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**COMMUNITY DEVELOPMENT AGENCY**  
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**NEVADA COUNTY**  
**COMMUNITY DEVELOPMENT AGENCY POLICY**  
**ENVIRONMENTAL HEALTH DEPARTMENT**

<b>Subject:</b>	Commercial Cannabis Cultivation Portable Toilet Use and Permitting	<b>Policy #:</b>	EH 1
<b>Original Policy Date:</b>	November 2, 2020	<b>Last Revised Date:</b>	N/A

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**1. Purpose:**

The purpose of this policy is to provide staff and customers with direction regarding permissible options for Commercial Cannabis Administrative Permit applicants to meet requirements for waste disposal, and to facilitate economically efficient cannabis operations while ensuring protection of the environment and human health and safety in the context of Commercial Cannabis operations.

**2. Analysis:**

The rural nature of the Nevada County community and geography result in the abundance of agricultural and Commercial Cannabis farming operations, both small and large. These operations employ migrant and/or permanent employees. The addition of employees on site at Cannabis operations necessitate sanitary facilities that provide for sustainable sewage disposal and access to clean water in the short and long term.

Historically, the CDA has required the installation of a distinct and separate sewage disposal facilities and water sources commercial operations where employees are located on parcels. The rural nature of Nevada County and geographical/topographical aspects of the majority of the County make this challenging. Requiring dual systems may not be financially sustainable or desirable in rural zoning designations. To meet health and safety requirements and to ensure that applicants are able to implement these requirements, Environmental Health explored alternative solutions that meet the intent of minimum standards and practices. Based on specific operations and number of employees onsite, other options for sanitation may meet the intent of minimum standards while also protecting employees, community members and the environment.

**3. Policy:**

**A. Permissible use of portable waste disposal facilities:**

i. Commercial Cannabis businesses with **six (6) or fewer** full-time and/or temporary/seasonal employees are permitted to use portable toilets with portable hand washing sinks on an annual basis. In order to comply with these standards, business operations shall comply with the below minimum standards:

- The Commercial Cannabis Operator will be required to obtain a Portable Toilet with Portable Hand Washing Station Annual Permit from the Nevada County Department of Environmental Health (NCDEH) and pay any associated permit fees. As this permit is an annual permit, fees will be invoiced annually and shall be paid by the applicant prior to permit expiration. Failure to renew permit and pay annual fees will result in permit termination.
- The portable toilet and hand washing station shall be serviced on a routine basis as determined by the NCDEH and said service shall be provided by a licensed and certified septic pumper commercial business. This may be the same commercial businesses from which the portable units are rented.
- Shall be located on the specific parcel as approved by the NCDEH and the approved Commercial Cannabis Administrative Permit and plans.
- Service receipts shall be provided to the NCDEH after each routine visit by the Portable Toilet Company either via email ([Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)) or via regular mail: County of Nevada NCDEH, 950 Maidu Avenue, Nevada City, CA 95959.
- The ongoing use of portable facilities will only be permitted if annual inspections indicate that applicant is in compliance with all relevant use portable sanitation facility standards.

ii. Commercial Cannabis businesses with **seven (7) or more** full-time and/or temporary/seasonal employees are permitted to use portable toilets with portable hand washing sinks for four (4) years from their approval to operate. In order to comply with these four (4) year transitional standards, business operations shall comply with the below minimum standards:

- The Commercial Cannabis Operator will be required to obtain a Portable Toilet with Portable Hand Washing Station Annual Permit from the Nevada County Department of Environmental Health (NCDEH) and pay any associated permit fees. As this permit is an annual permit, fees will be invoiced annually and shall be paid by the applicant prior to permit expiration and will sunset four (4) years from start of operations. Failure to renew permit and pay annual fees will result in permit termination.
- The number of portable toilets shall follow current State and OSHA guidance. This is recommended that one (1) toilet and one (1) hand sink shall be provided for every ten (10) employees.
- The portable toilet and hand washing station shall be serviced on a routine basis as determined by the NCDEH and said service shall be provided by a licensed and certified septic pumper commercial business. This may be the same commercial businesses from which the portable units are rented.
- Shall be located on the specific parcel as approved by the NCDEH and the approved Commercial Cannabis Administrative Permit and plans.
- Service receipts shall be provided to the NCDEH after each routine visit by the Portable Toilet Company either via email ([Env.Health@co.nevada.ca.us](mailto:Env.Health@co.nevada.ca.us)) or via regular mail: County of Nevada NCDEH, 950 Maidu Avenue, Nevada City, CA 95959.

- Within the four (4) year transitional timeframe, the Commercial Cannabis Applicant shall comply with Section “B” requirements shown below.

**B. Permanent waste disposal requirements:** These standards are associated to the installation of permanent septic disposal systems for Commercial Cannabis operations and permits. The following standards shall be met for either “i” or “ii” shown below within the four (4) year transitional period for operators with seven (7) or more employees as shown in Section “A”:

- i. Installation of a new septic disposal system (tank and disposal field) or connection to sewer district as applicable:
  - Employ a consultant to apply for an On-Site Soils Evaluation (OSSE)
  - Based on the results of the OSSE, apply for a Septic Permit by submitting Septic Design and Permit Application.
  - Obtain approval of septic system by NCDEH
- ii. Connect to the existing residential disposal field via a new septic tank installation and permitted as a Centralized System:
  - Employ a consultant to apply for an On-Site Soils Evaluation (OSSE)
  - Based on the results of the OSSE, submit an application for the installation of the septic tank for the commercial operation and modification of the existing disposal/leach field which shall be sized adequately to handle flows from the residence and the commercial operation including the 100% repair area.
  - Apply for a Maintenance and Monitoring Permit (requires annual maintenance and monitoring reporting)
  - Receive a Centralized Septic System Permit from the NCDEH (annual fee is required)

C. During annual inspections completed under the Annual Cannabis Permit (ACP) by the Nevada County Cannabis Compliance Division, any findings of ground contamination, unsanitary conditions, spillage inside the portable toilets or lack of adequate soap, towels or water at hand washing stations may result in enforcement action by the NCDEH. Where violations exist onsite that are health and safety related and/or the presence of repeated violations, annual permits may be revoked.

#### **4. Policy Interpretation:**

The Director of Environmental Health and/or approved Environmental Health Department designee shall have the authority for the interpretation of this policy.

Policy Initiated By: Amy Irani, Environmental Health Director

Approved: *Amy Irani*

Date: *11/2/2020*

Amy Irani  
Environmental Health Director