

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
Wednesday, December 13, 2017
Regional Water Board Office
Santa Rosa, California

ITEM: 10

SUBJECT: Update on Cannabis Regulatory Program (Kason Grady, Regional Water Board, Dan Schultz, Tim O'Brien, and Kevin Porzio, State Water Board)

BOARD ACTION: Information only; no action needed.

BACKGROUND: The North Coast Regional Water Quality Control Board adopted the *Waiver of Waste Discharge Requirements and General Water Quality Certification and Monitoring and Reporting Program for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order No. R1-2015-0023) (Regional Cannabis Order) on August 13, 2015, as California's first regional water quality regulatory order to prevent and control poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land.

Since the adoption of the Regional Cannabis Order, staff has worked diligently to develop and implement our region-wide cannabis regulatory program including aspects such as compliance assistance, education and outreach, enrollment processing, enrollment enforcement, interagency coordination, and enforcement of water quality violations. Staff have worked extensively with our agency partners including actively participating on Watershed Enforcement Team (WET) inspections of priority watersheds. These efforts have led to approximately 3,100 cannabis cultivation sites enrolled under the Regional Cannabis Order as of October 16, 2017.

In an effort to provide a regulatory framework for the cannabis industry, Governor Brown signed the Medical Marijuana Regulation and Safety Act (MMRSA), which became effective on January 1, 2016. MMRSA created a state licensing system for cultivation, manufacture, sale, distribution, and testing of medical cannabis. On June 27, 2016, the Governor signed SB 837, which included a number of changes to the MMRSA including replacing the term marijuana with cannabis, changing the name of the MMRSA to the Medical Cannabis Regulation and Safety Act (MCRSA), and adding environmental protection statutes that place certain mandates on the State Water Resources Control Board (State Water Board).

In November 2016, voters approved Proposition 64, the Adult Use of Marijuana Act (AUMA), which legalized recreational cannabis cultivation, and the possession and use of limited amounts of cannabis by adults over 21 years of age. AUMA requires the same environmental protections as MCRSA. Among other provisions, the MCRSA and the AUMA require the California Department of Food and Agriculture (CDFA) to issue licenses to commercial cannabis cultivators and establish a track and trace program that tracks

commercial cannabis from seed or clone through cultivation, harvest, transport, manufacture, distribution, and sale to the end user.

On June 27, 2017, the Governor signed SB 94, which combined the requirements of MCRSA and AUMA into a unified code. This effort provided direction to the State Water Resources Control Board (State Water Board) to address impacts from cannabis cultivation on instream flows and impacts to beneficial uses from waste discharges associated with cannabis cultivation statewide.

DISCUSSION: On October 17, 2017, the State Water Board adopted both the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* and a *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (State Water Board Cannabis Regulatory Program) establishing environmental standards for cannabis cultivation in order to protect water flows and water quality in California’s rivers and streams.

This presentation will provide an overview of the State Water Board Cannabis Regulatory Program and how it interacts with and finally replaces the Regional Cannabis Order on July 1, 2019; as well as an update on the Region’s Cannabis Regulatory Program. General topics to be covered include:

- State Water Board Division of Water Quality and Division of Water Rights staff will present an overview of the State Water Board Cannabis Regulatory Program.
- Regional Board staff will present an overview of the differences between the Regional Cannabis Order and the State Water Board Cannabis Regulatory Program. Additionally, staff will discuss how the transition from the regional to the statewide cannabis program is expected to occur by July 1, 2019.
- Regional Board staff will present on the current status of the Region’s Cannabis Regulatory Program including current enrollees, staffing, tools being developed to improve efficiency, and overall enforcement strategy.

RECOMMENDATION: N/A

SUPPORTING DOCUMENTS:

1. Order WQ 2017-0023-DWQ
2. Order No. R1-2015-0023
https://www.waterboards.ca.gov/northcoast/board/decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf