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## North Coast Regional Water Quality Control Board

INVESTIGATIVE ORDER NO. R1-2019-0023  
(REVISED)

NORTH COAST REGIONAL SUPPLEMENT  
TO ANNUAL MONITORING AND REPORTING REQUIREMENTS

FOR

CANNABIS CULTIVATION GENERAL ORDER WQ 2019-0001-DWQ

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

1. This Investigative Order (Order) is issued pursuant to California Water Code (Water Code) section 13267 and includes monitoring requirements, effective January 1, 2021, for the purposes of reporting on March 1, 2022, and annually on that date thereafter. This Order (otherwise referred to as the Regional Supplement) outlines additional annual monitoring and reporting requirements for dischargers in the North Coast Region enrolled under the statewide Cannabis Cultivation General Order WQ 2019-0001-DWQ (Cannabis Cultivation General Order). This Order revises and replaces the previous version of the Regional Supplement, originally issued by the Regional Water Board Executive Officer on March 22, 2019, and subsequently updated on December 1, 2019. The revisions in this Order are intended to clarify and streamline the information required by the Regional Water Board and do not represent an expansion of the prior version of the Regional Supplement. 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 waste to waters of the United States and to 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

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

springs and streams, to the cumulative detriment of the Regional Water Board's designated beneficial uses of water.

3. This Regional Supplement requires dischargers to provide additional quantitative site characterization information about their cultivation practices. The Regional Water Board's objective in requiring dischargers to submit additional quantitative site characterization information is to assist the Regional Water Board in its evaluation and prioritization of those sites for inspection that may pose a greater risk to water quality. This information will assist the Regional Water Board in better understanding the current status and trends of cultivation in the North Coast Region and how cropping, water storage, and irrigation practices may result in cumulative impacts and/or lead to greater or lesser threats to water quality, water supply, and designated beneficial uses within the North Coast Region. The information required by this Regional Supplement is necessary to assess the water quality impacts that result from water storage, water use, and discharges of waste associated with cannabis cultivation. In addition, Term 98 in Section 2 of the Cannabis Cultivation Policy, adopted by the State Water Resources Control Board (State Water Board) on February 5, 2019, and approved by the Office of Administrative Law on April 16, 2019, requires cannabis cultivators to maintain records of water use.
4. Surface water diversions represent only one of multiple sources of irrigation water for cannabis cultivation. Currently, cannabis cultivators in the North Coast Region are required to report surface water diversion information through the Division of Water Rights' Electronic Water Rights Information Management System (eWRIMS) Report Management System (RMS). Determining the water quality impact of cannabis cultivation requires an understanding of the amount and timing of water drawn from all sources, not just from surface water diversions. Understanding water use from all sources is germane to the protection of waters of the state in that it helps the Regional Water Board determine whether water is applied at agronomic rates, and whether storage facilities for a particular site are adequate for the size and nature of the operation. In addition, water used for irrigation often comes with fertilizers, pesticides, herbicides, and/or other cultivation related waste (including sediment) that may impact surface or groundwater quality. The Regional Water Board's objective in requiring cultivators to submit additional information on water storage and use is to better understand how all potential sources and amounts of water used at cannabis cultivation sites may impact water quality. This includes obtaining water storage and use information beyond the scope of Division 2 of the Water Code that is already reported through the eWRIMS RMS to better understand the total amount of water necessary for cannabis cultivation activities, and how the storage and use of that water can individually and cumulatively impact beneficial uses in the North Coast Region.
5. The Cannabis Cultivation General Order requires dischargers to submit monitoring and reporting information via an Annual Report pursuant to Water Code section 13267. It also requires compliance with the monitoring and reporting program (Attachment B to the Cannabis Cultivation General Order) until a revised monitoring

and reporting program is required by a Regional Water Board Executive Officer. This Regional Supplement is required because the North Coast Regional Water Board Executive Officer has determined that additional site characterization and water use information is needed to ensure the protection of water quality in the North Coast Region. As this information is provided at the same time and via the same method as the Annual Report submission, the burden, including the cost, for dischargers in the North Coast Region to provide additional quantitative site characterization information is minimal and not expected to appreciably add to the cost of producing the Annual Report. The basic information required by the Regional Supplement has been required of cannabis cultivators in the North Coast Region since August 2015, when cannabis cultivation activities were first permitted through the North Coast Regional Cannabis Order (No. R1-2015-0023). When the original version of the Cannabis Cultivation General Order was adopted by the State Water Board in October 2017, it replaced the Regional Cannabis Order, but did not contain the same monitoring and reporting requirements as the Regional Cannabis Order. The Executive Officer thus issued the Regional Supplement to restore the requirements originally included in the Regional Cannabis Order.

6. Dischargers in the North Coast Region report information required by the Regional Supplement through the Cannabis Cultivation Regulatory Programs Portal at the same time and using the same method used to submit the Annual Report required by the Cannabis Cultivation General Order's monitoring and reporting program. Similarly, the burden for dischargers in the North Coast Region to provide additional water storage and use information is minimal. For water storage and use information not already reported through the eWRIMS RMS reporting process, this Regional Supplement does not require nor specify the manner or method of measurement for self-reporting this information. This provides dischargers with increased flexibility to choose the manner or method of measurement that is both cost effective and tailored to their needs. Based on the foregoing, the burden, including the costs, of these reports bears a reasonable relationship to the Regional Water Board's need for the reports and the benefits to be obtained from them.
7. Information collected via this Regional Supplement is in addition to the information collected in the Annual Report required under the Cannabis Cultivation General Order and the Division of Water Rights' annual reporting requirements and does not relieve dischargers of the responsibility to comply with these requirements. The evidence supporting the need for the Regional Supplement is outlined in the findings above and is supported by evidence in the Regional Water Board's record.

**THEREFORE, IT IS HEREBY ORDERED**, pursuant to Water Code section 13267, that beginning January 1, 2021, the following information must be collected for the purposes of inclusion in the North Coast Regional Supplement to the Annual Report for the statewide Cannabis Cultivation General Order WQ 2019-0001-DWQ, due March 1, 2022, and annually by that date thereafter:

## Regional Supplement Annual Reporting Requirements

### Section 1: Quantitative Site Characterization

Monitoring Criteria	Format
Sum of Outdoor cultivation area(s)	square feet (ft <sup>2</sup> )
Total number of mature plants harvested & number of harvests: 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 <sup>2</sup> )
Total number of mature plants harvested & number of harvests: 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 <sup>2</sup> )
Total number of mature plants harvested & number of harvests: 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	0-49 ft, 50-99 ft, 100-149 ft, 150-199 ft, 200+ ft
Shortest distance from any cultivation area to a Class II Watercourse	0-49 ft, 50-99 ft, 100-149 ft, 150-199 ft, 200+ ft
Shortest distance from any cultivation area to a Class III Watercourse	0-49 ft, 50-99 ft, 100-149 ft, 150-199 ft, 200+ ft
Average slope of cultivation areas	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 annual nitrogen use	pounds (lbs)
Total annual phosphorous use	pounds (lbs)
Method(s) of water storage	tank(s), bladder(s), pond(s), other
Storage capacity by method of storage	gallons (ga)

## Section 2: Water Storage and Use for Cannabis Cultivation

This section requires submittal of data on monthly water input to storage for cannabis cultivation and monthly water applied to cannabis plants (reported in gallons). Information provided in this section should address water storage and use that is not included in the annual report required for a Small Irrigation Use Registration (SIUR) or reported pursuant to any other valid appropriative water right. Multiple sources can be listed for storage and/or application to plants, respectively. Accepted responses for sources of water input to storage are: water delivery, water supply well(s), municipal, captured rainwater, none, and/or other. Accepted responses for sources of water applied to plants are: water delivery, water supply well(s), municipal, from storage, none, and/or other. The method of estimation for these data is also required to be submitted. Accepted responses are: water meter, pressure transducer, staff gauge, tank fill frequency, application rate, water bill, and/or other estimation method.

### Provisions

- A. Water Right Disclosure: Dischargers with a SIUR or other valid appropriative water right for water sources being used for cannabis cultivation activities shall provide their water right registration number in the Annual Report.
- B. Signatory Requirement: 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.
- C. 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 Water Code or other orders issued by the Regional Water Board or State Water Board.
- B. Enforcement Notification: Pursuant to 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 State Water Board's [Water Quality Petitions webpage](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/) ([https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/](https://www.waterboards.ca.gov/public_notices/petitions/water_quality/)) or will be provided upon request.

Ordered by: \_\_\_\_\_

Matthias St. John  
Executive Officer

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