

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Thursday, May 7, 2015
Wharfinger Building
Eureka, California

- ITEM: 5
- SUBJECT: Workshop on Draft Order No. R1-2015-0023 General Waiver of Waste Discharge Requirements (Waiver) and Initial Study for the Cannabis Discharge Regulatory Program (Kason Grady, Samantha Olson, Diana Henriouille)
- BOARD ACTION: This is an informational workshop only. No action will be taken by the Regional Water Board.
- BACKGROUND: Increased statewide attention to the issue of environmental impacts from marijuana (aka cannabis) cultivation led to direction by the Governor's Office and legislature for the State and Regional Water Boards and the California Department of Fish and Wildlife (CDFW) to develop a coordinated strategy to address the issue. Accordingly, staff of the State Water Board's Office of Enforcement (OE), the North Coast Region, the Central Valley Region, and representatives from CDFW collaborated and developed a Strategy for Regulation and Enforcement of Unauthorized Diversions; Discharges of Waste to Surface and Groundwater Caused by Marijuana Cultivation (Strategy) dated July 2014. The Strategy focuses on Northern California as a pilot area over the coming years.
- The Strategy takes a four-pronged approach that includes:
1. Enforcement;
 2. Development of a regulatory program to control discharges of waste from marijuana cultivation and related activities;
 3. Education and outreach, and
 4. Inter-agency coordination.
- In October 2014 and January 2015, staff from both the Regional and State Water Boards updated the Regional Water Board on the status of the Marijuana Cultivation Waste Discharge Regulatory and Enforcement Program in the region and statewide.
- DISCUSSION: North Coast Regional Water Board staff has developed draft Order No. R1 2015-0023 Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Marijuana Cultivation and Associated Activities or Operations with Similar Environmental Effects and draft Mitigated Negative Declaration to comply with the California Environmental Quality Act (CEQA), and are hosting a workshop to solicit public comment. The draft Order supports the regulatory program component of the Strategy. The primary elements of the draft Order include:
1. A tiered enrollment structure relative to the potential threat to water quality. Tier 1 is a low-threat tier based on compliance with defined standard conditions, distance from surface waters,

and size of cultivated areas. Tier 2 is a management tier, which requires the development and implementation of a water resource protection plan. Tier 3 is a cleanup tier, which requires the development and implementation of a cleanup and restoration plan.

2. Standard conditions to protect water quality in conjunction with a Best Management Practice (BMP) Appendix provide a framework for cultivators to assess their sites for appropriate tiers and determine what management measures are necessary to protect water quality. All BMPs in Appendix B are considered enforceable conditions under the Order as applicable to a given site. Some or all may be added to the Order as mandatory BMPs for all sites. The draft Order includes standard conditions regarding:
 - a. Site maintenance, erosion control and drainage features,
 - b. Stream crossing maintenance,
 - c. Stream and wetland buffers,
 - d. Spoils management,
 - e. Water storage and use,
 - f. Irrigation runoff,
 - g. Fertilizers and soil amendments,
 - h. Pesticides,
 - i. Petroleum products and other chemicals,
 - j. Cultivation-related wastes,
 - k. Refuse and human waste, and
 - l. Remediation, cleanup, and restoration activities.
3. General Prohibitions including discharges or threatened discharges to surface waters.
4. A framework for nongovernmental third party programs to assist cultivators with enrollment, compliance activities, monitoring and reporting.
5. A framework for development and implementation of water resource protection and cleanup and restoration plans.
6. A draft Mitigated Negative Declaration, which is a CEQA compliance document that describes potential environmental impacts associated with the implementation of this draft Order, along with explanations for how each potential impact is minimized or mitigated.

Concurrently with development of the draft Order, Regional Water Board staff have been disseminating information to the public regarding the Strategy and the elements of the draft Order. These efforts have been principally through the education and outreach element of the four-pronged approach.

Information has been made available to the interested stakeholders through the following methods:

1. Distributing brochures with general information including Water Board staff contact information and the need for a permit, the potential for water quality impacts from marijuana cultivation

and related activities, and enforcement in relation to discharges of waste and improper water diversions. The brochures were distributed to individuals, supply stores, partner agencies, and interested third party entities;

2. Attending and speaking at public outreach events relating to marijuana cultivation discharges;
3. Providing general information via presentations and informational meetings to specific interest groups, including environmental groups, governments, grower associations and third party entities; and
4. Being interviewed on public radio and in print media.

The draft Order and Mitigated Negative Declaration were made available for public comment on or before April 25, 2015. Comments will be accepted until June 8, 2015, with a comment period of 45 days. The draft Order is currently scheduled to be considered for adoption at the August 13, 2015, Regional Water Board meeting in Santa Rosa.

RECOMMENDATION: This is an informational workshop. No action will be taken.

SUPPORTING DOCUMENTS:

(Available on the Regional Water Board's website at the following link:
http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/)

- 1) Draft Order R1-2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Marijuana Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region
- 2) Appendix A – Enrollment form and monitoring and reporting guidance checklist
- 3) Appendix B – Best Management Practices for Discharges of Waste Resulting from Marijuana Cultivation and Associated Activities or Operations with Similar Environmental Effects
- 4) CEQA Initial Study and draft Mitigated Negative Declaration for Adoption of General Waiver of Waste Discharge Requirements and a General Water Quality Certification for Discharges of Waste Resulting from Marijuana Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region
- 5) Notice of Public Workshop and Hearing