



November 27th, 2018
To whom it may concern,

My name is Joseph Tullgren. I am a rural land cannabis cultivator overburdened with red tape. Attached you will find my comments to your

Proposed Updates to the
STATE WATER RESOURCES CONTROL BOARD
ORDER WQ 2017-0023-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS AND
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES OF WASTE ASSOCIATED WITH
CANNABIS CULTIVATION ACTIVITIES
September 27, 2018

Thank you for your consideration. Obviously my comments are in red.

I also want to mention I agree with all comments provided by Hannah Nelson. Us small cultivators are systematically being put out of business by over-regulation. Consider the environmental and economic impacts of disenfranchising so many land stewards. Consider the environmental impact of us switching from growing a 1/4 acre of cannabis to raising 100 head of cattle. What would the environmental impacts of that be? I argue cattle would be far more detrimental to rangeland areas, in terms of water usage and sedimentary discharge and land erosion, despite it being far less regulated.

I am disgusted that these regulations are only designed to target cannabis cultivators. Environmentally this will do little to help water conservation and/or sedimentary discharge. Until you take cannabis out of the wording in your entire general order and apply it to ALL agricultural industries in California, you are only singling out and persecuting cannabis cultivators. These are double standards that should be illegal. Cannabis cultivation is exactly that, cultivation. This is an Agricultural industry. This general order should be mandated Statewide for ALL agricultural sectors or none.

Disgruntled-ly yours,
Joseph Tullgren

58. Cannabis cultivators shall separate large organic material (e.g., roots, woody debris, etc.) from soil materials. Cannabis cultivators shall either place the large organic material in long-term, upland storage sites, or properly dispose of these materials offsite.

What is the point of this? Most farmers/cultivators practice composting in some form or another. Some even employ wood chippers to return that large debris back into the soil or compost pile. You are over-regulating for no reason

- 81.** Cannabis cultivators are encouraged to install separate storage systems for water diverted for cannabis irrigation and water diverted for any other beneficial uses,¹⁹¹⁶ or
83. otherwise shall install separate measuring devices to quantify diversion to and from each storage facility, including the quantity of water diverted and the quantity, place, and purpose of use (e.g., cannabis irrigation, other crop irrigation, domestic, etc.) for the stored water

Examples of appropriate and commercially functional measuring devices is not only helpful, but necessary. Local area stores do not carry such devices or not a wide enough selection of them with proper flow or dependability. I have personally bought several water meters from Pace in Ukiah (the only water meters I've seen for sale locally). These are not sufficient. They have repeatedly failed due to environmental conditions. Educate us as to the proper meters to use and where they might be purchased.

- 82.** The cannabis cultivator shall install and maintain a measuring device(s) for surface
84. water or subterranean stream diversions. The measuring device shall be, at a minimum equivalent to the requirements for direct diversions greater than 10 acre-feet per year in California Code of Regulations, Title 23, Division 3, Chapter 2.7 **and Chapter 2.8**²⁰¹⁷. The measuring device(s) shall be located as close to the point of diversion as reasonable. Cannabis cultivators shall maintain daily diversion records for water diverted for cannabis cultivation. Cannabis cultivators shall maintain separate records that document the amount of water used for cannabis cultivation separated out from the amount of water used for other irrigation purposes and other beneficial uses of water (e.g., domestic, fire protection, etc.). Cannabis cultivators shall maintain daily diversion records at the cultivation site and shall make the records available for review or by request by the Water Boards, CDFW, or any other authorized representatives of the Water Boards or CDFW. Daily diversion records shall be retained for a minimum of five years. Compliance with this term is required for any surface water diversion for cannabis cultivation, even those under 10 acre-feet per year.

This requirement is a little out of control and not feasible in some cases. Some points of diversion are far away and not conveniently accessible on a daily basis, as it would take too much time in a day to monitor. Sure, garden usage can be calculated via emitter flow. However, if there is a water meter at your diversion site, I argue monthly recording to be sufficient, as an average can easily be calculated. Having proper measuring devices installed at the outtake of the cannabis garden tank and/or domestic water tanks, as you are requiring in item 81, would allow for proper records to be easily recorded more regularly. Does this not also give you the information

regarding your point of diversion? Is it not redundant to have the meters at the point of diversion AND at all of your tanks?

Also, a list of reasonable water measuring devices should be made available. I have personally bought several water meters from Pace in Ukiah (the only water meters I've seen for sale locally). These are not sufficient. They have repeatedly failed due to environmental conditions. Educate us as to the proper measuring devices to use and where they might be purchased.

83 e) Cannabis cultivators shall maintain hourly depth and volume records from the measurement device and area-capacity curves at the cultivation site and shall make the records available for review upon request by staff from the Water Boards or CDFW.

Hourly records? What else can I possibly do in a day if I am constantly recording information for you? Maybe if the said measuring device has a memory and can record this info automatically, then fine. Otherwise this is an unattainable requirement.

- 86.** Cannabis cultivators shall implement an invasive species management plan prepared
87. by a Qualified Biologist for any existing or proposed water storage facilities that are open to the environment. The plan shall include, at a minimum, an annual survey for bullfrogs and other invasive aquatic species. If bullfrogs or other invasive aquatic species are identified, eradication measures shall be implemented under the direction of a **Qualified Biologist qualified biologist**, if appropriate, after consultation with CDFW (pursuant to Fish and Game Code section 6400). Eradication methods can be direct or indirect. Direct methods may include hand-held dip net, hook and line, lights, spears, gigs, or fish tackle under a fishing license (pursuant to Fish and Game Code section 6855). An indirect method may involve seasonally timed complete dewatering and a drying period of the off-stream storage facility under a Permit to Destroy Harmful Species (pursuant to Fish and Game Code section 5501) issued by CDFW.

Here's a perfect example of added expense and over regulation at every step! Not only do we need an engineer to properly design the pond, all earth moving permits and LSA requirements, we now need a biologist to create an invasive species management plan, and then a fishing permit or permit to destroy the invasive species? Really? Permits to fish in my own pond to rid it of the bullfrogs you want me to get rid of? This is a ridiculous amount of red tape!!! You are all out of control with your permits.

89. Cannabis cultivators shall not cause or allow any overflow from off-stream water storage facilities that are closed to the environment (e.g., tanks and bladders) if the off-stream facilities are served by a diversion from surface water or groundwater.
90. Cannabis cultivators shall **on a monthly basis, at a minimum, regularly** inspect for and repair all leaks of the diversion and storage system. **Written records describing the date, time, and nature of such inspections and repairs shall be kept on-site for a period of at least two years. Such written records shall be made available for review by Water Boards or CDFW, and any other authorized representatives of the Water Boards or CDFW.**

What if the over-flow diverts the water back to the point of origin diversion site? Some sites might not be able to logistically stop all flow of water via float valve. This excess pressure built up in the water lines might cause these very passive gravity systems to blow causing more problems and sedimentary discharge than your regulations are designed to avoid. I understand you are trying to avoid people diverting too much water that they might not need and therefore might be wasting said water. However, if the overflow is diverting the water right back to the same stream path, where it would have naturally flowed, I don't see a problem.

Also, written records of monthly inspections is another example of over burdening a small cultivator with excess red tape. Written records of when repairs are made to the system is a fine requirement. However, records reporting no problems are a waste of my time and is a pointless requirement.

91. Cannabis cultivators shall maintain a written copy of the manufacturer's specifications for each storage tank used for a period of 12 months beyond the last day the storage tank is used.

What storage tank comes with written manufacturer's spec's when purchased and delivered to your location? I've never received any such documentation with any tank I've ever bought. This is a stupid and unnecessary requirement. Please remove it, as no one will comply with it anyway.

93. Cannabis cultivators shall retain, for a minimum of five years, appropriate
95. documentation for any hauled water^{21 18} used for cannabis cultivation. Documentation for hauled water shall include, for each delivery, **all of** the following:

What is the point of keeping these records for 5 years? Just to collect more red tape? Is this information not recorded when we report our water usages to the division of water rights? If so, you already have the information.

Narrative Instream Flow Requirements

4. Surface Water Dry Season Forbearance Period: Cannabis cultivators shall not divert surface water for cannabis cultivation activities at any time from April 1 through October 31 of each calendar year, unless the water diverted is delivered from storage in compliance with Narrative Flow Requirement 4. a. **From April 1, 2018 through October 31, 2018, The following requirements apply only to** cannabis cultivators diverting under a valid water right or claim of right and without authorized storage **are not subject to a dry season forbearance period if the following Requirements are met:** i. **The first year of the Surface Water Dry Season Forbearance Period (April 1, 2018 through October 31, 2018) is waived.** Cannabis cultivators subject to Requirement 4.a. may only divert during this period in a manner consistent with their permit/license or claim of right. All other applicable requirements of the Policy shall remain in force. ii. **Prior to diverting water for cannabis cultivation during April 1, 2018 through October 31, 2018 cannabis Cannabis** cultivators subject to

Should the dates all be changed to 2019? 2018 is pretty much over at this point.