



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

August 20, 2015

Ms. Pamela C. Creedon
Executive Officer
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, Suite 200
Rancho Cordova, CA 95670-6114

RE: Order R5-2015-XXXX: Draft Waste Discharge Requirements General Order for Discharges of Waste Associated with Medicinal Cannabis Cultivation Activities

Dear Ms. Creedon:

The Rural County Representatives of California (RCRC) represents thirty-four rural counties across California, twenty-three of which are included in the purview of the Central Valley Regional Water Quality Control Board (Regional Board). RCRC member counties take their enforcement role of local water quality objectives very seriously, particularly since our member counties are the stewards of much of the State's water supply. In the last several years, California's rural counties have seen a dramatic proliferation of marijuana cultivation and a continual expansion of the scale and volume of individual grow sites. The immediate threat to water quality posed by marijuana cultivation is of paramount importance to RCRC's member counties, many of which are currently grappling with how to effectively address the resulting environmental impacts.

In light of our environmental concerns, RCRC applauds the Regional Board for the proposed Waste Discharge Requirements (WDR) for cannabis cultivation and associated activities. The WDR is a vital first step in addressing the effects marijuana cultivation has on our State's water quality. While we realize your agency only has authority over quasi-legal grows, we believe the proposed WDR will - in concert with the already-approved North Coast WDR - set the tone for the rest of the State in addressing water quality concerns. We also believe the requirements in the proposal comprise a tenable water quality program for cultivators who want to make sure their operations are not having a negative impact on the State's water, as well as those who have sites in need of environmental cleanup and mitigation.

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | FAX: 916.448.3154

RCRC also appreciates the proposal's recognition of, and requirements to comply with, county regulations and ordinances before approving any Notices of Intent. Maintaining county control over land use and other issues related to cannabis cultivation is of utmost importance to RCRC member counties. We encourage you to reach out to County Boards of Supervisors and staff during this process to expand the work already being done on this issue, and also to contact RCRC staff if there is any way we can be helpful in your efforts on the WDR.

RCRC supports the eventual imposition of an annual fee as stated under Finding 27 in the draft WDR. As you know, the Waste Discharge Permit Fund (WDPF) is fully supported by discharger fees, many of which have a strong history of compliance with the various permits and WDRs required by the State and regional water boards. It would be unfair for established dischargers to subsidize enforcement and cleanup activities for marijuana cultivation sites, particularly since we anticipate the initial compliance process will require many hours of your staff time and resources to bring dischargers into compliance under this WDR. We appreciate your intent to require a fee, and encourage you to include this language in the final WDR.

RCRC would also encourage the Regional Board to expand the proposed WDR so that it can be adapted to cannabis grown for recreational uses. While we understand that the State currently only recognizes medicinal marijuana cultivation, it is likely that a measure legalizing recreational cultivation and use will not only appear on the 2016 ballot, but that it is likely to be approved by California voters. A few language adjustments to your proposed WDR will enable your agency to adapt the requirements to recreational cultivation should there be no other statewide regulations in place before the measure passes.

On a final note, we believe that later this year the Legislature and the Governor will enact a statewide medical marijuana licensing scheme – something that is desperately needed. RCRC has been working with the authors of each legislative proposal, and we have stressed the need to construct provisions that address aspects of cultivation. One of the cornerstones of that aspect is the need to have state agencies charged with environmental enforcement activities, including regional water boards, coordinate their efforts among other state agencies and include local governments. We remain hopeful that a licensing scheme will be adequately connected to the WDR and help in the enforcement activities of the Regional Board. As such, we encourage your regional board to continue working within the Administration to assist in constructing a viable and workable licensing scheme – particularly for areas of the State where large amounts of cultivation will occur.

Ms. Pamela C. Creedon
Order R5-2015-XXXX
August 20, 2015
Page 3

For these reasons, RCRC fully supports the proposed WDR for cannabis cultivation activities, and would be happy to assist the Regional Board in any way we can. If you should have any questions, please feel free to contact me at (916) 447-4806 or sheaton@rcrcnet.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Staci Heaton", with a large, sweeping flourish at the end.

STACI HEATON
Regulatory Affairs Advocate

cc: The Honorable Mike McGuire, Member of the California State Senate
The Honorable Jim Wood, Member of the California State Assembly
The Honorable Rob Bonta, Member of the California State Assembly
The Honorable Ken Cooley, Member of the California State Assembly
Felicia Marcus, Chair, State Water Resources Control Board
Cris Carrigan, Director of Enforcement, State Water Resources Control Board
Charlton Bonham, Director, California Department of Fish and Wildlife
RCRC Board of Directors