
North Coast Regional Water Quality Control Board

INVESTIGATIVE ORDER NO. R1-2019-0023

NORTH COAST REGIONAL SUPPLEMENT TO ANNUAL MONITORING AND REPORTING REQUIREMENTS FOR

STATEWIDE CANNABIS GENERAL ORDER WQ 2017-0023-DWQ

(note: ORDER WQ 2017-0023-DWQ was updated to WQ 2019-0001-DWQ on April 16, 2019)

The California Regional Water Quality Control Board, North Coast Region (Regional Water Board) finds that:

1. This Investigative Order is issued pursuant to California Water Code section 13267 (Order) and includes monitoring requirements, effective March 22, 2019, for the purposes of reporting on March 1, 2020 and annually on that date thereafter. This Order outlines additional Annual Monitoring and Reporting requirements (herein referred as the Regional Supplement) for Dischargers in the North Coast Region enrolled under the Statewide Cannabis General Order WQ 2017-0023-DWQ. This Order conforms to and implements policies and requirements of the *Porter-Cologne Water Quality Control Act* (Division 7, commencing with Water Code section 13000) including section 13267, and the *Water Quality Control Plan for the North Coast Region* (Basin Plan) adopted by the Regional Water Board, including beneficial uses, water quality objectives, and implementation plans. The Regional Water Board has the authority to investigate discharges of waste or suspected discharges of wastes to waters of the United States and waters of the state pursuant to Water Code section 13267.
2. The North Coast Region is inundated with cannabis cultivation in headwaters and main river systems, with active, developed sites in steep and rugged terrain. Cultivation and related activities throughout the North Coast Region have resulted in significant waste discharges and losses of instream flows associated with improper development of rural landscapes on privately-owned parcels, and the diversion of springs and streams, to the cumulative detriment of beneficial uses of water. Furthermore, surface water diversions represent only one of multiple sources of irrigation water for cannabis cultivation. Determining the water allocation impact of cannabis cultivation requires that the amount and timing of water drawn from all sources for the purposes of cannabis irrigation be reported.
3. It is evident that the diversion of water for cannabis cultivation continues to impact instream beneficial uses. The impacts are compounded by the cumulative effect of many dischargers drawing on the same water sources. The State Water Board, Division of Water Rights is the agency with authority to oversee and regulate water rights. The Regional Water Board does not have jurisdiction to determine the scope and extent of any water right, or to grant or

make changes to water rights permits and licenses. However, the Regional Water Board may require investigation of activities that affect the quality of waters within the Region and request that the Division of Water Rights consider various water rights actions that relate to water quality and attainment of beneficial uses as specified in the Regional Water Board's Basin Plan.

4. Statewide Cannabis General Order WQ 2017-0023-DWQ requires Dischargers to submit monitoring and reporting information via an Annual Report pursuant to Water Code section 13267. The General Order requires compliance with the monitoring and reporting program until a revised monitoring and reporting plan is required by a Regional Water Board Executive Officer. This Regional Supplement is required because additional regional-specific annual reporting requirements are necessary to ensure the protection of water quality in the North Coast Region. Accordingly, this Order contains information requirements for monitoring and reporting pursuant to Water Code section 13267, as it relates to the diversion and use of water for the purposes of cannabis irrigation, as well as the potential for waste discharge to surface waters. This information will be collected via a Regional Supplement in addition to the Annual Report required under the Statewide Cannabis General Order WQ 2017-0023-DWQ. The evidence supporting the need for the Regional Supplement is outlined in the findings above and supported by evidence in the Regional Water Board's record. The burden, including costs, of these reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from them.

THEREFORE, IT IS HEREBY ORDERED, pursuant to California Water Code section 13267, that beginning March 22, 2019, the following information must be collected for the purposes of inclusion in the Regional Supplement to the Annual Report for Statewide Cannabis General Order WQ 2017-0023-DWQ, due Mar 1, 2020, and by March 1st annually in perpetuity thereafter:

Regional Supplement Reporting Requirements
Section 1: Quantitative Site Characterization

Monitoring Criteria	Format
Sum of Outdoor cultivation area(s)	square feet (ft ²)
Number of adult plants per harvest: Outdoor	count (#)
Planting medium: Outdoor	soil bags, raised beds, directly in topsoil, other, multiple, NA
Sum of Mixed-Light cultivation area(s)	square feet (ft ²)
Number of adult plants per harvest: Mixed-light	count (#)
Planting medium: Mixed-light	soil bags, raised beds, directly in topsoil, other, multiple, NA
Sum of Indoor cultivation area(s)	square feet (ft ²)
Number of adult plants per harvest: Indoor	count (#)
Planting medium: Indoor	soil bags, raised beds, directly in topsoil, other, multiple, NA
Shortest distance from any cultivation area to a Class I Watercourse	0-49ft, 50-99ft, 100-149ft, 150-199ft, 200+ft
Shortest distance from any cultivation area to a Class II Watercourse	0-49ft, 50-99ft, 100-149ft, 150-199ft, 200+ft
Shortest distance from any cultivation area to a Class III Watercourse	0-49ft, 50-99ft, 100-149ft, 150-199ft, 200+ft
Average slope of cultivation area	percent (%)
Number of road crossings of surface waters	count (#)
Length of unpaved roads	none, <0.25 miles, 0.25-1 mile, 1-2 miles, 2-5 miles, >5 miles
Total water storage capacity	gallons (ga)
Total annual nitrogen use	pounds (lbs)
Total annual phosphorous use	pounds (lbs)

Section 2: Water Storage and Use

This section requires submittal of data on monthly water input to storage and monthly water applied to plants (reported in gallons). Up to three sources can be listed for storage and/or application to plants, respectively. Accepted responses for sources of water input to storage are: water delivery, hydrologically connected well(s), groundwater well(s), municipal, none, other, rain, spring(s), and surface diversion(s). Accepted responses for sources of water applied to plants are: water delivery, hydrologically connected well(s), groundwater well(s), municipal, none, other, rain, spring(s), surface diversion(s), tank(s), water bladder(s), and pond(s). The method of calculation for these data is also required to be submitted. Accepted responses are: water meter, tank fill frequency, application rate, plant count, best guess, and other.

Provisions

- A. **Signatory Requirements:** The Annual Report shall be signed and certified by either the discharger or an authorized representative on behalf of the discharger. The individual certifying the report shall provide their full legal name and title.
- B. **Certification Statement:** Any report submitted in response to this Order shall include the following perjury statement:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and that, based on my collection of this information or my inquiry of those individuals immediately responsible for collecting the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Notifications

- A. **Enforcement Discretion:** The Regional Water Board and the State Water Board reserve their rights to take any enforcement action authorized by law for violations of the terms and conditions of this Order. Furthermore, compliance with this Order is wholly distinct from any possible enforcement that may follow from the discharges themselves, pursuant to violations of the California Water Code or other orders issued by the Regional Water Board or State Water Board.
- B. **Enforcement Notification:** Pursuant to California Water Code section 13268, failure to submit the required technical reports as required by Water Code section 13267(b), or falsifying any information provided therein, may result in the imposition of administrative civil liability up to \$1,000 per violation per day.
- C. **California Environmental Quality Act Compliance:** The issuance of this Order is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, section 15306 (information collection); section 15307 (actions by regulatory agencies for protection of natural resources); 15308 (actions by regulatory agencies for protection of the environment).

D. **Appeal Notification:** Any person aggrieved by this action of the Regional Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00pm, 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00pm the next business day. Copies of the law and regulations applicable to filing petitions may be found online at the following web address or will be provided upon request:
https://www.waterboards.ca.gov/public_notices/petitions/water_quality/

Ordered by: _____

Matthias St. John
Executive Officer