

Fiscal Year (FY) 2020-2021 WORK PLAN

Cannabis & Enforcement Division

**Programs:
Cannabis Cultivation Waste Discharge Regulation
Enforcement**

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1.0 BACKGROUND

The Cannabis & Enforcement Division includes three units: two units dedicated to the implementation and enforcement of the statewide Cannabis Cultivation Waste Discharge Regulatory Program (a.k.a. the Cannabis Program) and one unit that implements the Enforcement Program and provides specialized enforcement assistance to all programs throughout the office.

Dedicated enforcement staff ensure that water quality violations are prioritized for direct actions including issuance of Cleanup and Abatement Orders and monetary penalties that are firm, fair, and consistent with the Water Boards Enforcement Policy.

1.1 Cannabis Cultivation Waste Discharge Regulatory Program

Cannabis cultivation in California continues to be widely prevalent in the North Coast Region and throughout the state and is often located in sensitive environmental areas where cultivation and related activities create significant impacts to water quality. Waste discharges from cultivation sites include sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural chemicals, cultivation-related organic waste, refuse, and human waste. Construction of access roads has resulted in significant erosion and sediment discharges to waterbodies.

The North Coast Regional Water Quality Control Board (Regional Water Board) received initial funding in fiscal year (FY) 2014-15 to establish a pilot program to regulate discharges of waste from cannabis cultivation and, in 2015, developed the first water quality order regulating cannabis cultivation in the state (Order No. R1-2015-0023, Regional Cannabis Order). The State Water Resources Control Board (State Water Board), in consultation with California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture (CDFA), and various Regional Water Boards, developed the Cannabis Cultivation Policy Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy) in accordance with California Water Code section 13149 to protect water quality and instream flows. On October 17, 2017, the Policy was adopted by the State Water Board along with Order WQ 2017-0023-DWQ General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation (Cannabis General Order). Subsequent updates to the Policy (Resolution No. 2019-0007) and amendments to the Cannabis General Order (WQ 2019-0001-DWQ) were adopted by the State Water Board and became effective on April 16, 2019. The geographic scope of the Cannabis Cultivation Policy and General Order encompasses the entire state with priority regions established for areas with streams bearing anadromous habitat.

The Cannabis Cultivation Policy required that all existing cannabis cultivators enrolled under the Regional Cannabis Order obtain coverage under the statewide Cannabis General Order by July 1, 2019. Accordingly, the State Water Board intended that the

Regional Water Board terminate all enrollments under the Regional Cannabis Order by that date.

To fulfill that expectation, Regional Water Board staff informed enrollees on multiple occasions using multiple media of their obligations and, ultimately, issued a notice directing all remaining Regional Cannabis Order enrollees to transition their coverage. The notice indicated that failure to do so by July 1, 2019, would result in the loss of regulatory coverage. Approximately two-thirds of Regional Cannabis Order enrollees ultimately completed the transition of their coverage to the statewide Cannabis General Order. The remaining Regional Cannabis Order enrollments were terminated, effective July 1, 2019. As of July 2020, there are currently 2,957 enrollments in the Cannabis General Order within the North Coast Region and a total of 5,109 enrollments statewide.

The Cannabis Cultivation Policy contains guidelines for evaluating whether a cannabis cultivation site may affect instream flows and water quality needed for the protection of aquatic habitat. It prescribes protective criteria that limit the season of diversion, establish minimum flows at specific flow gages, and establish requirements related to water diversion and waste discharge. As an alternative to the criteria specified in the Policy, the Policy allows site-specific studies to be conducted to evaluate whether different protective criteria could be applied. The Policy provides for a watershed-based approach to evaluate the cumulative effects of multiple diversions on instream flows within a watershed as an alternative to evaluating water diversion projects on an individual basis. Enforcement requirements contained in the Policy include a framework for compliance assurance through existing water rights and water quality programs, and descriptions of available enforcement actions and procedures.

Implementation of the Cannabis Cultivation Policy and General Order and enforcement of the Porter-Cologne Water Quality Control Act (California Water Code) and federal Clean Water Act for violations associated with cannabis cultivation are the Cannabis Program staff's primary duties.

Other Program Activities

- Issuing Water Quality Certifications for instream work associated with cannabis cultivation operations.
- Coordinating with State Water Board Divisions and Offices, other Regional Water Boards, CDFW, CDFA, local tribes, and local agencies.
- Participating in interagency enforcement inspections with the California Department of Fish and Wildlife (CDFW), and local regulatory and law enforcement agencies.
- Conducting education and outreach to the public, media, and industry and watershed groups.
- Collaborating with partners (State Water Board, CDFW, etc.) to develop technology and enterprise tools that will improve our ability to implement the Cannabis Program more efficiently and effectively.

Based on recent guidance and direction from executive managers at the State Water Board, this FY 20/21 Work Plan for the North Coast Region's Cannabis Program is notably different from previous years' Work Plans. In particular, Cannabis Program enforcement-related activities have been given a higher priority and a larger allocation of the limited staff resources. Consequently, based on the State Water Board's guidance, regulatory compliance-related activities are a relatively lower priority in this year's Work Plan.

Additionally, the State Water Board has instructed the North Coast Regional Board to redirect two existing Cannabis Program staff to other funded positions within the office. At the time of writing this report, we are still determining which Cannabis Program staff will be redirected and to which program vacant positions they will be redirected to. This significant change in staffing for the Cannabis Program was made after the Cannabis and Enforcement Division Work Plan was drafted and the Work Plan herein has not been revised to reflect this change.

1.2 Enforcement

Enforcement involves the strategic use of resources to address water quality violations and associated environmental crimes throughout the North Coast Region. The Regional Water Board's emphasis is on ensuring water quality protection through enforcing the federal Clean Water Act, the California Water Code, and the Water Quality Control Plan for the North Coast Region (Basin Plan). The Regional Water Board and its staff conduct enforcement through individual case development for violations identified through complaints, routine inspections and reporting associated with permitted program sites, and through warrant and consent inspections of sites that are not operating under requirements designed to address waste discharges associated with activities conducted on those sites. Enforcement is also conducted through collaboration with other local, state and federal agencies. For instance, one of the Cannabis Program's primary responsibilities is to pursue violations associated with cannabis cultivation activities, in collaboration with CDFW's Watershed Enforcement Team (WET) and CDFA's cannabis program (CalCannabis), collectively the statewide Cannabis Enforcement Program (CEP). The Regional Water Board's Enforcement Program also supports and encourages development of Environmental Crimes Task Forces (Task Forces) with local counties and other agencies in the region. Participation in Task Forces serves to increase enforcement effectiveness and reduce environmental crimes through strategic coordination with a diverse group of regulatory entities. Task Forces are venues that facilitate interagency coordination and support, especially in the investigation and response to complaints received from the public about environmental pollution and violations.

The Clean Water Act, California Water Code and the Basin Plan prohibit the discharge of materials that adversely affect the quality and beneficial uses of the waters of the state. The Regional Water Board has the authority to take enforcement actions, ranging from issuing Notices of Violation to issuing administrative civil liabilities (monetary

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penalties) against persons who violate the regulatory requirements of the Clean Water Act, California Water Code, and the Basin Plan.

The Enforcement Program's overall objective is to protect, restore and preserve the quality of waters within the North Coast Region by applying enforcement strategies in a fair and equitable manner to address violations. In October 2019 staff proposed, and the Regional Water Board endorsed the following enforcement priorities and additional screening criteria for the North Coast Region:

- Prioritize and pursue enforcement cases for waste discharge violations associated site development and use for cannabis cultivation.
- Prioritize and pursue enforcement cases for waste discharge violations associated with agricultural activities other than cannabis cultivation.
- Prioritize and pursue enforcement cases for individuals/entities conducting unauthorized dredge/fill activities in surface waters.
- Pursue timely enforcement on missed deadlines in existing enforcement orders.
- Scale up regulatory oversight and enforcement for violations of NPDES stormwater permits.

Additional screening criteria include:

- Violation has resulted in threats/impacts to critical habitat.
- Violation has affected a water of the state that resource protection agencies, including the Water Boards, have spent money restoring.
- Violation is contributing to a watershed impairment.
- Violation has resulted in impacts to a public drinking water supply.
- Violation was caused by or resulted from activities conducted without a required permit(s) or authorization(s) from the Regional Water Board.

As discussed in Section 4.2, the Regional Water Board will consider potential changes to these enforcement priorities in October 2020. The Regional Water Board and its staff may also pursue enforcement for unexpected significant cases outside of these priorities including, but not necessarily limited to those that involve high threats, significant impacts, or egregious discharger conduct.

2.0 DIVISION RESOURCES

2.1 Staffing

The Enforcement unit is the one unit dedicated to leading and implementing regionwide enforcement efforts, including those for the cannabis program. Two units implement the Cannabis Cultivation Waste Discharge Regulatory Program: (1) the Northern Cannabis Regulatory Unit, which is stationed in Eureka at the Regional Water Board's northern field office, and generally covers activities in all counties north of Mendocino County, and (2) the Southern Cannabis Regulatory Unit, which is stationed in Santa Rosa at the Regional Water Board's main office, and generally covers activities in all counties south of Humboldt County. Staff in all three units in the Division participate in the enforcement of violations associated with cannabis cultivation. There is one dedicated analyst for the Cannabis Program in the Administration Unit. Consistent with all divisions in the office, the Cannabis & Enforcement Division also receives support from the other staff in the Administration Unit.

On May 6, 2019, the State Water Board Deputy Director of the Division of Administrative Services froze all hiring within the statewide Cannabis Program in response to insufficient funding for the positions allocated to the program. Enrollments in the statewide Cannabis Program have been significantly below State Water Board projections, and revenues from the current fee schedule have not been sufficient to meet funding needs for the program. Currently, in consultation with the Newsom Administration, the State Water Board is considering options to address the funding shortfall, including alternative funding sources and potential fee increases. It is unknown at this time when or if this hiring freeze will be lifted.

To date, the statewide Cannabis Program hiring freeze has resulted in 21 frozen positions, impacting approximately 27% of the statewide Cannabis Program's 78 allocated staff. The hiring freeze has disproportionately affected the North Coast Region's Cannabis Program, resulting in 6 frozen positions, impacting approximately 35% of the North Coast Region's 17 allocated staff, including 46% of the program's field staff positions. This reduction in staffing has resulted in an approximate equivalent reduction of Cannabis Program activity/project work capacity. Tasks that staff does not anticipate being able to accomplish as a result of the hiring freeze are identified as Priority 3 in Table 2, below, or are simply not mentioned in this Work Plan.

Table 1, below, summarizes Cannabis & Enforcement Division staff resources.

Table 1 – Cannabis & Enforcement Division Staff Resources

Position	Name	Classification	PY
Division Chief	Kason Grady	Supervising WRC Engineer	1.0
Cannabis & Enforcement Division (Cannabis Program)	(FROZEN)	Specialist	1.0
Administration Unit (Cannabis Program)	Tonya Weiper	Analyst	1.0
Southern Cannabis Unit	David Kuszmar	Senior WRC Engineer	1.0
Southern Cannabis Unit	(FROZEN)	ES	1.0
Southern Cannabis Unit	(FROZEN)	ES	1.0
Southern Cannabis Unit	Maurice Washington	WRCE	1.0
Southern Cannabis Unit	(FROZEN)	WRCE	1.0
Southern Cannabis Unit	(FROZEN)	WRCE	0.6
Northern Cannabis Unit	Mona Dougherty	Senior WRC Engineer	1.0
Northern Cannabis Unit	Amanda Piscitelli	ES	1.0
Northern Cannabis Unit	Shannon Utley	EG	1.0
Northern Cannabis Unit	Katherine Hawken	WRCE	1.0
Northern Cannabis Unit	Ermias Berhe	EG	1.0
Enforcement Unit	Diana Henriouille	Senior WRC Engineer	1.0
Enforcement Unit	Doreen Kiruja (CONTACT TRACER)	ES	1.0
Enforcement Unit	Jordan Filak	ES	1.0
Enforcement Unit (Cannabis Program)	Adona White	WRCE	1.0
Enforcement Unit (Cannabis Program)	(FROZEN)	EG	1.0
Enforcement Unit (Cannabis Program)	Brian Fuller	EG	1.0
TOTAL:			19.6 *

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* Due to the hiring freeze on all positions in the statewide Cannabis Program, 5.6 PY of the 19.6 PY allocated to the Cannabis & Enforcement Division are currently vacant and unable to be filled. In addition, approximately 1.0 PY allocated to the Division are being diverted to the California Department of Public Health to support contact tracing associated with the COVID-19 pandemic. Furthermore, given the likelihood of statewide budget cuts to employee compensation costs due to the economic impacts of the COVID-19 pandemic, this Work Plan accounts for an additional 10% reduction in available staff resources. In total, the actual staff resources currently available to the Division for the FY are **11.70 PY**.

3.0 CANNABIS CULTIVATION WASTE DISCHARGE REGULATORY PROGRAM

3.1 Core Activities and Projects by Priority

As noted in Section 1.1, based on guidance and direction from executive management at the State Water Board, this year’s Work Plan places a higher priority on enforcement-related activities for the Cannabis Program as compared to previous years’ Work Plans. Given limited Cannabis Program staff resources, this prioritization means less staff time is available to complete other important compliance-related activities. The primary responsibilities of program staff are categorized based on priority listed in Table 2. Most activities are described in more detail in Section 3.2.

Table 2 – FY 20/21 Cannabis Program Core Activities and Projects by Priority

Priority Level	Activity/Project	Category	Target Date
1	a. Staff Supervision and Program Management	Core	Ongoing
1	b. Cannabis Program Enforcement i. Conduct enrollment enforcement ii. Pursue enforcement on enrolled / certified sites iii. Pursue enforcement on unpermitted / illegal sites	Core	Ongoing
1	c. Cannabis General Order Implementation i. Process requests for enrollment and termination under the Cannabis General Order ii. Process applications for Water Quality Certifications for instream work iii. Review, comment, and approve all submissions of Erosion and Sediment Control Plans (ESCPs) and Disturbed Area Stabilization Plans (DASPs) iv. Provide responses to voicemail and email inquiries from applicants, enrollees, and members of the public	Core	Ongoing

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Priority Level	Activity/Project	Category	Target Date
1	d. Interagency Coordination i. Collaborate with local and state agencies to ensure consistent regulation of enrolled / certified sites, and to prioritize enrollments and enforcement actions: Coordinate with tribal governments throughout the region to process applications for cannabis cultivation within 600 feet of tribal lands	Core	Ongoing
1	e. Cannabis General Order Compliance Assessment i. Review and analyze annual monitoring report data to identify regional compliance issues and to prioritize focused compliance assurance actions ii. Review technical documents for compliance with Cannabis General Order provisions and communicate with enrollees and their representatives iii. Inspect enrolled / certified sites, assess compliance, issue inspection reports and enforcement actions when appropriate	Core	Ongoing
2	a. Regional Supplemental MRP Revision Project Finalize and issue a revised version of the current North Coast Regional Supplement to the Cannabis General Order Monitoring and Reporting Program (Order No. R1-2019-0023) based on recent input from the Cannabis Executive Oversight Group	Special	December 2020
2	b. Water Quality Certification Statewide Procedures Project Coordinate with State Water Board Divisions of Water Quality and Water Rights, as the latter develops statewide procedures for issuing approvals for projects within waters of the state under the Cannabis General Order	Special	January 2021
2	c. Plan Review and Approval Streamlining Project Develop guidance, processes, procedures, and a tracking system for staff to review, comment, and approve plans submitted to comply with the Cannabis General Order	Special	October 2020

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Priority Level	Activity/Project	Category	Target Date
3	a. Cannabis General Order Implementation (not otherwise performed under Priority 1.c above) <ul style="list-style-type: none"> i. Issue compliance schedules to enrollees requesting deadline extensions for required site stabilization and erosion control work ii. Review and comment on submissions of Site Management Plans (SMPs) iii. Issue individual WDRs iv. Review and comment on CEQA documents, and other agency referrals associated with cannabis cultivation sites 	Core	Ongoing
3	b. Education and Outreach	Core	Ongoing
3	c. Intra-agency Coordination <ul style="list-style-type: none"> i. CannaVision Project: Collaborate with the State Water Board Division of Water Rights and Office of Information Management and Assessment to develop technology to automatically identify cannabis cultivation sites using satellite imagery and artificial intelligence ii. CIPS Improvement Project: Collaborate with the State Water Board Division of Water Quality on the implementation of a contract to improve the Cannabis Identification and Prioritization System (CIPS) and other program management databases 	Special	Ongoing
3	d. Unplanned Work Activities	Special	Ongoing

3.2 Core Activity and Project Descriptions

Activities and projects are listed below and identified by the priority (1, 2, 3) and the letter (a, b, c, etc.) listed in Table 2 above. In this Work Plan, Priority 2 projects are those that may not get accomplished due to resource limitations and Priority 3 represents work that staff are unable to accomplish due to limited staff resources. In particular, the statewide Cannabis Program hiring freeze and reductions associated with the COVID-19 pandemic result in a combined 6.7 PY reduction in previously allocated staff resources.

Priority 1.a – Staff Supervision and Program Management

Summary: Staff supervision is the primary responsibility of supervisors along with management of the Cannabis Program. Therefore, the three supervisors of the Cannabis Program spend a substantial portion of their time training, coaching and mentoring staff, appraising performance and then, if we receive approval to fill vacant positions, hiring and onboarding new staff will become management’s highest priority. Program management accounted for here includes meeting with staff, reviewing and approving staff work products, tracking project and task progress, and program planning, among other tasks.

Considerations and Key Issues to Resolve: N/A

PY Allocation for FY 20/21: 2.0 (Management only)

Milestones	Target Date
Conduct performance appraisals for all staff in the division.	August 2020
Reassess staff duties to implement this Work Plan, identify staff to perform specific enforcement duties, and update staff duty statements as necessary.	August 2020

With three Cannabis Program supervisors, the 2.0 PY listed above reflects the large majority of Cannabis Program management time available. Due to the reductions of program staff, the Cannabis Program managers also must work on special projects, including:

- a. Issuance of the North Coast Regional Supplement to the Cannabis General Order Monitoring and Reporting Program (Regional Supplemental MRP), see the **0.05 PY management allocation in Priority 2.a**, below;
- b. Coordination with the State Water Board on developing procedures for the processing of applications for Water Quality Certifications under the Cannabis General Order and Policy, see the **0.05 PY management allocation in Priority 2.b**, below; and
- c. Developing guidance, standard processes and procedures, and a tracking system to enable staff to inventory, review, comment, and approve Erosion and Sediment Control Plans (ESCPs) and Disturbed Area Stabilization Plans (DASPs) submitted to the Regional Water Board, see the **0.1 PY management allocation in Priority 2.c**, below.

Also, due to the extent of management time spent on interagency coordination, the PY allocation for that activity (**0.5 PY management allocation**) is accounted for separately in the Interagency Coordination **Priority (1.d)**, below.

The Cannabis Program managers work closely with the State Water Board, other Regional Water Boards, and other agencies to coordinate review and oversight of cannabis cultivation, comment on proposed legislation, and communicate regularly on issues with the potential to affect the statewide program.

Priority 1.b – Cannabis Program Enforcement

Summary: The Regional Water Board, in conjunction with the State Water Board Division of Water Rights and CDFW, identifies annual priority watersheds that reflect priorities for inspection based on water quality impairments and flow impacts, sensitive species and habitats, and density of known cultivation areas.

Staff initiates enforcement actions in the form of Notices of Violation (NOVs) for corrective actions, investigative orders, Cleanup and Abatement Orders, or civil penalties for those activities that threaten to adversely affect water quality and violate the Clean Water Act, the California Water Code, Basin Plan, and the Cannabis Cultivation Policy and General Order. Enforcement actions can result from failure to obtain regulatory coverage (enrollment enforcement), from discharges or threatened discharges at illegal sites, and/or from noncompliance with permit terms for enrolled sites.

As noted in Section 1.2, pursuit of enforcement cases for waste discharge violations associated with site development and use for cannabis cultivation is a priority for the Regional Water Board. Further, as noted above, the executive management of the State Water Board has encouraged prioritization of enforcement-related activities within the Cannabis Program. At this time, our priorities are (1) to conduct enrollment enforcement and (2) to enforce upon cannabis cultivators who have not enrolled under the Cannabis General Order and whose activities have caused or threaten to cause unauthorized discharges to surface or ground waters. However, we may also conduct some enforcement on sites that are enrolled under the Cannabis General Order if we observe egregious water quality impacts.

Staff may issue NOVs for nonsubmittal of Annual Monitoring Reports and develop enforcement cases for enrollees violating this requirement multiple years in a row. Staff will issue administrative civil liability complaints or settlement agreements to address violations and cleanup and abatement orders requiring cleanups at cannabis sites.

Staff attend interagency enforcement-based inspections with local law enforcement, CDFW, CDFA, and other agencies. These inspections occur within focused operations led by law enforcement and as part of the statewide interagency Cannabis Enforcement Program (CEP). Since the logistics of these inspections are primarily organized by other agencies, staff does not know in advance how many inspections are planned each FY but does keep track of the number of enforcement-based inspections conducted to estimate expectations from year-to-year. Staff also review technical documents

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provided by others for potential enforcement (e.g. CDFW Lake and Streambed Alteration Agreements, CDFW inspection reports, county reports, etc.)

Considerations and Key Issues to Resolve:

- a. The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.
- b. Reduced program staffing as a result of the hiring freeze will impact the number of enforcement-related inspections that staff can conduct this FY.
- c. Staff duties will need to shift as a result of this Work Plan and specific staff will need to be identified to perform specific enforcement-related functions (e.g. enrollment enforcement)
- d. Office of Enforcement staff assisted with enforcement inspections at the end of last FY and may provide some assistance during this FY. We expect Office of Enforcement staff to assist us with follow-up enforcement as appropriate for those sites inspected last FY.
- e. Staff is currently developing tools to track, and report back out to management on, the status of individual enforcement cases to ensure effective case prioritization consistent with the regional priorities, and to ensure more timely enforcement actions. Once finalized, we will need to train staff on the use of these tools.

PY Allocation for FY 20/21: 3.55

Milestones	Target Date
Cross check enrollment records with counties' and CDFA's permit and license records to determine high priority enrollment enforcement cases.	August 2020
Issue an Administrative Civil Liability Complaint or issue an Invitation to Enter into Settlement Discussions to a discharger for violations of the California Water Code and/or Clean Water Act.	December 2020
Review compliance with existing 13260 directive letters and establish case-specific enforcement plans for noncompliance.	September 2020
Issue individual Cleanup and Abatement Orders to remaining Tier 3 dischargers under the Regional Cannabis Order to retain enforceable cleanup requirements for those sites.	December 2020

Priority 1.c – Cannabis General Order Implementation

Summary: As of July 2020, there are approximately 2,957 active enrollments (2,792 waste discharge requirement enrollees and 165 waivers) under the Cannabis Cultivation General Order in the North Coast Region. To put these number into context, there are approximately 5,109 active enrollments (3,643 waste discharge requirement enrollees and 1,466 waivers) statewide.

Order implementation includes responding to questions from enrollees, processing requests for enrollment under the Cannabis General Order including associated applications for Water Quality Certification and other waste discharge programs associated with cannabis; processing requests for termination of coverage under the Cannabis General Order; reviewing technical documents for compliance; communicating with enrollees and their representatives; conducting compliance inspections; preparing inspection reports and enforcement actions when appropriate; and associated tasks.

Considerations and Key Issues to Resolve:

- a. Given the shift to prioritize activities associated with Cannabis Program enforcement, coupled with six Cannabis Program positions remaining vacant and frozen, there is a lack of adequate staff to participate in the activities listed above at desired levels.
- b. Last FY, staff received and (in most cases) responded to approximately 920 voicemails and an estimated 5,000 emails sent to the North Coast Cannabis general voicemail and email inboxes. Due to the high volume of such inquiries, we have been forced to advise enrollees that it may take up to two weeks for staff to provide a response.
- c. There is currently a backlog of unreviewed plans (i.e., ESCPs and DASPs) submitted in accordance with Cannabis General Order requirements. Many of these plans are complex and management has identified the need to standardize plan review expectations/procedures and train staff to ensure consistent and timely reviews.
- d. Staff received approximately 40 applications for Water Quality Certification during FY19/20 and expect to receive many more than that during FY 20/21. Currently, staff has more than 110 applications for Water Quality Certification that are in various stages of processing and awaiting Regional Water Board approval. The workload required to timely complete the Water Quality Certification process for these cases is much greater than current staffing levels can support.

PY Allocation for FY 20/21: 3.0

Milestones	Target Date
Finalize procedures to efficiently review and approve Erosion and Sediment Control Plans, Disturbed Area Stabilization Plans, and Nitrogen Management Plans and train staff.	September 2020
Review, comment, and approve backlogged submissions of Erosion and Sediment Control Plans, Disturbed Area Stabilization Plans, and Nitrogen Management Plans.	June 2021

Priority 1.d – Interagency Coordination

Summary: A core obligation of implementing the Cannabis Program is coordination with local governments and other state agencies including CDFW and CDFA to ensure consistent regulation of enrolled / certified sites, and to prioritize enrollments and enforcement actions. Regular interagency coordination meetings include standing meetings with individual counties, and CDFA Cannabis Program subgroup meetings including the licensing, data, executive, and enforcement subgroups. Staff also must coordinate with tribal governments throughout the region to process applications for cannabis cultivation within 600 feet of tribal lands.

Considerations and Key Issues to Resolve: The Regional Water Board lacks adequate staff to participate in the following activities at desired levels due to frozen vacant positions:

- a. Adjusting to changes in the regulation of cultivation sites in counties with bans, caps on licenses, and other restrictions that could affect existing and future enrollments;
- b. Coordination on the planning, scheduling, and conducting of enrollment inspections and enrollment enforcement efforts;
- c. Assessment of water quality impacts of onstream pond development and providing input to the Division of Water Rights and CDFW;
- d. Coordination with local agencies regarding other activities associated with cannabis cultivation including wastewater discharges to onsite wastewater treatment systems and to land; and
- e. Coordination with the State Water Board on the development of a Revised Interagency Joint Strategic Plan between the Water Boards, CDFW, and CDFA.

PY Allocation for FY 20/21: 0.65 (includes 0.5 PY Management)

Priority 1.e – Cannabis General Order Compliance Assessment

Summary: Given the very limited staff resources available for compliance assessment, we will prioritize review of annual monitoring data to increase the efficiency of this task. Reviewing technical documents submitted by enrollees is a next step that can be efficiently performed without having to mobilize for field work. The least efficient form of compliance assessment is site inspection, because that requires pre-inspection file review, mobilization for field work, and post-inspection report write-ups. As a result, our approach to compliance assessment of enrolled sites in the North Coast Region will begin with annual monitoring data review, then technical document review, with site inspection reserved for sites where further investigation appears to be necessary.

Considerations and Key Issues to Resolve: The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.

PY Allocation for FY 20/21: 0.4

Priority 2.a – Issue Regional Supplemental MRP

Summary: Based on input recently received from the State and Regional Water Board's Cannabis Executive Oversight Group (CEOG), staff will finalize revisions to Order No. R1-2019-0023, the Regional Supplemental MRP.

The original version of the Regional Supplemental MRP was issued in 2017 to preserve for Cannabis General Order enrollees in the North Coast Region annual reporting requirements on site characteristics and water use that have been in place since the adoption of the Regional Cannabis Order in 2015. Staff use this information to better understand the status and trends of cannabis cultivation practices in the North Coast Region, to understand how cropping, water storage, and irrigation practices may result in cumulative impacts to beneficial uses, and to facilitate the efficient prioritization of limited staff resources.

Revisions to the Regional Supplemental MRP are intended strengthen and clarify findings, improve the consistency of terminology used, and remove requirements for annual water use reporting that are duplicative of water rights reporting requirements. Upon staff's finalization of the revisions, the Executive Officer will issue a revised order pursuant to his designated authority under the Cannabis Cultivation General Order and California Water Code section 13267. Staff will then notify affected enrollees and work with counterparts from the State Water Board Division of Water Quality to update the format and content of the Regional Supplemental MRP survey form in the online Cannabis Cultivation Regulatory Programs Portal to improve the ease of reporting and to reflect the revisions made.

Considerations and Key Issues to Resolve: Internal agreement on revisions to the Regional Supplemental MRP must be reached with counterparts at the State Water Board Division of Water Rights prior to order issuance.

PY Allocation for FY 20/21: 0.05 (Management only)

Milestones	Target Date
Reach internal agreement on proposed revisions with the Division of Water Rights and issue the revised order.	July 2020
Notify all Cannabis General Order enrollees in the North Coast Region of their obligation to comply with the terms of the revised order.	August 2020
Complete updates to the Regional Supplemental MRP survey form in the online Cannabis Cultivation Regulatory Programs Portal prior to the opening of the 2020 reporting season on January 1, 2021.	December 2020

Priority 2.b. – Water Quality Certification Statewide Procedures Project

Summary: Staff will continue to coordinate with the State Water Board Divisions of Water Quality and Water Rights, as the latter develops statewide procedures for issuing approvals for projects within waters of the state under the Cannabis General Order. The intent of this project is to improve consistency, efficiency and timeliness of Water Quality Certification issuance to ensure water quality improvements can be completed in a timely fashion, thus bringing enrollees into compliance with the Cannabis General Order. The team is developing a Notice of Intent (NOI) form, a template Notice of Applicability (NOA), a Frequently Asked Questions (FAQ) sheet, and other example documents to be used throughout the statewide Cannabis Program. These documents are being developed based on those that the Regional Water Board previously developed for staff’s use in the North Coast Region.

Considerations and Key Issues to Resolve:

- a. The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.
- b. Internal agreement must be reached regarding how to best use available tools, how to develop processes to approve projects under the Cannabis General Order, and how to best streamline the approval process to protect limited staff resources while providing timely service to applicants.

PY Allocation for FY 20/21: 0.1 (includes 0.05 PY Management)

Milestones	Target Date
Reach internal agreement on proposed procedures with the Divisions of Water Rights and Water Quality and issue the statewide procedures.	November 2020
Train Cannabis Regulatory staff to consistently and efficiently implement the procedures.	January 2021

Priority 2.c. – Plan Review and Approval Streamlining Project

Summary: Develop guidance, standard processes and procedures, and a tracking system to enable staff to inventory, review, comment, and approve Erosion and Sediment Control Plans (ESCPs) and Disturbed Area Stabilization Plans (DASPs) submitted to the Regional Water Board. The Cannabis General Order requires enrollees with sites characterized as Moderate Risk to submit an ESCP to the Regional Water Board.

Similarly, enrollees with sites characterized as High Risk are required to submit a DASP. In both cases, the plans must be reviewed by staff and approved by the Executive Officer prior to implementation. Many of these plans are complex and management has identified the need to standardize plan review expectations and procedures and to train staff to ensure consistent and timely reviews.

Considerations and Key Issues to Resolve:

- a. The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.
- b. Not all enrollees required to submit ESCPs (~205 total) and DASPs (~98 total) to the North Coast Regional Water Board have done so by deadlines established in the Cannabis General Order; therefore staff will have to reach out to several enrollees to notify them of their noncompliance and request submittal of the plans before review can begin.
- c. There is currently a backlog of plans that have been submitted by enrollees in accordance with Cannabis General Order requirements, but the large majority of them have not been reviewed by staff and approved by the Executive Officer.

PY Allocation for FY 20/21: 0.15 (includes 0.1 PY Management)

Milestones	Target Date
Finalize guidance, standard processes and procedures, and a tracking system to enable staff to inventory, review, comment, and approve ESCPs and DASPs submitted to the Regional Water Board by Cannabis General Order enrollees.	September 2020
Notify and train staff on the use of the guidance, standard processes and procedures, and tracking system to ensure consistent and timely reviews.	October 2020
Complete reviews of all ESCPs and DASPs.	June 2021

Priority 3.a – Low Priority Cannabis General Order Implementation Activities

Summary: Except in cases otherwise associated with activities specified under Priority 1.c above, the following are services, which would improve enrollee compliance and protect water quality, but cannot be provided due to the current number of vacant (and frozen) staff positions:

- a. Issuing compliance schedules and enforcement orders to enrollees requesting deadline extensions for required site stabilization and erosion control work;
- b. Reviewing and commenting on Site Management Plans, which are required to be prepared by all enrollees under the Cannabis General Order;
- c. Issuing individual WDRs to cannabis cultivators who request them in lieu of enrolling under the Cannabis General Order; and
- d. Reviewing and commenting on CEQA compliance documents and agency referrals for cannabis cultivation-related sites.

Considerations and Key Issues to Resolve: The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.

PY Allocation for FY 20/21: 0.0

Priority 3.b – Education and Outreach

Summary: Education and outreach are important components of program implementation. However, given the current number of vacant (and frozen) staff positions, these activities are, by necessity, a low priority. Typically, education and outreach involve staff working with the public, local watershed groups, cannabis industry

representatives, and local consulting firms to address concerns regarding water quality issues associated with cannabis cultivation. Staff also communicates with the regulated industry by speaking at conferences, town halls, and industry and community group meetings.

Considerations and Key Issues to Resolve:

- a. The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.
- b. The Regional Water Board cannot continue (as it has in the past) to educate the general public and regulated community (many of whom are located in rural areas across the North Coast Region, lack access to reliable internet services, and/or whose primary language is not English) regarding complex regulatory requirements, enrollment and termination processes, and best practices for compliance.

PY Allocation for FY 20/21: 0.0

Priority 3.c – Intra-agency Coordination

Summary: Although staff will continue to participate in routine intra-agency coordination activities referenced under Priority 1.a above, staff cannot meaningfully participate in the following special projects as it has in previous years, despite the possible benefits of doing so.

- CannaVision Project: The goal of this project is to develop technology to automatically identify cannabis cultivation sites using satellite imagery and artificial intelligence¹. Water Boards staff have already developed beta versions of the technology, but additional effort is needed to integrate the technology with Cannabis Program business processes (e.g. enrollment enforcement).
- CIPS Contract Support: The goal of the current phase of this project is to enhance and upgrade the Cannabis Identification and Prioritization System (CIPS), which was developed during previous phases of work and to integrate it with other statewide program management databases (e.g. CIWQS, eWRIMS,

¹ Staff previously worked in collaboration with counterparts from the State Water Board’s Division of Water Rights and Office of Information Management and Analysis on this project to ensure that the technology developed would meet the needs of the North Coast Region.

CannaVision, the Cannabis General Order survey portal, etc.)² The State Water Board has to date contracted with Vestra Resources, Inc. on this project. Current contract funds extend Vestra's involvement through July 2021.

Considerations and Key Issues to Resolve:

- a. The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.
- b. Unless the Water Boards establish an ongoing contract for access to high quality imagery, the access to imagery will remain a limitation for full deployment of CannaVision and full utilization of CIPS.

PY Allocation for FY 20/21: 0.0

Priority 3.d – Unplanned Work Activities

Summary: Unanticipated assignments and the need to react to projects and actions initiated by others are a reality for all regulatory programs. Given the exceptionally limited staff resources available for the Cannabis Program, unplanned work activities cannot be accommodated this FY unless corresponding reductions are made to staff resources allocated to other priority activities. Such trade-offs will require careful assessment and case-specific determination by management.

Considerations and Key Issues to Resolve: The Regional Water Board lacks adequate staff to participate in these activities at desired levels due to frozen vacant positions.

PY Allocation for FY 20/21: 0.0

3.3 Performance Targets for FY 20/21

There are currently no Performance Targets for the Cannabis Cultivation Waste Discharge Regulatory Program. The statewide Cannabis Program Roundtable has convened and begun discussions about the establishment of performance targets for this program statewide.

² Staff previously worked in collaboration with counterparts from the State Water Board Division of Water Quality on this project to ensure that system developed would meet the needs of the North Coast Region.

4.0 ENFORCEMENT

4.1 Core Activities and Projects by Priority

The primary responsibilities of the North Coast Region’s dedicated enforcement staff are categorized based on priority listed in Table 3. Most activities are described in more detail in Section 4.2.

Table 3 – FY 20/21 Program Core Activities and Projects by Priority

Priority Level	Activity/Project	Category	Target Date
1	a. Enforcement Staff Supervision and Program Management	Core	Ongoing
1	b. Discretionary Penalty Case Development, Prioritization, and Penalty Assessments	Core	Ongoing
1	c. Mandatory Minimum Penalty Assessments	Core	Ongoing
1	d. Complaint Response Coordination	Core	Ongoing
2	a. Conduct Enforcement Inspections and Investigations	Core	Ongoing
2	b. Case Management of Complex, Long-Term Enforcement Cases	Core	Ongoing
2	c. CEQA tracking and coordination	Special	Ongoing

4.2 Core Activity and Project Descriptions

Activities and projects are listed below and identified by the priority (1, 2) and the letter (a, b, c, etc.) listed in Table 3 above. In this Work Plan, Priority 2 projects are those that may not get accomplished due to resource limitations. Reductions in the Enforcement Program associated with the COVID-19 pandemic result in a combined 1.2 PY reduction in previously allocated staff resources.

Priority 1.a – Enforcement Staff Supervision and Program Management

Summary: This is solely a management activity performed by the Enforcement Unit supervisor with support from the Division supervisor. The primary component of this activity is staff supervision. Additional responsibilities include those associated with serving as the Enforcement Coordinator for the region, such as: participating and coordinating with staff from other Regional Water Boards and the State Water Board’s Office of Enforcement in statewide enforcement program activities (e.g. developing and reviewing enforcement policy and guidance, and participating in statewide roundtables and training); developing and assisting with implementation of regional enforcement templates and processes; coordinating enforcement actions throughout the office with staff from other programs; updating the officewide enforcement priorities annually; updating the regionwide Supplemental Environmental Project (SEP) list, and maintaining the office motor pool.

Considerations and Key Issues to Resolve: The Enforcement Unit currently has one vacant Engineering Geologist position that is funded through the Cannabis Program but is currently subject to a hiring freeze due to the lack of sufficient program funding. The Enforcement Unit also has a vacant Scientific Aid position. If funding for these positions becomes available and we are able to fill them, hiring will become the Enforcement Unit supervisor’s highest priority task.

With only one staff person in the Enforcement Unit currently dedicated to officewide enforcement, some tasks that could otherwise be delegated to staff must remain the responsibility of management, including the following:

- a. Updating the Regional Enforcement Priorities – the Water Boards Enforcement Policy recommends that, on an annual basis, enforcement staff for each Regional Water Board seek input at a regularly noticed public meeting of the Regional Water Board and consider identifying general enforcement priorities based on input from members of the public and Regional Water Board members. This update to the enforcement priorities is scheduled for the October 15 & 16, 2020 Board Meeting.
- b. Review any new SEP proposals and update the SEP list when appropriate.

PY Allocation for FY 20/21: 0.9 (management only)

Milestones	Target Date
Update regional enforcement priorities and bring to the Regional Water Board and public for input.	October 2020
Review new SEP proposals and update the regionwide SEP list.	December 2020

Priority 1.b – Discretionary Penalty Case Development, Prioritization and Penalty Assessment

Summary: The development and prioritization of enforcement cases is a core function of the Enforcement Unit. Performance Target 1 as shown in section 4.3, below, requires that 100% of Class 1 priority violations result in formal enforcement or an investigative order within 18 months of discovery. This requires case development, prioritization and penalty assessment. Last FY, the Regional Water Board provided input regarding regional enforcement priorities, which have been incorporated into the case prioritization process. Any updates to these priorities will again need to be incorporated into the case prioritization process.

Considerations and Key Issues to Resolve: Case tracking and reporting must be consistent with updated business rules that reflect regional enforcement priorities and ensure that Performance Target 1 is achieved. According to CIWQS, the primary database that staff utilize to track violations, as of July 1, 2019, there were 88 Class 1 priority violations without formal enforcement or investigative orders within 18 months of discovery. Efforts over FY 19/20 revealed numerous violations incorrectly identified as Class 1 priority violations, and staff made several corrections in CIWQS and SMARTS (a secondary tracking database), significantly reducing the overall number of Class 1 priority violations. Many of those still identified are associated with enforcement actions that are pending or underway. However, as a result of staffing changes, slowdowns associated with the COVID-19 pandemic, and a redirection of one of our dedicated enforcement staff to COVID-19 contact tracing, we are revising our previous projection for completing this task. We now expect to validate and take necessary actions to address remaining, validated Class 1 priority violations in the third and fourth quarters of FY 20/21.

PY Allocation for FY 20/21: 0.18

Milestones	Target Date
Review all existing Class 1 priority violations that do not have associated formal enforcement or investigative orders within 18 months for accuracy and validity and reclassify any that are deemed misclassified.	December 2020
Address 50% of all class 1 priority violations that do not have associated formal enforcement or investigative orders within 18 months.	March 2021
Address 100% of all class 1 priority violations that do not have associated formal enforcement or investigative orders within 18 months.	June 2021

Priority 1.c – Mandatory Minimum Penalty Assessment

Summary: The California Water Code mandates the assessment of mandatory minimum penalties (MMPs) for certain violations of effluent limitations in National Pollutant Discharge Elimination System (NPDES) permits within 18 months for facilities with over \$12,000 in penalties or four or more violations. As noted below, this core activity is associated with a long-standing, statewide performance target.

Considerations and Key Issues to Resolve: Performance Target 2 was not met last FY due to limited staff resources available for this activity, which were impacted due to position vacancies and the need to train new staff. The Enforcement Program remains impacted due to a mandatory assignment of one of two dedicated staff to assist the California Department of Public Health with COVID-19 contact tracing. As a result, we do not anticipate fully meeting the performance target this FY. According to CIWQS, as of June 26, 2020, there are currently 7 facilities with more than 4 violations subject to MMPs that need to get resolved by the end of this FY.

PY Allocation for FY 20/21: 0.42

Priority 1.d – Officewide Complaint Response Coordination

Summary: CalEPA is committed to responding to all environmental complaints received by the agency. The Water Boards receive from CalEPA approximately 5-10 complaints per week that need to be tracked, investigated and responded to in a timely manner by the Regional Water Boards assigned to them.

Considerations and Key Issues to Resolve: Licensing for the database that supports complaint tracking, investigation, and response activities is limited. Our enforcement staff have one license that must be shared with other staff in the region who must access the database to complete their complaint response work.

PY Allocation for FY 20/21: 0.12

Priority 2.a – Conduct Enforcement Inspections and Investigations

Summary: Conducting timely enforcement inspections and investigations is a core function of Enforcement Program staff. This work sets the stage for the development of quality enforcement cases and supports other staff throughout the office to do the same. To ensure we provide timely compliance assistance to the regulated community, we have set a goal of finalizing inspection reports and transmitting them to dischargers within 30 days of the inspection date.

Considerations and Key Issues to Resolve: Current limitations on staff resources (as previously described) will significantly limit our availability and ability to conduct or

meaningfully participate in inspections over this FY. We will screen sites and cases and attempt to direct our limited resources to those which pose significant threats to water quality and where our participation will provide the most benefit to water resource and beneficial use protection.

PY Allocation for FY 20/21: 0.05

Priority 2.b – Development and Management of Complex, Long-Term Enforcement Cases

Summary: Once an investigative order has been issued or an enforcement action has been taken (e.g. Cleanup and Abatement Order, Cease and Desist Order, or penalty assessment with a Supplemental Environmental Project, Compliance Project, or Enhanced Compliance Action), the case requires significant amounts of staff time to ensure compliance or, if necessary, further enforcement. As discussed above, one of our regional enforcement priorities is pursuing timely enforcement on missed deadlines in existing enforcement orders.

Considerations and Key Issues to Resolve: As previously discussed, the Enforcement Program’s staff resources are significantly limited at present, and this limits our ability to perform this task at adequate levels. We will make every effort to address case management needs as they arise, with preference toward addressing those associated with the highest threats to water quality and where our efforts will provide the most benefit to water resource and beneficial use protection.

PY Allocation for FY 20/21: 0.09

Priority 2.c - CEQA Tracking and Coordination

Summary: Providing a service of interest and benefit to the office as a whole, Enforcement Unit staff receive, track, and inform all staff weekly of new California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents available for comment for projects in the North Coast Region. While this task is not enforcement-related, and technically constitutes “other duties as required,” it allows enforcement staff to be aware of new projects and activities throughout the region, sometimes with a nexus to enforcement cases underway, and sometimes alerting staff to potential concepts for Supplemental Environmental Projects.

Considerations and Key Issues to Resolve: N/A

PY Allocation for FY 20/21: 0.04

4.3 Performance Targets for FY 20/21

Target 1: 100% of Class 1 priority violations will Result in Formal Enforcement or an Investigative Order Pursuant to California Water Code Section 13267 within 18 Months of Discovery.

Target 2: 0 Facilities with Over \$12,000 in MMPs (4 or More Violations) Not Assessed within 18 Months of Accrual.