



**EXECUTIVE OFFICER'S REPORT**  
**North Coast Regional Water Quality Control Board**  
**April 2016**

## **A Summary of Current and Upcoming Marijuana Legislation**

*Joshua Curtis*

The legislative and legal landscape for the cultivation, sale, and use of marijuana in California is changing rapidly and the North Coast Region's Cannabis program is likely to be heavily influenced by these changing conditions. Below is a brief summary of the current and recently passed legislation that is influencing our work as well as some information on possible changes on the horizon.

### **Proposition 215: The Compassionate Use Act of 1996**

This proposition legalized the use of marijuana for medical uses. It exempts patients and defined caregivers who possess or cultivate marijuana for medical treatment recommended by a physician from criminal laws which otherwise prohibit possession or cultivation of marijuana.

### **SB 420: The Medical Marijuana Program Act of 2003**

This act created the Voluntary Identification Card Program, provided quantity limits, and defined rules and regulations for Cooperatives, Collectives, and dispensaries (both mobile and storefront). The Voluntary Identification Card Program is managed by the State Department of Health Services.

### **California Medical Marijuana Regulation and Safety Act (MMRSA) of 2015**

A series of bills (AB 266, AB 243, and SB 643) that together implements California's first

statewide regulatory system for medical cannabis businesses. It establishes a comprehensive regulatory framework for the production, transportation, and sale of medical marijuana. The primary governmental entity responsible for the implementation of this Act is the California Department of Consumer Affairs with several other agencies responsible for regulating different aspects of the industry. The California Department of Food and Agriculture is the agency responsible for licensing cultivation. Development of regulations and program implementation is scheduled for January 1, 2018. Cris Carrigan, Director of Office of Enforcement, State Water Quality Control Board, will be providing more information on this legislation and its impacts upon the Cannabis Program at the April 7<sup>th</sup> Board Meeting.

### **Local Ordinances**

Various county and local governments are currently reviewing and updating their ordinances to reflect their roles in the implementation of MMRSA. Humboldt County recently implemented the "Commercial Medical Marijuana Land Use Ordinance" to permit commercial medical marijuana cultivation. Its ordinance includes a requirement to enroll under our Order, if applicable, in order to obtain a county permit.

### **Ballot Initiatives**

Of the 18 marijuana-related ballot initiatives proposed this year, there are currently four front runners currently moving towards possible inclusion on the November 2016 ballot. It is likely that only one initiative will make it on the final ballot. These initiatives, while taking

different approaches, all seek to legalize the recreational use of marijuana and would likely have a significant impact upon the implementation of our Cannabis Program.

**For further information on these laws and their implementation, see these links:**

- Department of Consumer Affairs, Bureau of Medical Marijuana Regulation FAQ's: <http://www.dca.ca.gov/marijuanafaqs.shtml>
- CA Department of Food and Agriculture, Medical Cannabis Cultivation Program (MCCP): <https://www.cdafa.ca.gov/is/mccp/>
- CA Department of Public Health, Medical Marijuana Program: <https://www.cdph.ca.gov/programs/MMP/Pages/default.aspx>
- Humboldt County, Medical Marijuana Land Use Ordinance: <http://ca-humboldtcounty.civicplus.com/2124/Medical-Marijuana-Land-Use-Ordinance>

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## Homeless Outreach Services Team (HOST) Mobile Bathroom-Shower Trailer

**Homeless Outreach Services Team (HOST)**, operated by Catholic Charities, is a multi-disciplinary street outreach team that works to engage persons experiencing homelessness into services with the ultimate goal of placing them into housing. The program's primary service area is downtown Santa Rosa. The City Council funded this pilot effort starting in August 2015 through June 2016.

### Why HOST?

Homelessness is one of the most challenging issues facing our community: 2015 homeless count data found 1,856 homeless persons in Santa Rosa, 1,204 of whom were unsheltered.

The HOST program model aligns with regional and national efforts proven to successfully engage persons experiencing homelessness into services, shelter, and housing; and is one of a number of programs the City supports to address homelessness in the community. The City is actively evaluating the success of HOST during this pilot period through on-going communication with Catholic Charities and quarterly progress reports.

### Why the HOST Mobile Bathroom-Shower Trailer?

The trailer, in addition to providing access to clean showers and bathrooms, will serve as an outreach tool to further HOST's efforts to engage homeless persons in our community into services. Catholic Charities will own and operate the 16 feet long by 7 feet wide trailer which has two bathroom-shower units. In addition to providing a necessary service for the homeless. The trailer will provide critical water quality protections.



HOST Mobile Bathroom Shower Trailer. Photo by City of Santa Rosa

For questions about the HOST program or the mobile bathroom-shower trailer please contact Kelli Kuykendall, Program Specialist, Housing and Community Services, at 707-543-3315 or [kkuykendall@srcity.org](mailto:kkuykendall@srcity.org).

To make a referral to the HOST program please call 1-855-707-HOST (4678) or contact [HOST@srcharities.org](mailto:HOST@srcharities.org).

## Russian River Watershed Association (RRWA) Environmental Column – March 2016

### El Niño: What does it mean for Sonoma and Mendocino Counties?

California has suffered an ongoing drought for five years. This winter much of California has experienced a number of storms which are being attributed to El Niño conditions. Heading into this winter, many people were hoping that El Niño would deliver drought-busting levels of precipitation, as it has been known to do in winters past. El Niño is no guarantee of rainfall, but it does tilt the odds in favor a wetter-than-average winter in California.

#### What is an El Niño?

El Niño conditions are characterized by unusually warm ocean temperatures in the Equatorial Pacific. Winds carry this warm water towards the east, as opposed to the west under normal conditions. Rainfall can be induced by the warmer ocean waters. Weather experts have been closely monitoring the increasingly warm ocean temperatures since early 2015, which gave them strong confidence to predict a strong El Niño for 2015/16 in California.

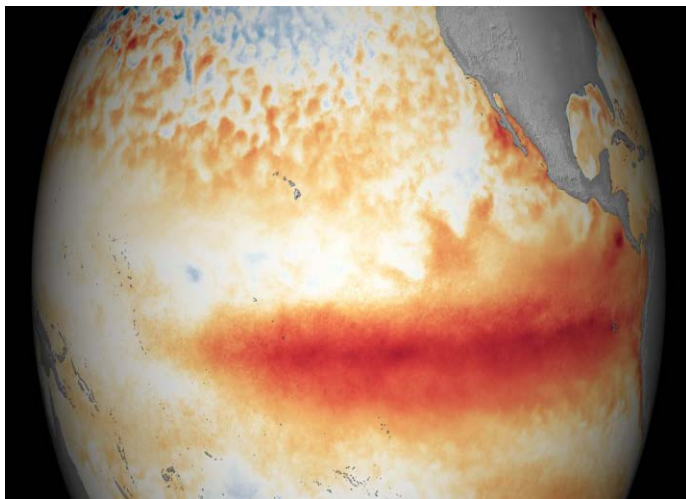
El Niño conditions do not actually “cause” individual storms, but it does **influence their frequency, intensity and characteristics**. The current El Niño event is forecast to rival previous strong El Niño events in 1982/83 and 1997/98.

The presence of El Niño can significantly influence weather patterns, ocean conditions, and marine fisheries across large portions of the globe for an extended period of time. How long can we expect El Niño conditions to last? According the official El Niño /Southern Oscillation forecast, it is likely we will transition to neutral conditions in the late spring, which means El Niño conditions will remain through March with the potential to continue through May.

#### How has El Niño affected local areas?

This winter, Sonoma and Mendocino Counties have felt positive effects of El Niño. The rains in December and January made a significant uptick in the water levels of Lake Mendocino and Lake Sonoma, which are both key drinking water sources. As of February 15, 2016, Lake Sonoma reached 95.8% of water supply capacity and Lake Mendocino reached 108.6% of its target water supply storage curve, meaning some water can now be released to the Russian River and used for environmental flows.

In terms of rainfall for the current water year versus the average, we are moving towards a normal wet year. Between October 1st and mid-February the *average* rainfall for the Ukiah Basin is 24.50” and the average rainfall for the Santa Rosa basin is 20.12”. Between October 1st 2015 and mid-February 2016 specifically, the rainfall in Ukiah was just below average with 23.08” and Santa Rosa was at 19.51”. With El Niño conditions expected to continue through late spring, the region could see increased rainfall that could meet or exceed average levels.



January 2016 compared to 1981-2010

Difference from average temperature (°F)

Climate.gov/NNVL Data: Geo-Polar SST

According to the U.S. Drought Monitor, prior to October 2015, most of Sonoma and Mendocino counties were experiencing a severe drought, with some extreme drought conditions experienced along the Mendocino Coast in September 2015.

With the storms of December 2015 and January 2016, rain is wetting the soil, replenishing groundwater, filling our reservoirs, and improving overall drought conditions. As of the February 9, 2016, the U.S. Drought Monitor Report showed most of Sonoma and Mendocino counties have transitioned from severe drought to moderate drought conditions.

Despite heavy rainfall in January, rising reservoirs and above-average snowpack, many areas of California are still facing serious drought conditions. The California State Water Resources Control Board recently approved an 8-month extension of existing drought-related emergency regulations

This is a reminder that although El Niño-related precipitation has been bountiful thus far, the overall drought situation in California still remains serious. It is important to remember that even with improved conditions we should continue to use water wisely.

For more information on El Niño, drought conditions and water supply levels, check out the resources below.

- El Niño: <https://www.climate.gov/enso>
- Drought Conditions: <http://droughtmonitor.unl.edu/Home.aspx>
- Local Water Supply Levels: <http://www.scwa.ca.gov/current-water-supply-levels/>

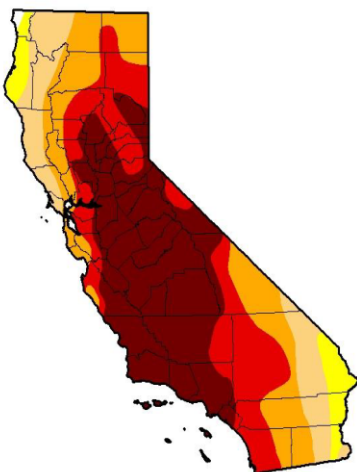
*This article was authored by Sarah Dukett of the County of Mendocino on behalf of RRWA. ([www.rrwatershed.org](http://www.rrwatershed.org)). Reprinted with permission.*

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## Water Quality Report Cards *Rebecca Fitzgerald*

Regional Water Board and State Water Board staff develop progress report cards to help measure and evaluate our work in impaired surface water bodies and how the environment is responding. Water Quality Report Cards are succinct, one-page summaries of conditions in a particular water body for a particular pollutant. New water bodies and pollutants are highlighted each year and older cards are updated. For 2015, the North Coast Region and the State Water Board’s Office of Research, Planning and Performance published two new report cards: for sediment in Redwood Creek and for sediment in the Noyo River. See next page for Report Cards.

U.S. Drought Monitor  
California



February 9, 2016  
(Released Thursday, Feb. 11, 2016)  
Valid 7 a.m. EST

	Drought Conditions (Percent Area)					
	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.22	99.79	94.77	81.82	61.40	38.48
Last Week ago	0.00	100.00	95.26	86.13	63.90	39.41
3 Months Ago ago	0.14	99.86	97.33	92.27	70.55	44.84
Start of Calendar Year ago	0.00	100.00	97.33	97.55	69.07	44.84
Start of Water Year ago	0.14	99.86	97.33	92.38	71.08	46.00
One Year Ago ago	0.16	99.84	98.10	93.44	67.46	39.99

**Intensity:**  
 D0 Abnormally Dry      D3 Extreme Drought  
 D1 Moderate Drought    D4 Exceptional Drought  
 D2 Severe Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See accompanying text summary for forecast statements.

Author:  
Anthony Artusa  
NOAA/NWS/NCEP/CPC



<http://droughtmonitor.unl.edu/>



**Enforcement Report for April 2016 Executive Officer's Report**  
*Diana Henriouille*

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
1/26/2016	Forestville WWTF	ACLC	MMP	Ongoing

**Comments:** On January 26, 2016, the Assistant Executive Officer (AEO) issued an Administrative Civil Liability Complaint (ACLC) Order No. R1-2016-0008 to Forestville Wastewater Treatment Facility in the amount of \$210,000, for Mandatory Minimum Penalty (MMP) violations. The Discharger has responded waiving its right to a hearing within 90 days and requested to enter settlement discussions. This case is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
2/1/2016	City of Santa Rosa, Sub-regional Water Reclamation Facility	EPL	MMP	Resolved

**Comments:** On February 1, 2016, the Executive Officer (EO) issued an Expedited Payment Letter (EPL) to the City of Santa Rosa Water Department for Mandatory Minimum Penalty (MMP) violations in the amount of \$12,000. The proposed settlement was posted for 30-days with no public comment. The Discharger has paid the \$12,000. This matter is resolved.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
2/5/2016	Swains Flatt LLC	NOV	Unauthorized Discharge from road stream crossings on a NTMP	Ongoing

**Comments:** On February 5, 2016, the Division Chief of the Nonpoint Source and Surface Water Protection Division issued a Notice of Violation (NOV) to Swains Flatt LLC for unauthorized discharges from road stream crossings. During an inspection on September 23, 2015, staff identified several road points that meet the definition of a Controllable Sediment Discharge Source. In November 2015, staff performed a follow-up inspection and determined that adequate stream crossings in conformance with specifications Non-Industrial Timber Management Plan had not yet been installed. By March 15, 2016, the Discharger is to provide a description of the sites in question and propose corrective action to control sediment discharges from each site. Implementation of the corrective action is to be completed by October 15, 2016. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
2/9/2016	Duncan Dairy	NOV	Potential Sediment and Nutrient Discharges	Ongoing

**Comments:** On February 9, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Duncan Dairy for potential sediment and nutrient discharges to receiving waters. On January 6, 2016, staff inspected the site and identified two issues of concern. The first issue is discharges of milk barn washwater, manure, and soil to the ephemeral watercourse. The Discharger is directed to discontinue these discharges immediately and provide confirmation of such by February 29, 2016. The Discharger is further directed to have permanent corrective measures in place by November 1, 2016. The second issue relates to several bare areas heavily used by cows and near ephemeral watercourses. The discharger is directed to submit a corrective action plan by July 1, 2016 demonstrating that corrective action work is underway. This matter is ongoing and the Regional Water Board is coordinating with the Farm Bureau and the Sonoma County Department of Health which inspects dairies monthly in Sonoma and Marin Counties.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
3/3/16	Avelar Brothers Dairy	NOV	Failure to submit a 2015 Annual Report	Ongoing

**Comments:** On March 3, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Avelar Brothers Dairy for failure to submit a 2015 Annual Report as required by Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003. The NOV requires that the Discharger submit a completed 2015 Annual Report by April 8, 2016.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
3/3/16	Borges Dairy	NOV	Failure to submit a 2015 Annual Report	Ongoing

**Comments:** On March 3, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Borges Dairy for failure to submit a 2015 Annual Report as required by Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003. The NOV requires that the Discharger submit a completed 2015 Annual Report by April 8, 2016.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
3/3/16	Del Biaggio Dairy	NOV	Failure to submit a 2015 Annual Report	Resolved

**Comments:** On March 3, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Del Biaggio Dairy for failure to submit a 2015 Annual Report as required by Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003. The NOV requires that the Discharger submit a completed 2015 Annual Report by April 8, 2016. The Discharger submitted their 2015 Annual Report on March 15, 2016.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
3/3/16	Del Biaggio Dairy #2 (Genzoli)	NOV	Failure to submit a 2015 Annual Report	Resolved

**Comments:** On March 3, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Del Biaggio Dairy #2 (Genzoli) for failure to submit a 2015 Annual Report as required by Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003. The NOV requires that the Discharger submit a completed 2015 Annual Report by April 8, 2016. The Discharger submitted their 2015 Annual Report on March 15, 2016.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
3/3/16	Rocha Dairy	NOV	Failure to submit a 2015 Annual Report	Resolved

**Comments:** On March 3, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Rocha Dairy for failure to submit a 2015 Annual Report as required by Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003. The NOV requires that the Discharger submit a completed 2015 Annual Report by April 8, 2016. The Discharger submitted their 2015 Annual Report on March 14, 2016.

Date Issued	Discharger	Action Type	Violation Type	Status as of March 10, 2016
3/3/16	Shinn Dairy	NOV	Failure to submit a 2015 Annual Report	Ongoing

**Comments:** On March 3, 2016, the Division Chief of the Nonpoint Source & Surface Water Protection Division issued an NOV to Shinn Dairy for failure to submit a 2015 Annual Report as required by Waste Discharge Requirements for Existing Cow Dairies in the North Coast Region, Order No. R1-2012-0003. The NOV requires that the Discharger submit a completed 2015 Annual Report by April 8, 2016.

