

California Regional Water Quality Control Board
North Coast Region

Notice of Public Hearing

For

Proposed Order R1-2015-0023

Waiver of Waste Discharge Requirements and
General Water Quality Certification

for

Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities
or Operations with Similar Environmental Effects
in the
North Coast Region

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) will hold a public hearing in order to consider adoption of a Waiver of Waste Discharge Requirements, General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities, or Operations with Similar Environmental Effects in the North Coast Region (proposed Order), and associated California Environmental Quality Act (CEQA) Initial Study/proposed Mitigated Negative Declaration (Mitigated Negative Declaration). The location and time of the public hearing is provided below.

When: August 13, 2015, 9:00 am – 5:00 pm.

Where: North Coast Regional Water Quality Control Board
5550 Skylane Blvd., Ste. A
Santa Rosa, CA 95403

Who Should Attend: Owners and operators of cannabis cultivation and associated facilities; local county planning and permitting staff; industry representatives; environmental groups; and other interested and concerned groups or individuals.

Project Description:

The purpose of the Order is to provide a water quality regulatory structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land in the North Coast region. Under the Order, any landowner or operator cultivating cannabis that results in a discharge of waste to an area that could affect waters of the State (including groundwater) will fall within one of three tiers depending on the nature of their operation and risk to water quality. The proposed Order requires control of erosion and drainage features; proper soil disposal; proper stream crossing parameters; water conservation; proper storage and handling of

fertilizers and soil amendments, refuse and human waste, and petroleum products and other chemicals; and riparian management and protection. Subject to approval from the Regional Water Board Executive Officer, dischargers with similar operations to cannabis cultivation may also elect to enroll and comply with this Order to ensure their discharges are authorized.

Public Comments:

Staff circulated a draft order for public comment from April 23 to June 8, 2015. The comment period for this item is now closed.

During the public review period, staff received 47 written comments. Following the public review period, staff developed a response to comments and, where appropriate, have proposed changes to the Order and accompanying CEQA document. Significant proposed changes include: 1) revised thresholds for regulatory tiers; 2) additional information about required qualifications and criteria for individuals or groups seeking approval to be third party programs assisting the Regional Water Board in implementing the Order; 3) addition of a provision allowing for a regulatory fee reduction for larger sites demonstrating, and confirmed by site inspection, to present a low threat to water quality; 4) addition of measures to increase the privacy of dischargers who enrolled for coverage under the Order; and 5) extension of deadlines for enrollment and for development of Tier 2 water resource protection plans.

Document Availability

Public comments, staff's response to comments, and the proposed Order and Mitigated Negative Declaration showing tracked changes made in response to comments can be found at: http://www.waterboards.ca.gov/northcoast/board_decisions/tentative_orders/.

Persons wishing to receive notices related to the proposed Order and Mitigated Negative Declaration should subscribe to the respective email list, under Resources, Email Subscription on the left side of the Regional Water Board's main web page at <http://www.waterboards.ca.gov/northcoast>.

Ex parte communications are allowed in this matter subject to the disclosure requirements of Water Code section 13287. A form to assist in this process can be found on the Regional Water Board's website at:

http://www.waterboards.ca.gov/northcoast/public_notices/pdf/2013/130118_NorthCoast_disclosure.pdf. The Regional Water Board is required to post the disclosure on its website and to distribute it via any electronic distribution list for the proposed order. Ex parte disclosures shall not constitute written comments or evidence on a proposed general order. You must provide the comments or evidence by following the procedure and timelines provided above. **Ex parte communications are prohibited for a period beginning 14 days before the board meeting at which the proposed order is scheduled for board action.** For communications concerning any issue in this proceeding, ex parte communications are prohibited starting on July 30, 2015. If the board does not take action on August 13, 2015, the ex parte prohibition will remain in place until the board, the Chair or the Executive Officer directs otherwise. Once lifted, the prohibition on ex parte communications may be reinstated for 14 days before the day of the board

meeting to which the decision is continued. The board will provide notice via the Lyris and the interested parties email lists for this item if the prohibition is lifted and/or reinstated.

Public Hearing Procedures

At the public hearing, the Regional Water Board will consider whether to affirm, reject, or modify the proposed Order as revised per public comment. The Regional Water Board will consider all evidentiary material and documents, including written technical reports concerning the proposed Order that were received by the Regional Water Board during the public comment period. All documents that were timely received will be distributed to the Regional Water Board members and interested persons. These records will also become a permanent part of the administrative record for the public hearing.

As the comment period closed on June 8, 2015, except at the discretion of the Regional Water Board chair, additional written material will not be accepted. If the Chair chooses to accept late written material, such material will not be incorporated into the administrative record if doing so would prejudice the dischargers or Regional Water Board staff. The Chair may choose to modify this rule upon a showing of severe hardship (California Code of Regulation, title 23, sections 648.1 and 648.4).

The time limit for oral testimony or comments at the public hearing will be set by the Regional Water Board Chair and is subject to change. All speakers are expected to honor these time limits. A timer may be used and speakers are expected to honor the time limits. Where speakers can be grouped by affiliation or interest, such groups will be expected to select a spokesperson and not be repetitive.

Accessibility

Anyone requiring reasonable accommodation to participate in the public meeting should contact Patti Corsie at 707-576-2220 at least five days prior to the scheduled meeting. The meeting location is accessible to persons with disabilities. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Staff Contact

Questions regarding the hearing or the proposed Order and Mitigated Negative Declaration should be directed to Diana Henriouille, by phone at 707-576-2350 or by email at Diana.Henriouille@waterboards.ca.gov, or Kason Grady by phone at 707-576-2682 or by email at Kason.Grady@waterboards.ca.gov.