



Air Permits for Marijuana and Hemp Processing

Curious about whether your marijuana or hemp operation needs an air permit? Wondering what activities are covered under the agricultural operations exemption? Read on for the essentials.

What you need to know

1. **Agricultural Exemptions:** Many agricultural operations and the equipment used in these operations are exempt from air permitting requirements.
2. **Hemp/Marijuana Drying:** Most hemp and marijuana drying operations are not exempt from permitting under the agricultural operations/equipment language.
3. **CBD/Oil Extraction:** CBD and oil extraction facilities are not exempt from permitting under the agricultural operations/equipment language.

Why are there agricultural exemptions?

Both the Oregon Revised Statutes and the Oregon Administrative Rules contain provisions that limit the Department of Environmental Quality's authority to regulate air quality for certain agricultural operations and equipment. The Oregon legislature aimed to ensure that DEQ's air regulatory authority does not overextend to various agricultural activities.

[ORS 468A.020\(1\)](#) states:

Except as provided in subsection (2) of this section, the air pollution laws contained in ORS chapters 468, 468A and 468B do not apply to:

(a) Agricultural operations, including but not limited to:

- (A) Growing or harvesting crops;
- (B) Raising fowl or animals;
- (C) Clearing or grading agricultural land;
- (D) Propagating and raising nursery stock;
- (E) Propane flaming of mint stubble; **and**
- (F) Stack or pile burning of residue from Christmas trees, as defined in [ORS 571.505 \(Definitions for ORS 571.510 to 571.580\)](#), during the period beginning October 1 and ending May 31 of the following year.

(b) Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.

This statute exempts agricultural operations and most equipment used in agricultural operations.

[OAR 340-200-0030](#) states:

(1) Except as provided in section (2), OAR chapter 340 divisions 200 through 268 do not apply to:

(a) Agricultural operations, including but not limited to:

- (A) Growing or harvesting crops;
- (B) Raising fowl or animals;
- (C) Clearing or grading agricultural land;

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- (D) Propagating and raising nursery stock;
 - (E) Propane flaming of mint stubble; and
 - (F) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year.
- (b) Equipment used in agricultural operations, except boilers used in connection with propagating and raising nursery stock.

Is marijuana/hemp oil extraction or drying an agricultural operation?

Understanding agricultural operations

An “agricultural operation” involves activities like cultivating the soil, harvesting crops, and raising livestock. It’s about the production of plants and animals useful to humans and preparing these products for use or sale.

Oil extraction is not exempt. Oil extraction processes, including CBD oil extraction, are not considered agricultural operations. This process happens after crops have been grown and harvested and it does not involve soil cultivation or crop harvesting. Therefore, oil extraction is subject to air permitting.

Drying operations are generally not exempt. Most equipment used to dry hemp or marijuana, especially those that burn fuel, are not exempt from permitting. Drying is a separate process from growing and harvesting the crops.

Possible exemptions may include if your facility handles the entire process from soil cultivation and crop growing to harvesting and drying, all take place at the same site. DEQ will review such situations on a case-by-case basis before a decision is made.

Similar operations

While DEQ’s regulation of marijuana-related operations is relatively new, the agency has long been involved in regulating similar agricultural-adjacent sources and activities. Here are some examples of industries that require permits:

- Animal rendering and reduction facilities
- Beet sugar manufacturing
- Grain elevators
- Prepared feeds manufacturing
- Coffee roasting
- Seed cleaning

These operations all involve processing agricultural crops or livestock to prepare them for sale or use as products.

Oil extraction emissions: What you need to know

The process of extracting cannabis concentrates in marijuana infused products (MIP) facilities and hemp extraction facilities involves the use of solvents, which can lead to volatile organic compound (VOC) emissions. These emissions occur when solvents evaporate during the extraction process.

Quantifying air emissions

To determine air emissions from your facility:

1. **Track solvent usage:** start with your solvent purchase records.
2. **Subtract diversions:** Deduct amounts of solvents in inventory or used as product ingredients.

3. **Include waste solvents:** If possible, account for solvents in waste pickups. This can be challenging due to mixed waste.
4. **Calculate emissions:** Assume that any solvent not recaptured or added as an ingredient results in air emissions.

Permitting requirements

- **Emissions Thresholds:** Depending on your facility's emissions, you may need a Basic (BS) or Simple (SI) Air Contaminant Discharge Permit
- **Notice of Construction:** If emissions are below permitting thresholds, you still need to file a Notice of Intent of Construct under [OAR 340-210-0205](#) for any equipment emitting air pollution.

Hazardous Air Pollutants and Toxic Air Contaminants

CBD and hemp extraction facilities may emit HAPs or TACs depending on the solvents used. For example, hexane, a food grade solvent for hemp extract, is both a HAP and a TAC. DEQ staff will review all solvents used to determine if any contain HAPs or TACs.

Best practices for oil extraction facilities

- **Inspect storage devices:** Regularly check all solvent storage devices to detect and prevent leaks.
- **Maintain extraction systems:** Ensure the extraction system functions properly without solvent leaks.
- **Prevent leaks during transfers:** Be cautious when transferring solvents between containers and systems.
- **Avoid direct evaporation:** Never dispose of solvents through evaporation or spillage. Always use a closed-loop system or container.
- **Keep inventory records:** Maintain an inventory of all solvent liquids and their usage over time.

Contact

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