

DRAFT CONDITIONS OF APPROVAL

MEETING DATE: October 10, 2017

TITLE: Amendment to Conditional Use Permit No 15-16
(RxDHS Cultivation Project)

CASE NO: CUP 15-16 (Amendment)

PREPARED BY: Scott Taschner, Senior Planner

REVIEWED BY: Daniel Porras, Community Development Director

Amendment - Project Specific Conditions

1. The applicant developer shall comply with all local, state laws in regards to medical marijuana distribution, transportation, testing, manufacturing and research & development activities and operations.
2. **The applicant/developer/proprietor shall be in compliance with all conditions of approval from the original City Council approved Conditional Use Permit (CUP 15-16)**
3. John Van Beek shall not be associated with this project in any fashion or form directly or indirectly.

Standard Administrative Conditions

4. The amendment to CUP 015-16 is subject to the (2) year expiration (CUP), as provided in Section 17.64.070 and will expire on October 10, 2019.
5. The applicant may request an extension of time for CUP 15-16 per the City's Zoning Ordinance Sections 17.76.090. Upon filing a time extension(s) at least 30 (thirty) days prior to expiration of the project the Planning Commission may grant said time extension for good cause not to exceed twelve (12) months.
6. Applicant/Developer shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, an/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul, seek monetary damages resulting from an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board or legislative body including actions approved by the voter of the City, concerning the entitlement application. City shall promptly notify both the Applicant/Developer and landowner of any claim, action, or proceeding to which this condition is applicable and shall further cooperate fully in the defense of the action. The City reserves its right to

take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

7. All development on the Project Site shall be in compliance with all applicable provisions of the City's Municipal Code as well as all applicable provisions of the adopted Building and Fire Codes. All new construction shall obtain a building permit and comply with the requirements of the Planning, Building, and Fire Departments.
8. No Certificate of Occupancy (CofO) shall be granted until all Conditions of Approval have been completed and approved by the Planning, Engineering, Building, and Fire Departments unless otherwise identified herein. A Temporary Certificate of Occupancy (TCO) may be issued for a specific time period if a significant amount of issues have been resolved and there remains only minor issues that do not pose a threat to health & safety.
9. The development of the Project on the Project Site shall be in substantial compliance with the exhibits contained in the project file for the amendment to *CUP 15-16* as shown in all Exhibits attached hereto and incorporated herein by this reference.
10. The Applicant/Developer shall pay all established service, permit, impact, public art, and other applicable fees required by the City.

**PLANNING DEPARTMENT / MARIJUANA CULTIVATION,
MANUFACTURING, TESTING, ETC. CONDITIONS.**

Interior Only.

1. Medical marijuana testing shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this Chapter. No medical marijuana testing operations shall be visible from any public right of way.

Operational Requirements:

2. Manufacturers are limited to certain equipment, methods, solvents, gases and mediums when creating medical marijuana extracts.
3. Medical Manufacturing Facilities with a state license of a Type-6 (non-volatile) or a Type 7 (volatile) classification may be allowed to operate under this Chapter.
4. All other methods of extraction shall be conducted in an environment appropriate to the solvent being used, with consideration to proper ventilation and ignition source controls.
5. All equipment, systems and manufacturing processes must meet or exceed all applicable state and federal requirements and regulations regarding air, water, health and safety, and handling, processing and storage of hazardous materials,

solvents, gases and waste. No manufacturing facility shall commence operations or be issued any form of certificate of occupancy without first obtaining all required fire, environmental, health and safety, planning, and building certificates, permits and approvals required under City's Municipal Code and all other applicable county, state and federal regulations.

6. **PhD Chemist.** As a condition of obtaining a City-issued medical marijuana regulatory permit and conditional use permit, a licensee of a manufacturing facility desiring to operate under this ordinance shall first verify that the licensee employs or contracts with a person who has a PhD in chemical sciences who shall supervise the design, installation and operation of the facility's systems and manufacturing processes. Such person shall inspect the premises on a quarterly basis and provide such inspection report to the City. The licensee shall submit to the City a written statement that he or she certifies under penalty of perjury that the name of the employee/contractor is true and correct. The employee/contractor shall also submit a written statement that he or she certifies under penalty of perjury his or her educational qualifications and verifying that the supervisor is employed or contracted to supervise the design, installation and operation of the facility's systems and manufacturing processes.
7. **State Regulations.** In the event the State of California implements health and safety regulations applicable to Medical Marijuana Manufacturing Facilities, upon implementation of such state regulations, all Medical Marijuana Manufacturing Facilities operators shall immediately implement the state regulations. Should there be a conflict between the provisions of this Chapter and the state regulations, the state regulations shall control.

Medical Marijuana Testing Facilities

8. **Interior Only.** Medical marijuana testing shall be conducted only in the interior of fully enclosed structures, facilities, buildings, or other fully enclosed spaces consistent with the purpose and intent of this Chapter. No medical marijuana testing operations shall be visible from any public right of way.
9. **Permits.** Medical marijuana Testing Facilities shall obtain a City-issued conditional use permit and regulatory permit.

Medical Marijuana Distribution Facilities

10. **Interior Only.** Other than loading, unloading and transportation, all Distribution of medical marijuana and medical marijuana products shall be conducted only in the interior of enclosed structures, facilities, or buildings.
11. **Labor Peace Agreements.** All applicants for a conditional use permit pursuant to this Chapter shall provide a statement that the applicant will enter into, or shall demonstrate that it has already entered into, and will abide by the terms of a labor peace agreement, as defined in California Business & Professions Code Section 19300.5(v).

12. **Public Safety.** All applicants for conditional use permit to operate a Medical Marijuana Distribution Facility under this Chapter shall: (a) demonstrate that such facility will be equipped with adequate security installations and systems to prevent trespassing, theft and diversion of medical marijuana for unlawful purposes, including exterior lighting, an alarm system, and 24-hour, on-site security personnel, tag and trace protocols and video surveillance; and (b) shall maintain such security installations and systems while in operation.

Medical Marijuana Facilities—Required License and Permits.

a. In addition to those other requirements which may be imposed pursuant to this Chapter, no person or entity shall engage in medical marijuana activity or open or operate a Medical Marijuana Facility without possessing and obtaining the following:

- i. A medical marijuana regulatory permit issued by the City pursuant to Chapter 5.50 of the City's Municipal Code; and
- ii. A Conditional Use Permit, pursuant to the conditions set forth in this Chapter and the City's Municipal Code; and
- iii. Any applicable State-required permit.

b. The fact that a person or entity possesses other types of state or municipal permits or licenses does not exempt the person or entity from the requirement of obtaining a City-issued conditional use permit to operate a Medical Marijuana Facility.

Licenses and Permits Applicable to Location.

No person or entity shall locate or operate a Medical Marijuana Facility under the authority of a license or permit at any place other than the address of the Medical Marijuana Facility as stated in the medical marijuana regulatory permit issued by the City and the conditional use permit issued pursuant to this Chapter.

Signage and Notices.

In addition to the requirements otherwise set forth in this Chapter, business identification signage for all Medical Marijuana Facilities shall conform to the requirements of the City's Municipal Code, including, but not limited to, issuance of a City sign permit.

Compliance with Laws.

a. It is the responsibility of the owners and operators of all Medical Marijuana Facilities to ensure that such facilities are, at all times, operating in compliance with all applicable federal (not dealing with medical marijuana) state and local laws and regulations and any additional operating procedures or requirements which may be imposed as conditions of approval of a given Medical Marijuana Facility. Nothing in this Chapter shall be construed to authorize any action which violates federal (not dealing with medical marijuana), state law or local law with respect to the operation of a commercial medical marijuana business.

b. Medical Marijuana Facilities shall be permitted only as provided in this Chapter and if not expressly permitted by this Chapter, shall be prohibited.

c. Any person or entity operating a Medical Marijuana Facility shall at all times remain in compliance and operate in accordance with the applicable provisions of this Chapter, the City's Municipal Code, the CUA, the MMPA, the MMRSA, and all other applicable state laws pertaining to Medical Marijuana Facilities.

d. Failure to abide by any laws mentioned in this subsection shall constitute a public nuisance and shall subject the Medical Marijuana Facility to revocation of any and all entitlements, licenses and permits.

Administration and Enforcement.

a. In addition to the administration of the permitting requirements under this Chapter and the City's Municipal Code, the City Council or its designee may require, as a condition to granting or renewing permits, any information reasonably necessary to implement the intent of this Chapter to ensure that all medical marijuana is grown, processed, manufactured and distributed in a manner not in conflict with this Chapter, and to ensure that any and all related city taxes are being properly reported and paid.

b. A conditional use permit, **and any modifications thereto as provided in Section 17.180.060**, approved for a Medical Marijuana Facility may be suspended or revoked for any violation of this Chapter and pursuant to the procedures generally applicable to Conditional Use Permits as set forth in the City's Municipal Code. Violations of this Chapter are subject to administrative, civil, and/or criminal penalties, as set forth in the City's Municipal Code, and remedies for such violations include but are not limited to civil injunctive relief, civil or administrative nuisance abatement actions or proceedings, summary abatement of immediately hazardous conditions, and all other applicable fines, penalties and remedies. This Ordinance is adopted to address public health and safety issues, and as such, is expressly intended to be interpreted strictly and enforced rigorously in a manner such as to deter further violations.

Police Department:

1. The Applicant/Developer shall comply with all applicable federal, state and City laws and regulations.
2. The Applicant/Developer shall incorporate all aspects of Crime Prevention through Environmental Design for visual surveillance, access control and territorial reinforcement.
3. Every area of the proposed development must be visible either from the street or from the structure. Unavoidable dead spaces or hidden/secluded areas require additional mitigating measures which may include increased lighting, security surveillance cameras, perimeter fencing and/or security gates, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
4. Applicant/Developer shall adhere to the City's light standard and identify all light fixtures (wall mounted and pole lights) on the site plan.
5. Lighting shall provide face recognition at 100 feet.

6. The Police Department may require additional lighting to prevent unintended dark spots prior to final occupancy.
7. Secluded or hidden interior corridors are strongly discouraged by the Police Department. For uses utilizing said corridors, mitigation measures shall be required and may include increased lighting, security surveillance cameras, controlled access, on-site security guards or other mitigating measures deemed appropriate by the Police Department.
8. The applicant and operator shall at all times implement the Utilize Crime Prevention Through Environmental Design (C.P.T.E.D) throughout the project, as follows:

CPTED Principle #1 – Natural Surveillance

"See and be seen" is the overall goal when it comes to CPTED and natural surveillance. A person is less likely to commit a crime if they think someone will see them do it. Lighting and landscape play an important role in Crime Prevention Through Environmental Design.

CPTED Principle #2 - Natural Access Control

Natural Access Control is more than a high block wall topped with barbed wire. Crime Prevention Through Environmental Design or CPTED utilizes the use of walkways, fences, lighting, signage and landscape to clearly guide people and vehicles to and from the proper entrances. The goal with this CPTED principle is not necessarily to keep intruders out, but to direct the flow of people while decreasing the opportunity for crime.

CPTED Principle #3 – Territorial Reinforcement

Creating or extending a "sphere of influence" by utilizing physical designs such as pavement treatments, landscaping and signage that enable users of an area to develop a sense of proprietorship over it is the goal of this CPTED principle. Public areas are clearly distinguished from private ones. Potential trespassers perceive this control and are thereby discouraged.

CPTED Principle #4 – Maintenance

CPTED and the "Broken Window Theory" suggests that one "broken window" or nuisance, if allowed to exist, will lead to others and ultimately to the decline of an entire neighborhood. Neglected and poorly maintained properties are breeding grounds for criminal activity. We will work with you to develop a formal CPTED based maintenance plan to help you preserve your property value and make it a safer place.

9. Prior to issuance of building permits, the site plan shall indicate all perimeter walls and fences to be of a design to prevent or discourage scaling & graffiti.
10. Prior to issuance of building permits, a photovoltaic survey shall be prepared and submitted with the proposed lighting plan. The lighting plan shall be reviewed to assure that:

- a. Lighting provides adequate visibility, face & color recognition, and a sense of security for employees and visitors.
 - b. LED and / or Metal Halide lights are recommended.
 - c. Lighting shall be shielded through the use of fixture design and placement, and shrouds so that spillover at the property line is minimized.
11. Prior to issuance of building permits, the building plans shall indicate that motions sensors are installed on the building rooftops, subject to review and approval by the City of Desert Hot Springs Police Department. Specifications for the motions sensors shall be included in the building plan set.
12. At no time shall any plant materials, plant products, or plant-derived products be visible from any public areas.
13. Prior to issuance of building permits, the plans shall be amended to indicate the location and type of all gate control and access equipment and / or systems (e.g. Knox box, keypad, radio control, etc.) Prior to issuance of occupancy permits, the applicant will provide all access equipment, materials, codes, etc. to the City of Desert Hot Springs Police Department.
14. All delivery vehicles shall be equipped with GPS location equipment, which shall be maintained and available at all times.
15. All employees, regardless of status, shall be subject to Live Scan or similar security clearance through the City of Desert Hot Springs Police Department. All employees shall be issued photo ID cards and shall keep the card on her / his person at all times.
16. Any private security service that uses security guards with uniforms shall assure to the satisfaction of the City of Desert Hot Springs Police Department that the uniforms are sufficiently different in appearance from any uniform of the Police Department, Riverside County Sheriff or other local police department.
17. Security cameras shall be utilized to capture video of the perimeter of the building as well as interior areas of importance. The exterior shall have cameras two camera on each exterior wall. The interior shall have cameras covering areas of operation, registers, and one facing the entrance door from the inside to capture video of each person as they enter. The camera system shall have recording and back up capabilities for 90 days and will be made accessible to the Police Department on demand
18. Prior to issuance of the regulatory permit, the applicant shall provide a security plan that includes specific locations and areas of coverage by security cameras; location of audible interior and exterior alarms; location of exterior lighting and fencing; provisions for background checks; the name and contact information of Security Company monitoring the site and any additional information required by the City. The plan shall also provide that at all times at least one member of the dispensary management or staff has knowledge of the operation of all video surveillance equipment and is capable of assisting the Police Department at any time the Police have need of such assistance.

19. Prior to issuance of occupancy permits the building plan will be amended to show the location of cameras to be installed.

Fire Department:

1. Applicant/Developer shall provide a water system capable of delivering a minimum fire flow of 1,500 gallons per minute for 2 hours duration at twenty (20) pounds per square inch (PSI) residual operating pressure, which must be available before any combustible material is placed on the construction site. The minimum required GPM and PSI may change during official plan check.
2. The greenhouses must be type IIB. All framing needs to be non-combustible, unless it is permitted per Section 603.
3. The Applicant/Owner shall install Knox Boxes as approved by the Fire Department subject to the following:
 4. On Structures the Knox Box shall be installed next to the Fire Department access door and be flush with the building.
 5. If the buildings are protected with a FIRE alarm system, the lock box shall be required to have tampered monitoring.
 6. Required order forms and installation standards may be obtained at the Fire Department Headquarters at 77933 Los Montana's in Palm Desert or Desert Hot Springs City Hall
 7. Applicant/Developer shall display street numbers in a prominent location on the address side of building(s) and/or rear access if applicable. Numbers and letters shall be a minimum of twelve (12) inches in height except for building(s) greater than twenty-five (25) feet in height which shall have a minimum letter height of twenty-four (24) inches. In complexes with alpha designations, letter size must match numbers. All addressing must be legible, of a contrasting color, and adequately illuminated to be visible from street at all hours.
 8. The Applicant/Developer shall submit three (3) sets of construction drawings to the Riverside County Fire Department Headquarters located at 77933 Los Montana's in Palm Desert for review and approval prior to issuance of any permits. Said construction drawings shall demonstrate Project adherence to all provisions of the currently adopted Uniform Fire Code.
 9. Applicant/Developer shall install a portable fire extinguisher, with a minimum rating of 2A-20BC, for every 3,000 sq. ft. and/or seventy-five (75) feet of travel distance. Fire extinguishers shall be mounted three and a half (3.5) to five (5) feet above finished floor, measured to the top of the extinguisher. Where not

readily visible, signs shall be posted above all extinguishers to indicate their locations. Extinguishers must have current CSFM service tags affixed.

10. No hazardous materials shall be stored and/or used within the building, which exceeds quantities listed in 2013 California Building Code. No class I, II or IIIA of combustible/flammable liquid shall be used in any amount in the building.
11. Exit designs, exit signs, door hardware, exit markers, exit doors, and exit path marking shall be installed per the 2013 California Building Code.
12. Shall provide a fire apparatus turn around at the parking lot on the South side of the building exceeding a dead-end of 150'.
13. Fire Equipment such as electrical room doors, FACP, fire riser, roof access shall be labeled by the Applicant/Developer and be approved by the Fire Department.
14. Access shall be provided to all mechanical equipment located on the roof as per the 2013 California Mechanical Code.
15. Fire sprinklers shall be installed in all buildings greater than 3,600 square feet in floor area to the satisfaction of the Fire Marshal.
16. Shall install a fire alarm system.
17. Emergency and standby power systems shall be installed in accordance with CFC, CBC, NFPA 110, and NFPA 30.
18. An on-site acceptance test for generators shall be conducted as a final approval. The test of the transfer switch shall consist of electrically operating the transfer switch from the normal position to the alternate position and then return to the normal position.
19. No smoking sign shall be posted at generators.
20. NFPA 704 placard shall be posted where applicable.
21. Shall provide equipment technical data sheets for the type of plastic to be hung in grow room. Shall be a minimum Class C finishing per CFC 803.9.
22. Shall submit separate plans for CO₂ enriched environment. Shall have a 3rd party certification for the system. Shall provide tank separation from grow room and provide continuous mechanical ventilation for CO₂ tanks. Shall provide a function test prior to final.
23. Cannot comment on plans for CO₂ extraction systems.
24. Shall provide equipment technical data sheets for the access control egress door.
25. Shall provide sequence of Operation for access control egress doors and shall comply with all requirements per CFC 1008.1.9.8

26. Shall provide equipment technical data sheets for the type of lamps to be used.
27. Shall submit a Business Plan to Riverside County Health Department prior to final.
28. Shall contact Air Quality Management District to ensure all requirements will be met with the CO2 exposure (Carbon Filter).
29. Prior to issuance of occupancy permits, the applicant shall demonstrate to the satisfaction of the Riverside County Fire Department that the site conforms with fire lane width requirements in accordance with County standards, as found at: http://rvcfire.org/stationsAndFunctions/AdminSppt/FireMarshal/Documents/Standards/FPS_x06-05_Access_Roadways_x2x.pdf

Extraction/Manufacturing Conditions

30. Scope:

This policy covers the installation, maintenance, operation and permitting requirements as they pertain to Plant Processing and Extraction Facilities in new and existing facilities under the jurisdiction of the RCFD in accordance with CFC Sections 1.11.2.4, 102.9, 104.1, and 104.9. This policy applies to the following:

31. The extraction process, including but not limited to, the act of extraction of the oils and fats by use of a solvent, desolventizing of the raw material and production of the miscella, distillation of the solvent from the miscella and solvent recovery.
32. The use, storage, transfilling, and handling of hazardous materials in these facilities
33. Existing buildings or facilities where the processing or extraction of plants is introduced, changed, or where the medium of extraction or solvent is changed shall comply with this Technical Policy.
- 34.. Design and installation shall comply with the applicable provisions of the California Construction Codes, as amended, and this policy. The most restrictive requirements shall govern.

Codes and Standards

This policy is based on the 2016 California Fire Code (CFC), Chapter 1, Section 102.9, Matters not provided for; Chapter 9, Fire Protection Systems; and Part V (Chapters 50 through 67) Hazardous Materials. Specifically, CFC Section 102.9 permits the Fire Code Official to determine requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by the CFC.

35. The State and County adopted 2016 CFC does not currently provide specific regulatory provisions for plant processing and extraction facilities This Technical Policy is based upon the recently incorporated provisions to the 2018 International Fire Code including, but not limited to, a new Section 916 Gas Detection Systems and a new Chapter 39 for Plant Processing and Extraction Facilities. The California State Fire Marshal is supplementing the 2016 California Building Standards Code with these 2018 International Fire Code provisions which should be effective statewide July 2018.

Permits and Inspections

CONSTRUCTION PERMITS

Plant extraction systems. A construction permit is required for installation of or modification to a plant extraction system. Maintenance performed in accordance with the CFC is not considered to be modification and does not require a construction permit.

Gas detection systems. A construction permit is required for installation of or modification to gas detection systems. Maintenance performed in accordance with the CFC is not considered a modification and shall not require a permit.

Requirements.

Riverside County Fire Department, OFM must review all plant extraction system permit applications.

36. The applicant/developer shall comply with any additional permit applications and review requirements of the Building and Safety Dept/Division within the jurisdiction. Applicable plan review and permit fees shall apply.

37. Construction permits shall be issued to licensed contractors unless otherwise approved by the Fire Code Official.

38. Construction drawings and specifications shall bear the seal and signature of a licensed California professional engineer/architect who prepared the drawings/specifications and shall be complete and of sufficient clarity to indicate the entire work proposed and show in detail that the plant extraction system conforms to the provisions of this policy, the California Fire and Building Codes and relevant laws, ordinances, rules and regulations. Each set of drawings and specifications shall, at a minimum, contain the following information, architectural, structural, mechanical, electrical drawings, specifications and analysis:

- a. Exact address, legal description and location of the work performed.
- b. Name and address of the owner.
- c. Name and address of the person or firm responsible for the preparation of the drawings and specifications. The seal and signature of the California licensed architect and/or engineer responsible for the preparation of the drawings and specifications.
- d. Two complete sets of construction documents showing the construction of architectural, structural, mechanical, plumbing and electrical arrangements.
- e. One copy of specifications or notes that clearly describe the type, quality and finish of materials and the method of assembly, erection and installation of equipment to be installed with proper reference to accepted standards.
- f. Except for entirely interior installations, a plot plan showing the location of the proposed construction (i.e., tanks) and the location of every adjacent existing building on the property, roads, walks, utilities and other site improvements, all property lines, streets, alleys, easements and other public areas.
- g. Bulk tank installations may require an engineered structural foundation with a separate tank installation permit. Contact the Building and Safety Dept/Division with jurisdiction to determine requirements.

h. Total aggregate quantity of hazardous materials (solvents, etc.) in storage, use open and use closed. Provide complete Hazardous Material Inventory Statement (HMIS).
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- i. Location of the room where the plant extraction operation will be conducted. Identify whether the room is at grade or below grade.
- j. Location of containers relative to equipment, building openings and means of egress.
- k. Manufacturer's specifications and pressure rating, including cut sheets, of all piping and tubing to be used.
- l. A piping and instrumentation diagram that shows piping support and remote fill connections.
- m. Details of container venting, including but not limited to vent line size, material and termination location.
- n. Alarm and detection system and equipment.
- o Seismic support for containers.

B. OPERATIONAL PERMITS

50. Where required by the Fire Code Official, operational permits shall be issued upon approval, issuance, and final inspections of required construction permits.

51. An annual operational permit may be required to use a plant extraction system in accordance with the CFC and this Technical Policy.

52. Operational permits shall be posted on site.

53. To obtain required operational permit(s), the Business owner or Company Representative must complete and sign the Plant Processing and Extraction Applications Operational Permit Application.

C. SITE INSPECTION

54. Riverside County Fire Department OFM, and the Building and Safety Dept/Division shall inspect and witness acceptance testing of the installation. Contact OFM and the Building and Safety Dept/Division with jurisdiction to confirm type and frequency of inspections required. Compliance with all California Fire Code requirements shall be maintained at all times.

Requirements

A. PROCESSING AND EXTRACTION

1. Construction. Processing shall be located in a building complying with the California Building Code.

2. Prohibited occupancies. Extraction processes utilizing flammable gasses or flammable cryogenic fluids shall not be located in any building containing a Group A, E, I or R occupancy.

3. Location. The extraction equipment and extraction process utilizing hydrocarbon solvents shall be located in a room or area dedicated to extraction.

4. Post-process purification and winterization. Post-processing and winterization involving the heating or pressurizing of the miscella to other than normal pressure or temperature shall be approved and performed in an appliance listed for such use. Domestic or commercial cooking appliances shall not be used.

4.1. Industrial ovens. The use of industrial ovens shall comply with CFC Chapter 30.

5. Use of flammable and combustible liquids. The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled, or evaporated shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. Electrical equipment used within the hazardous

exhaust fume hood shall be rated for use in flammable atmospheres. Heating of flammable or combustible liquids over an open flame is prohibited.

Exception: The use of a heating element not rated for flammable atmospheres approved where documentation from the manufacture or approved testing laboratory indicates it is rated for heating of flammable liquids.

6. Liquefied Petroleum Gas. Liquefied-petroleum gases shall not be released to the atmosphere.

Exception: LPG gas may be released to the atmosphere in accordance with the 2014 edition of NFPA 58 Section 7.3.

B. SYSTEMS AND EQUIPMENT

1. General requirements. Systems and equipment used with the processing and extraction of oils and products from plants shall comply with this Technical Policy, CFC Section 5003.2, other applicable provisions of the CFC, the California Building Code, and the California Mechanical Code.

2. Systems and equipment. Systems or equipment used for the extraction of oils from plant material shall be listed or approved for the specific use. If the system used for extraction of oils and products from plant material is not listed, then the system shall be reviewed by a Licensed California Professional Engineer. The Licensed California Professional Engineer shall review and consider any information provided by the system's designer or manufacturer. For systems and equipment not listed for the specific use, a technical report in accordance with the below requirements shall be prepared and submitted to the fire code official for review and approval. The firm or individual preparing the technical report shall be approved by the fire code official prior to performing the analysis.

3. Technical report. The technical report which has been reviewed and approved by the fire code official, as required by the section above is required prior to the equipment being located or installed at the facility. The report shall be prepared by a Licensed California Professional Engineer or other professional approved by the fire code official.

4. Report Content. The technical report shall contain all of the following:

1. Manufacturer information.
2. Preparer of record on technical report.
3. Date of review and report revision history.
4. Signature page shall include all of the following:
 - a. Author of the report
 - b. Date of report
 - c. Date, seal and signature of the Licensed California Professional Engineer of record performing the design or peer review
5. Model number of the item evaluated. If the equipment is provided with a serial number, the serial number shall be included for verification at time of site inspection.
6. Methodology of the design or peer review process used to determine minimum safety requirements. Methodology shall consider the basis of design, and shall include a code analysis and code path to demonstrate the reason as to why specific code or standards are applicable or not.
7. Equipment description. A list of every component and sub-assembly (fittings, hose, quick disconnects, gauges, site glass, gaskets, valves, pumps, vessels, containers, switches, etc.) of the system or equipment, indicating the manufacturer, model number, material, and solvent compatibility. Manufacturer data sheets shall be provided.
8. A general flow schematic or general process flow diagram of the process. Post-processing or winterization shall be included in this diagram. All primary components of the process equipment shall be identified and match the equipment list required in Item 7. Operating temperatures, pressures, and

solvent state of matter shall be identified in each primary step or component. A piping and instrumentation diagram (PID or PI&D) shall be provided.

9. Analysis of the vessel(s) if pressurized beyond standard atmospheric pressure.

Analysis shall include purchased and fabricated components.

10. Structural analysis for the frame system supporting the equipment.

11. Process safety analysis of the extraction system, from the introduction of raw product to the end of the extraction process.

12. Comprehensive process hazard analysis considering failure modes and points of failure throughout the process. The process hazard analysis shall include a review of emergency procedure information provided by the manufacturer of the equipment or process and not that of the facility, building or room.

13. Review of the assembly instructions, operational and maintenance manuals provided by the manufacturer.

14. List of references used in the analysis.

5. Site inspection. Prior to operation of the extraction equipment, where required by the fire code official, the Licensed California Professional Engineer of record or approved professional, as required in this Technical Policy shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis. The Licensed California Professional Engineer of record or approved professional shall provide a report of findings and observations of the site inspection to the fire code official prior to the approval of the extraction process. The field inspection report authored by the engineer of record shall include the serial number of the equipment used in the process and shall confirm the equipment installed is the same model and type of equipment identified in the technical report.

C. SAFETY SYSTEMS

1. Gas detection system. Rooms in which extraction processes utilizing flammable gases as solvents, are conducted shall be provided with a gas detection system that complies with this Technical Policy. The gas detection system shall be designed to activate when the level of flammable gas exceeds 25 percent of the lower flammable limit (LFL).

1.1 System design. The flammable gas detection system shall be listed or approved and shall be calibrated to the types of fuels or gases used for the extraction process. The gas detection system shall be designed to activate when the level of flammable gas exceeds 25 percent of the lower flammable limit (LFL).

1.2 Gas detection system components. Gas detection system control units shall be listed and labeled in accordance with UL 864 or UL 2017. Gas detectors shall be listed and labeled in accordance with UL 2075 for use with the gases and vapors being detected.

1.3 Operation. Activation of the gas detection system shall result in all the following:

1. Initiation of distinct audible and visual alarm signals in the extraction room.
2. Deactivation of all heating systems located in the extraction room.
3. Activation of the mechanical ventilation system, where the system is interlocked with gas detection.

1.4 Failure of the gas detection system. Failure of the gas detection system shall result in the deactivation of the heating system, activation of the mechanical ventilation system where the system is interlocked with the gas detection system and cause a trouble signal to sound in an approved location. Page 6 of 7 TP#16-005

1.5 Interlocks. All electrical components within the extraction room shall be interlocked with the gas detection system. Activation of the gas detection system shall disable all light switches and electrical outlets.

6. Emergency shutoff. Extraction processes utilizing gaseous hydro-carbon based solvents shall be provided with emergency shutoff systems in accordance with CFC Section 5803.1.3.

D. GAS DETECTION SYSTEMS

1. Gas detection systems. Gas detection systems shall comply with this Technical Policy and the CFC.

2. Permits. Permits shall be required as set forth in this Technical Policy and the CFC.

2.1. Construction documents. Documentation of the gas detection system design and equipment to be used that is adequate to demonstrate compliance with the requirements of this Technical Policy and the CFC shall be provided with the application for permit.

3. Equipment. Gas detection system equipment shall be designed for use with the gases being detected and shall be installed in accordance with manufacturers' instructions.

4. Power connections. Gas detection systems shall be permanently connected to the building electrical power supply or shall be permitted to be cord connected to an unswitched receptacle using an approved restraining means that secures the plug to the receptacle.

5. Emergency and standby power. Standby or emergency power shall be provided or the gas detection system shall initiate a trouble signal at an approved location if the power supply is interrupted.

6. Sensor locations. Sensors shall be installed in approved locations where leaking gases are expected to accumulate.

7. Gas sampling. Gas sampling shall be performed continuously. Sample analysis shall be processed immediately after sampling, except as follows:

1. For toxic gases that are not HPM, sample analysis shall be performed at intervals not exceeding 5 minutes, in accordance with CFC Section 6004.2.2.7.

2. Where a less frequent or delayed sampling interval is approved.

System activation. A gas detection alarm shall be initiated where any sensor detects a concentration of gas exceeding the following thresholds:

1. For flammable gases, a gas concentration exceeding 25 percent of the lower flammable limit (LFL).

2. For nonflammable gases, a gas concentration exceeding one half of the IDLH, unless a different threshold is specified by Section C of this Technical Policy or CFC requiring a gas detection system.

Upon activation of a gas detection alarm, alarm signals or other required responses shall be as specified by the CFC or this Technical Policy requiring a gas detection system.

Audible and visible alarm signals associated with a gas detection alarm shall be distinct from fire alarm and carbon monoxide alarm signals.

9. Signage. Signs shall be provided adjacent to gas detection system alarm signaling devices that advise occupants of the nature of the signals and actions to take in response to the signal.

10. Fire alarm system connections. Gas sensors and gas detection systems shall not be connected to fire alarm systems unless approved and connected in accordance with the fire alarm equipment manufacturers' instructions. Page 7 of 7 TP#16-005

11. Inspection, testing and sensor calibration. Inspection and testing of gas detection systems shall be conducted not less than annually. Sensor calibration shall be confirmed at the time of sensor installation and calibration shall be performed at the frequency specified by the sensor manufacturer.