

## MEDICAL MARIJUANA WASTE DISPOSAL



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## History

- 2000- voters approved use for patients with debilitating medical conditions
- 2009 – U.S. Deputy AG David W. Ogden memo
  - Focus is not on individuals or their caregivers
  - Focus remains on drug traffickers, trafficking networks and illegal drug manufacturing
    - Includes commercial enterprises that unlawfully market and sell marijuana for profit
- 2009 - proliferation of dispensaries and registrants

## Stakeholder Process

- Stakeholder Meetings (3)
  - Grow house
  - Dispensaries
  - Laboratories
  - Processors
  - Composters
  - Landfills
- Stakeholder issues
  - Extractable
  - Useable
  - Control
  - Liability

## Stakeholder Process

- Initial Regulatory Approach
  - Cradle to grave
  - Manifest - multipart
  - Tracking - generator, hauler, destination facility
  - Audits
  - Burdensome & Costly
- Final Stakeholder process
  - Render material unusable
    - Compost
    - Dispose
  - Simple
  - More cost effective

### Licensed Medical Marijuana Facilities

- ◆ Wastes may include:
  - Cultivation wastes - roots, stalks, stems, etc.
  - Manufacturing byproducts
  - Unusable medical marijuana product
  - Unusable marijuana-infused product
  - Wastewater



### Waste Disposal

- ◆ Dept. of Revenue regulations Chapter 12 Section 12.200 (1 CCR 212-1)
- ◆ Must be made unusable before it can leave a licensed facility's secured area
  - Ground up and mixed with non-consumable solid waste or soil
  - Acceptable
    - Paper, plastic, cardboard or food wastes
    - Grease or other compostable oil waste
    - Bokashi or other compost activators

### After Made Unusable

- ◆ Solid waste may be:
  - Disposed of at an approved landfill
  - Sent to an approved compost facility
  - Composted onsite by the waste generator
- ◆ Liquid waste may be disposed of:
  - To a permitted wastewater treatment plant
    - Discharge in accordance with their requirements
    - May require notification and approval
  - Under a Colorado discharge permit

### Best Management Practice

- ◆ Shred, grind and / or thoroughly mix until no longer distinguishable or recognizable
- ◆ Compost or partially compost on-site before sending offsite for disposal or further composting



## Small Quantities

- ❖ Small onsite composting system
  - Automatic indoor composter
  - Worm farm composter
  - Bokashi composter
  - Compost activator and a covered bucket
- ❖ Indoors and secure
  - Minimal odor if properly maintained
  - Approx. two week turnaround time



## Larger Quantities

- ❖ Backyard composting exemption
  - Up to 100 cubic yards total
  - Green wastes, untreated wood wastes, paper wastes and food wastes only
  - May be zoning or other local requirements
- ❖ Onsite Class I, II, III, IV or V composting facility
  - Annual reporting, fees, may be zoning or permitting requirements
- ❖ Send to commercial composting facility

## Issues for Solid Waste Facilities

- ❖ Medical marijuana is Schedule 1 Controlled Substance under federal law
  - Exemption for roots, mature stalks, fiber made from the stalks, etc. not used or intended for use for human consumption
- ❖ Only authorized US Drug Enforcement Administration (DEA) registrants can have it, so no specific disposal guidance for non-registrants
  - Contact Special Agent in Charge
    - Transfer to authorized registrant
    - Delivery to Agent
    - Destruction in presence of Agent

## More Issues

- ❖ Deputy AG David W. Ogden memo - Oct 2009
- ❖ Deputy AG James Cole memo – June 2011
  - “Caregiver” does not include commercial operations cultivating, selling or distributing
  - “Persons who are in the business of cultivating, selling or distributing marijuana, **and those who knowingly facilitate such activities**, are in violation of the Controlled Substances Act, regardless of state law.”
    - Banks fear prosecution for money laundering

### Dilemma

- ❖ Landfills and composters may accept medical marijuana waste under State law
- ❖ DOJ/DEA enforcement risk
  - Is it knowingly facilitating illegal activity?
  - Possible mitigating factors
    - Higher risk of diversion if not landfilled or composted
    - Special Agent in Charge can authorize disposal by any means they determine will prevent diversion
    - Law enforcement has used landfill disposal when incineration is not available

### Best Management Practice - Landfills

- ❖ Analyze risk and use caution
  - Considered to be treated medical waste by State
    - Do not need to update engineering design and operations plan to accept treated medical waste
    - Department's discretion regarding notification of presence of this waste stream
- ❖ If receive large quantity, ensure is made unusable prior to acceptance
- ❖ Bury immediately and minimize compaction activities



### Best Management Practice - Composters

- ❖ Analyze risk and use abundance of caution
  - Unknown if THC is present in finished compost
  - Unknown if vegetable plants absorb THC
  - Unknown what level of THC would be acceptable for finished compost
- ❖ Ensure is made unusable prior to acceptance
- ❖ Bury immediately, covered by or mixed with unpalatable compost feedstock like manure



### Issue Resolution

- ❖ Colorado AG needed to issue opinion on State's authority to regulate medical marijuana waste disposal?
- ❖ Statement letter or MOU from DEA Special Agent in Charge that authorizes landfill disposal and composting for medical marijuana wastes, preferably on a statewide basis?

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