

# **Resolution No. R1-2017-0012**

**Clarifying the North Coast Regional Water Board's Position on  
the Public Nature of Documents Held or Maintained by Approved  
Third Party Programs Associated with Order No. R1-2015-0023**

**Item No. 3**

**March 8, 2017**

**Fortuna, California**

**Joshua Curtis and Kason Grady**

**North Coast Regional Water Quality Control Board**





# Regional Board Cannabis Order

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- Regional Board adopted Waiver of WDR, for discharges of waste from cannabis cultivation sites in August 2015
- Order provided for the utilization of 3rd party programs for enrollment and compliance assistance
- Currently have 4 approved 3rd parties in the Region for this Order





# Third Party Program

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- Order allows for pertinent documents to be held by the 3<sup>rd</sup> party unless specifically requested by Regional Board staff.
- Enrollment is documented at the Regional Board using a unique ID number instead of any personally identifying information.



# Regulatory and Legal Changes

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- **Medical Cannabis Regulation and Safety Act in 2015**
- **Adult Use of Marijuana Act in 2016**
- **Licensing requirements:**
  - **Local Ordinances can be developed to require licensing**
  - **Licensing of cultivators by CA Department of Food and Agriculture (CDFA)**
- **Additionally, recent legal developments involving the State Water Board and other Regional Water Quality Control Boards supports the need to require public disclosure of third party program documents**



# Proposed Resolution

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- Does not change or alter the order or its implementation
- Does not change or affect existing regulation or law
- Does clarify the Regional Board's processes in regards to documents required for program implementation
  - Aligns those processes with requirements under the California Public Records Act
  - Furthers Regional Water Board's transparency and accountability to the public





# Proposed Resolution

## Pertinent Documents

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- Clarifies that all pertinent program documents held by 3<sup>rd</sup> parties are considered public records.
- Examples include:
  - Notice of Intent (NOI)
  - Water Resource Protection Plans (WRPP)
  - Monitoring and Reporting Plans (MRP)
  - Tier 2 Surface Water Correction Workplans
  - Annual and Inspection Reports



# Proposed Resolution

## NOI Submissions

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- Requires future approved third parties programs to submit the NOI to the Regional Board as part of enrollment
- Current approved third party programs must modify their procedures to begin submitting the NOI to the Regional Board on or before June 1, 2017.



# **Staff Recommendation**

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**Adoption of the proposed Resolution  
No. R1-2017-0012**





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# Board Questions and Comments

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