odor.

- **Unjust Treatment:** The proposed fees set an unreasonable precedent for departments to regulate an already overly-regulated industry. Many agricultural sectors emit odors but are not targeted as a public nuisance. Why should cannabis be singled out by yet another department?

Alternate Solutions: The District's Cannabis Advisory recommends effective odor-abatement systems. If an operator uses a recommended system, the District should not have to confirm that the system is effective. The District will only have to confirm that the system was installed as promised. Therefore, the District should establish a base fee to permit recommended systems as an incentive for operators to use them.

Operators that do not use a recommended system should be charged the permitting fee per system, not per device. The current permitting process is already set-up to determine efficacy of the overall odor-control system, not each device within the system. Moreover, odor-control devices are typically redundant throughout the system.

Finally, the District should provide operators that have approved OAPs from other jurisdictions with waivers to eliminate permitting redundancy. The District 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.

In summary, these amendments would be another detrimental blow to the County's struggling regulated cannabis marketplace if passed as written. For these reasons, Coastal Blooms Nursery respectfully opposes the amendments and requests that you consider other options to recover costs.

Sincerely,

Whitney Collie

Whitney Collie
Vice President of Compliance
Coastal Blooms Nursery