

State Water Resources Control Board

Cannabis Cultivation Regulatory Program

December 2017
Public Workshop
State Water Resources Control Board



Meeting Agenda

- Cannabis Cultivation Policy Overview: 10:00am – 12:00pm (noon)
- Lunch (on your own): 12:00pm (noon) – 1:00pm
- Cannabis General Order Overview: 1:00pm – 1:30pm
- Water Rights Overview: 1:30pm – 2:00pm
- Cannabis General Order and Small Irrigation Use Registration Portal Introduction: 2:00pm – 4:00pm

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State Water Board Public Workshops

December 1, 2017
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

December 6, 2017
200 South School Street
Ukiah, CA 95482

December 8, 2017*
1001 I Street, 2nd Floor
Sacramento, CA 95814

* The Sacramento meeting will be webcast at:
<https://video.calepa.ca.gov/>

December 13, 2017
364 Knollcrest Drive, #205
Redding, CA 96002

December 15, 2017
1011 Waterfront Drive
Eureka, CA 95501

December 19, 2017
1685 E Street
Fresno, CA 93706

December 21, 2017
2375 Northside Drive, Suite 100
San Diego, CA 92108

All workshops are scheduled to run from **10:00 am to 4:00 pm**. For more information please visit: www.waterboards.ca.gov/cannabis.

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Background

- Three bills adopted in 2015 – Assembly Bills (AB) 243 and 266; Senate Bill (SB) 643 (MMRSA)
- SB 837 adopted in June 2016 – included clean up language for three 2015 bills (MCRSA)
- Proposition 64 passed November 2016, allowing recreational cannabis use for adults (AUMA)
- SB 94 adopted June 2017 – consolidated provisions of MCRSA and AUMA and established the Medicinal and Adult-Use Cannabis Regulations and Safety Act (MAUCRSA)



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State Water Board Responsibilities

"The state board or appropriate regional board shall address discharges of waste resulting from cannabis cultivation under [MAUCRSA] and associated activities, including by adopting a general permit, establishing waste discharge requirements..."

Water Code Section 13276(b)

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State Water Board Responsibilities (continued)

Ensure individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect instream flows needed for fish spawning, migration, and rearing, and flows needed to maintain natural flow variability

Business and Professions Code Section 26060.1(b)(1)



State Water Board Responsibilities (continued)

- Develop policy for water quality control to establish principles and guidelines (requirements) for cannabis cultivation:

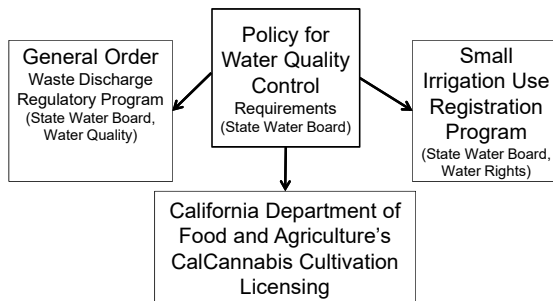
- Shall include measures to protect springs, wetlands, and aquatic habitat from negative impacts of cannabis cultivation
- May include requirements for groundwater extractions



Water Code Section 13149(a)(1)(A)

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Cannabis Policy Regulatory Flow



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Cannabis Cultivation Policy - Status

- October 17, 2017 - Cannabis Cultivation Policy and Cannabis General Order adopted by State Water Board
- November 2, 2017 - Cannabis Cultivation Policy submitted to Office of Administrative Law (OAL) for review and approval
 - December 19, 2017 - Review period is expected to conclude
- Goes into effect upon OAL approval

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Cannabis Cultivation Policy

- Cannabis Cultivation Policy:
 - Policy describes overall structure of Water Boards proposed cannabis cultivation regulatory program, water quality and instream flow requirements
 - Policy is categorically exempt from California Environmental Quality Act (CEQA), provided it does not relax standards
 - Class 8 action under CEQA – action taken by regulatory agency for protection of environment within regulatory process

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Cannabis Cultivation Policy (Principles and Guidelines for Cannabis Cultivation)

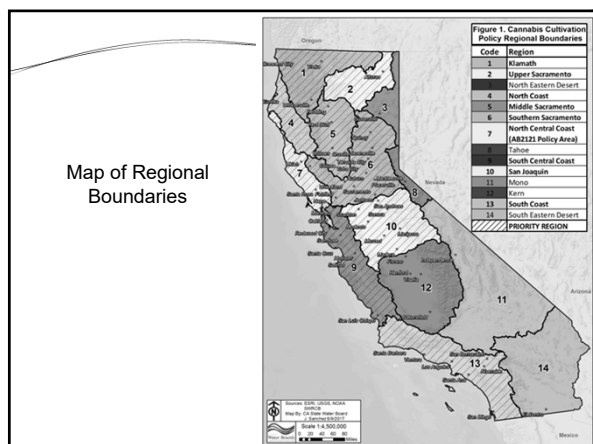
- Main Document
- Attachment A: Cannabis Cultivation Requirements
 - Section 1 – Definitions, General Requirements, and Prohibitions
 - Section 2 – Requirements for Water Diversion and Waste Discharge (10 subsections)
 - Section 3 – Numeric and Narrative Instream Flow Requirements
 - Section 4 - Watershed Compliance Gage Assignments
 - Section 5 – Planning and Reporting
 - Section 6 – Useful Guidance Documents

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Cannabis Cultivation Policy (Main Document)

- Provides overview of Water Boards' program and context for how it fits in with other cannabis regulatory programs
- Establishes 14 regions throughout state for instream flow requirements
- Continuing authority to amend Policy
- Describes how Policy will be enforced

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Attachment A

Definitions and Section 1. General Requirements & Prohibitions

Definitions, General Requirements & Prohibitions

- Definitions are considered a component of Requirements
- Rules and authorities applicable to all cultivators, including:
 - Right of access by agencies to inspect for compliance
 - Laws about tribal lands and cultural resources
 - General water quality rules such as riparian setbacks, limitations on slope of land being disturbed
 - Cannabis General Water Quality Certification

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Qualified Professional - Definition

- Qualified Professional means:
 - individuals licensed in California under Professional Engineer Act, Geologist and Geophysicist Act, and Professional Land Surveyors' Act
 - a California Registered Professional Forester (RPF), and
 - a Qualified Storm Water Pollution Prevention Plan (SWPPP) Developer (QSD)
- Licensed Contractor - In California, anyone who contracts to perform work that is valued at \$500 or more in combined labor and material costs must hold a current, valid license from California Contractors' State License Board; licensed contractors are classified as general engineering, general building, or specialty contractors
- Should only perform work they are qualified to do

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Land Disturbance Definition

- Land areas where natural conditions have been modified in a way that may result in an increase in turbidity in water discharged from the site
- Disturbed land includes areas where natural plant growth has been removed whether by physical, animal, or chemical means, or natural grade has been modified for any purpose
- Land disturbance includes all activities whatsoever associated with developing or modifying land for cannabis cultivation related activities or access
- Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located

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Watercourse Definitions (Class I, II, III, & IV)

- **Perennial watercourse (Class I*):**
 1. In the absence of diversions, water is flowing for more than nine months during a typical year,
 2. Fish always or seasonally present onsite or includes habitat to sustain fish migration and spawning, and/or
 3. Spring: an area where there is concentrated discharge of ground water that flows at the ground surface. A spring may flow any part of the year. For the purpose of this Policy, a spring does not have a defined bed and banks
- **Intermittent watercourse (Class II*):**
 1. In the absence of diversions, water is flowing for three to nine months during a typical year,
 2. Provides aquatic habitat for non-fish aquatic species,
 3. Fish always or seasonally present within 1,000 feet downstream, and/or
 4. Water is flowing less than three months during a typical year and the stream supports riparian vegetation.

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Watercourse Definitions Cont'd

- **Ephemeral watercourse (Class III*):**
 - In absence of diversion, water is flowing less than three months during a typical year and stream does not support riparian vegetation or aquatic life
 - Ephemeral watercourses typically have water flowing for a short duration after precipitation events or snowmelt and show evidence of being capable of sediment transport
 - **Other watercourses (Class IV*):**
 - Do not support native aquatic species and are man-made, provide established domestic, agricultural, hydroelectric supply, or other beneficial use
- * Except where more restrictive, stream class designations are equivalent to the Forest Practice Rules Water Course and Lake Protection Zone definitions (California Code of Regulations, title 14, Chapter 4. Forest Practice Rules, Subchapters 4, 5, and 6 Forest District Rules, Article 6 Water Course and Lake Protection)

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Minimum Riparian Setbacks

Common Name	Watercourse Class	Distance*
Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

* Cannabis cultivators enrolled in a Regional Water Board order adopting waste discharge requirements (WDRs) or a waiver of WDRs for cannabis cultivation activities prior to October 17, 2017, may retain reduced setbacks applicable under that Regional Water Board order unless Regional Water Board's Executive Officer determines that reduced setbacks applicable under that order are not protective of water quality

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Compliance with Other General Requirements

- Cannabis cultivator shall comply with all applicable federal, state, and local laws, including but not limited to:
 - Clean Water Act
 - California Water Code
 - All applicable state, city, county, or local regulations
 - California Department of Fish and Wildlife requirements (Lake and Streambed Alteration Agreement, etc.)
 - CAL FIRE requirements
 - CEQA and National Environmental Policy Act

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Slope Restrictions for Grading

- Cannabis cultivators located on slopes greater than 30% and less than 50% must submit a Site Erosion and Sediment Control Plan to Regional Water Board Executive Officer for any cannabis-related land development or alteration
 - Plan shall be approved by applicable Regional Water Board Executive Officer prior to cannabis cultivator initiating or expanding any land disturbance
 - Regional Water Board Executive Officer may deny request to conduct new land disturbance activities for cannabis cultivation if local conditions (e.g., soil type, site instability, proximity to a waterbody, etc.) do not allow for adequate erosion and sediment control measures to ensure discharges to waters of the state will not occur

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Tribal/Cultural Resource Requirements

- Cultivation prohibited on tribal lands or within 600 feet of tribal lands without express written permission of governing body of affected tribe
- No cultivation shall occur within 600 feet of an identified tribal cultural resource site
- Prior to land disturbance for new or expanded cannabis cultivation activities:
 - Perform records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center
 - Request search of Sacred Lands Inventory – maintained by Native American Heritage Commission
- Upon discovery of any buried archeological indicators or human remains, ground disturbing activities must cease and appropriate authorities notified

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Land Disturbance Forecast Monitoring

- During land disturbance activities cultivator shall review and evaluate applicable daily forecast and 24 hour forecast at least once per 24 hour period and maintain records
- Cultivator shall cease land disturbance activities and implement erosion control requirements described in Policy during any 24 hour period with daily forecast or 24 hour forecast that reports a 50 percent or greater chance of precipitation
 - For Lake Tahoe Hydrologic Unit, trigger is 30 percent or greater chance of precipitation greater than 0.1 inch per 24 hours

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General Water Quality Certification

- Water Boards may issue a water quality certification for a class or classes of activities that, as here, are the same or similar, or involve the same or similar types of discharges and possible adverse impacts to water quality if it determines that these activities are more appropriately regulated under the general certification rather than an individual certification
- Regional Board may include specific monitoring requirements for turbidity and other constituents that may be associated with activity to ensure applicable state water quality standards are met
- Projects that do not meet criteria for coverage under the General Water Quality Certification must apply for individual certification

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Section 2. Requirements Related to Water Diversion & Waste Discharge for Cannabis Cultivation

Cannabis Cultivation Policy

(Requirements for Water Diversion and Waste Discharge)
Specific requirements for cultivation activities, such as:

- General erosion control measures for entire cultivation site
- Stream crossings and installation, culverts, road development
- Management of fertilizers, pesticides, and petroleum
- Cleanup, restoration, and mitigation on existing sites
- Proper soil, cultivation, and human waste disposal
- Control of irrigation runoff
- Appropriate methods of water diversion and storage
 - Maximum diversion rate: 10 gallon per minute (unless otherwise approved in existing water right)
- Winterization

Attachment A, Section 2

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Land Development & Maintenance, Erosion Control, & Drainage Features

Limitations on Earthmoving
Construction Equipment Use and Limitations
Erosion Control
Access Road/Land Development and Drainage
Drainage Culverts

Limitations on Earthmoving

- Grading activities shall not be conducted on slopes exceeding 50 percent grade, or as restricted by local county or city permits, ordinances, whichever is more stringent
- Finished cut and fill slopes shall not exceed slopes of 50 percent and should conform to the natural pre-grade slope whenever possible
- Designs by qualified professionals



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Construction Equipment Use and Limitations

- Employ spill control and containment practices to prevent discharge of fuels, oils, solvents and other chemicals to soils and waters of the state
- Designate an area outside riparian setback for equipment storage, short-term maintenance, and refueling
- Frequently inspect equipment and vehicles for leaks



- Immediately clean up leaks, drips, and spills
- Make repairs and wash equipment off site

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Erosion Control



- Use appropriate erosion control measures to minimize erosion to prevent discharges of waste
- Design, work schedule, and implementation of cannabis cultivation activities shall incorporate erosion control
- Measures shall be effective in protecting water quality.
- Monitor erosion control measures during and after each storm event that produces at least 0.5 inch per day or 1.0 inch per 7 days of precipitation*

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Access Road/Land Development

- Obtain all required permits and approvals prior to construction of any access road
- Shall be constructed consistent with requirements of California Code of Regulations Title 14, Chapter 4. *The Handbook for Forest, Ranch, and Rural Roads* (Road Handbook) describes how to implement regulations
- Decommission or relocate existing roads away from riparian setbacks whenever possible
- Requires work to be performed by qualified professionals and licensed contractors, as applicable



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Drainage Culverts

- Designed to accommodate estimated 100-year flood flow, including debris and sediment loads
- Designed and sized by a qualified professional.
- Use 15- to 24-inch diameter pipes, at minimum; in forested areas with a potential for woody debris, a minimum 18-inch diameter pipe shall be used to reduce clogging

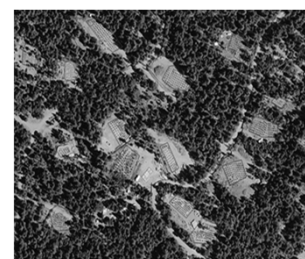


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Cleanup, Restoration, & Mitigation

Riparian Vegetation

- Avoid damage to native riparian vegetation
- Avoid damage to oak woodlands; cultivators shall plant three oak trees for every one oak tree damaged or removed
- Riparian trees over four inches diameter at breast height (dbh) shall be replaced by similar native species at a ratio of three to one (3:1)
- Revegetation plan requirements



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Stream Crossing Installation & Maintenance

Limitations on Work in Watercourses and Permanently Poned Areas

Temporary Watercourse Diversion and Dewatering: All Live Watercourses
Watercourse Crossings

Limitations on Work in Watercourses and Permanently Poned Areas

- Obtain all applicable permits and approvals prior to doing any work in or around waterbodies or within the riparian setbacks
 - Permits may include section 404/401 Clean Water Act permits, Regional Water Board WDRs (when applicable), and a California Department of Fish and Wildlife Lake and Streambed Alteration Agreement
- Additional requirements that minimize amount of work or disturbance instream or in riparian corridor
- Requirements related to use of heavy equipment in a watercourse

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Temporary Watercourse Diversion and Dewatering: All Live Watercourses (Flowing Water)

- Requirements covering diversion and dewatering of live watercourses
 - Intended to be in addition to or backstop to 404/401 Clean Water Act permits and Lake and Streambed Alteration Agreements
- General requirements for construction and removal of cofferdams and dewatering of streams
- Protections for fish and other aquatic wildlife

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Watercourse Crossings



- Designed by qualified professional
- Allow for unrestricted passage of water and shall be designed to accommodate estimated 100-year flood flow and associated debris
- Allow migration of aquatic life during all life stages supported or potentially supported by that stream

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Soil Disposal & Spoils Management

Soil Disposal & Spoils Management

- Store soil, construction, and waste materials outside riparian setback except as needed for immediate construction needs
- Separate large organic material (e.g., roots, woody debris, etc.) from soil materials
 - Either place large organic material in long-term, upland storage sites, or properly dispose of materials offsite
- Store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in stormwater

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Riparian & Wetland Protection & Management

Riparian & Wetland Protection & Management

- Do not disturb aquatic or riparian habitat unless authorized under a Clean Water Act 404/401, Regional Water Board WDRs (when applicable), or a California Department of Fish and Wildlife Lake and Streambed Alteration Agreement
- Maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to maximum extent possible



- In addition to required riparian setbacks

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Water Storage & Use

Water Supply, Diversion, and Storage
Water Conservation and Use
Irrigation Runoff

Water Supply, Diversion, and Storage

- Maximum instantaneous diversion rate of 10 gallons per minute
- Must have a California Department of Fish and Wildlife (CDFW)-approved water-intake screen (e.g. fish screen)
- Fuel powered diversion pumps shall be located outside riparian setbacks
- Must plug, block, disconnect, or remove diversion intake associated with cannabis cultivation activities during forbearance period



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Water Supply, Diversion, and Storage (cont.)

- Shall install and maintain measuring device(s) for surface water, including subterranean stream, diversions
 - Measuring device shall be, at a **minimum equivalent to requirements for direct diversions greater than 10 acre-feet per year** in CCR, Title 23, Division 3, Chapter 2.7
- Shall maintain daily diversion records for water diverted for cannabis cultivation
 - Must maintain separate record to document amount of water used for cannabis cultivation separated out from amount used for other beneficial uses
 - Must maintain records at cultivation site and make records available to State Water Board, CDFW, or authorized representative
 - Records shall be maintained for a minimum of five years
- Groundwater diversions may be subject to additional requirements if deemed necessary to implement purposes of Policy

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Water Supply, Diversion, and Storage (cont.)



- Onstream storage reservoirs are prohibited unless appropriate water right has been obtained
- Requires that off-stream storage reservoirs and ponds are sited and designed or approved by a qualified professional in compliance with Division of Safety of Dams (DSOD), county, and/or city requirements, as applicable
- Bladders are discouraged and must have secondary containment capable of capturing 110 percent of maximum capacity

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Water Conservation and Use

- Implement water conserving irrigation methods (e.g., drip or trickle irrigation, micro-spray, or hydroponics)
- Maintain daily records of all water used for irrigation of cannabis
 - Daily records may be calculated by use of a measuring device or, if known, by calculating the irrigation system rates and duration of time watered
 - Records shall be retained on site for a minimum of five years

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Irrigation Runoff

- Regularly inspect for leaks in:
 - water diversion
 - delivery system
 - irrigation system
 - **Must immediately make necessary repairs**
- Minimize irrigation deep percolation by applying irrigation water at agronomic rates
- Irrigation systems shall be designed to include redundancy and cannabis cultivators shall regularly replace worn, outdated, or inefficient irrigation system equipment

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Fertilizers, Pesticides, & Petroleum Products

Fertilizers, Pesticides, and Petroleum Products

- Use of agricultural chemicals inconsistent with product labeling, storage instructions, or Department of Pesticide Regulation requirements for pesticide applications is prohibited
- Requirements ensure proper use, storage, and handling of fertilizers, pesticides, and petroleum products
- Keep spill clean up materials on site
- Separate storage and secondary containment requirements



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Cultivation Related Waste

Cultivation Related Waste

- Cannabis plant material may be disposed of onsite in compliance with applicable CDFA license conditions
- Contain and regularly remove all debris and trash
- Dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations
- Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating surface with native plants (**Composting**)



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Refuse and Domestic Waste

Refuse and Domestic Waste

- Requirements related to disposal of trash and domestic waste at cultivation site
- Ensure that **ALL** trash or any substance which could be hazardous to any life stage of fish and wildlife or their habitat (includes food sources) does not contaminate soil or enter riparian setback or waters of the state



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Winterization

Winterization

- Complete all winterization Requirements prior to onset of winter period (If not, telephone region and submit site-specific compliance schedule)
- Winter period defined in definitions section as calendar dates from November 15 to April 1, except as noted under special County Rules in CCR, title 14, sections 925.1, 926.18, 927.1, and 965.5. Following special rules or basin plan requirements apply:
 - Santa Clara County, Santa Cruz County, and Monterey County: October 15 to April 15;
 - Marin County: October 1 to April 15; and
 - Lahontan Regional Water Board: October 15 to May 1 (for elevations above 6,000 feet).
- Regional Water Board may require additional site-specific erosion and sediment control requirements

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Section 3. Numeric and Narrative Instream Flow Requirement

Cannabis Cultivation Policy (Numeric and Narrative Instream Flow Requirements)



Narrative Instream Flow Requirement:

- 50% of streamflow shall be bypassed past point of diversion
- Surface water forbearance period: April 1 – October 31, possibly later depending on precipitation
 - Initial diversion before December 15 may not commence until after seven consecutive days with flow above numeric instream flow

Numeric Instream Flow

- Diversions can only occur when daily average flow at assigned gage is above minimum instream flow requirement
- Diversifiers shall measure and record daily water diversion and use

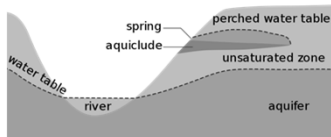
Attachment A, Section 3

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Cannabis Cultivation Policy (Numeric and Narrative Flow Requirements)

Groundwater Requirements:

- Aquatic base flow thresholds established as one mechanism to help monitor whether groundwater diversions are having a cumulative negative impact on instream flows
- If it is determined that groundwater diversions have potential to significantly affect surface water supply, forbearance periods or other measures may extend to groundwater diversions



Attachment A, Section 3

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Cannabis Cultivation Policy (Numeric and Narrative Flow Requirements)

Fully Contained Springs:

- Springs that do not run off a property in the absence of diversion and do not have surface or subsurface hydrologic connectivity at any time of year during all water year types may request to be exempt from numeric instream flow and forbearance period (requires substantial evidence)
- Requirements related to submittal of substantial evidence are in addition to any information provided in Form B4
- **Springs deemed exempt are subject to 50% visual bypass and Groundwater Requirements**



Attachment A, Section 3

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First Year – Flow Requirements for Installation of Storage

- Cannabis cultivators diverting under a valid water right or claim of water right and without storage:
 - First year of the Surface Water Dry Season Forbearance Period (April 1, 2018 through October 31, 2018) is waived; may only divert during this period in a manner consistent with their permit/license or claim of right
- All other applicable requirements of Policy shall remain in force
- Shall file for a Cannabis Small Irrigation Use Registration or submit an application for an appropriate water right permit to obtain storage sufficient to support cannabis cultivation during forbearance period prior to diverting water for cannabis cultivation during the 2018 forbearance period (April 1, 2018)
- As soon as possible after storage has been authorized, following conclusion of winter period and any necessary approvals, cannabis cultivators shall begin installing and diverting to off-stream storage to prepare for a potential curtailment during the dry season of 2018 (triggered by the Aquatic Base Flow Numeric Instream Flow Requirement)

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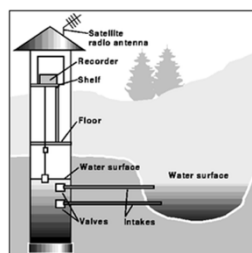
Retail Water Suppliers

- Flow requirements shall not apply to retail water suppliers (as defined in Section 13575 of Water Code) unless any of the following apply:
 - Retail water supplier has 10 or fewer customers and delivers water that is used for cannabis cultivation;
 - Retail water supplier delivers 10 percent or more of diverted water to one or more cannabis cultivator(s) or cannabis cultivation site(s), as established by an assessor's parcel number;
 - 25 percent or more of the water delivered by retail water supplier is used for cannabis cultivation; or
 - A cannabis cultivator and the retail water supplier are affiliates, as defined in California Code of Regulations, title 23, section 2814.20.

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Section 4. Watershed Compliance Gage Assignments

Cannabis Cultivation Policy (Watershed Compliance Gage Assignments)



- Policy establishes minimum monthly flows at compliance gages
- Watershed areas without existing gages are assigned a compliance gage for a different location in same watershed or a nearby watershed with similar flow characteristics
- During diversion season, cannabis cultivators are required to check their compliance gage assignment at least daily and prior to diverting water to ensure water is available to divert at assigned gage
- Compliance gage assignments may change as more information becomes available

Attachment A, Section 4

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Section 5. Planning and Reporting

Section 6. Useful Guidance Documents

Cannabis Cultivation Policy (Planning and Reporting)

Section 5

- Specifies plans and reports that are needed, such as:
 - Site management plan
 - Erosion and sediment control plan
 - Nitrogen management plan
 - Site closure plan
- More detail provided in Cannabis General Order

Section 6

- Useful Guidance Documents
- Links to helpful water quality facts and documents

Attachment A, Sections 5 and 6

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Questions?

Contact Information

- **Cannabis Policy Questions**
 - CannabisWR@waterboards.ca.gov
- **Cannabis Small Irrigation Use Registration Questions**
 - CannabisReg@waterboards.ca.gov
 - 916.319.9427
- **Cannabis General Order (WDRs/Waivers) Questions**
 - DWQ.Cannabis@waterboards.ca.gov
 - 916.341.5580

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Meeting Agenda

- Cannabis Cultivation Policy Overview: 10:00am – 12:00pm (noon)
- Lunch (on your own): 12:00pm (noon) – 1:00pm
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State Water Resources Control Board

General WDRs and Waiver of WDRs for Discharges of Waste Associated with Cannabis Cultivation Activities



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Waste Discharge Requirements (WDRs)

The State and Regional Water Boards identify sources of pollutants that threaten water quality and **regulate** those sources by imposing requirements to control the discharge of pollutants. The permits, called WDRs are based on the laws, regulations, and policies designed to protect water quality.

Cannabis General Order

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General WDRs

State Water Board or a Regional Water Board may prescribe general WDRs if determined that the discharges:

- 1) are produced by the same or similar operations
- 2) involve the same or similar types of waste
- 3) require the same or similar treatment
- 4) are more appropriately regulated under general WDRs than individual WDRs

Cannabis General Order

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Waiver of WDRs

- WDRs may be waived by State Water Board or a Regional Water Board as to a specific discharge or type of discharge if it's determined that the waiver is consistent with any applicable state or regional water quality control plan and is in the public interest
- A waiver may not exceed five years in duration, but may be renewed by State Water Board or a Regional Water Board

Cannabis General Order

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General Order

- Adopted by State Water Board on October 17, 2017
- Implements requirements of Cannabis Cultivation Policy
- Recognizes other permitting requirements may apply, but does not implement those requirements
- If applicable, requires water rights compliance, but a water right is not provided in General Order

Cannabis General Order

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General Order Approach

- Generally based on North Coast and Central Valley Regional Water Board orders (2015)
- General Order requirements are tiered based on threat to water quality
 - Disturbed area, slope, and setbacks
 - Conditional exemptions apply for some cultivation activities
- All cannabis related activities must comply with applicable Best Practicable Treatment or Control (BPTC) requirements in Attachment A

Cannabis General Order

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Disturbed Area

Disturbed Area/Disturbed Land/Land Disturbance

Where natural conditions have been modified in a way that may result in an increase in turbidity discharged from a site

- Disturbed area includes:
 - areas where natural plant growth has been removed, or natural grade has been modified for any purpose
 - all activities associated with developing or modifying land for cannabis cultivation related activities or access

Access roads that are designed, constructed, and maintained consistent with *Handbook for Forest, Ranch, and Rural Roads*, are not considered disturbed areas for purpose of tier determination

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General Order Discharger Classifications

Non-Commercial

- Personal use exemption
- Not required to enroll or pay a fee

Commercial

- Conditional Exemption (indoor & outdoor)
 - Requires coverage under Waiver of WDRs & pay a one time fee
- Tier 1 and Tier 2
 - Requires enrollment under General Order, pay enrolment fee, and annual fee thereafter

Cannabis General Order

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Personal Use Exemption

- Exempt from CDFA licensing requirements
- Max 1,000 ft² disturbed area on slope \leq 20%
- Contiguous cultivation area
- Complies with setback requirements
- Implements all applicable requirements in Attachment A
- Subject to applicable water rights requirements
- Coalitions or cooperatives cannot claim this exemption

Cannabis General Order

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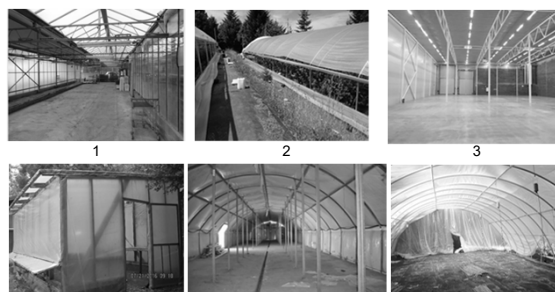
Conditional Exemption (indoor)

- Commercial cultivation – CDFA license required
- Indoor means within a structure with a permanent roof and relatively impermeable floor
- Discharge industrial wastewater to:
 - community sewer consistent with their requirements
 - on-site wastewater treatment system covered by separate regulatory authorization
- No cultivation size limits
- Implements all applicable requirements in Attachment A
- Subject to applicable water rights requirements

Cannabis General Order

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Conditional Exemption (indoor) continued



Cannabis General Order

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Conditional Exemption (outdoor)

- Commercial cultivation – CDFA license required
- Max 2,000 ft² disturbed area on slope \leq 20% slope
- Contiguous cultivation area (all in one place)
- Complies with setback requirements
- Implements all applicable requirements in Attachment A
- Subject to applicable water rights requirements

Cannabis General Order

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Tier 1 or Tier 2 Enrollees

- Commercial cultivation – CDFA license required
- Tier determination is based on disturbed area
 - Tier 1 disturbs more than 2,000 ft², less than 43,560 ft²
 - Tier 2 disturbs more than one acre
- Implements all applicable requirements in Attachment A
- Enrollment under the General Order is required
- Sites are further characterized by risk
 - Low, moderate, high
- Subject to applicable water rights requirements

Cannabis General Order

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Tier 1 & Tier 2 Risk Designations (Slope and Setback Compliance)

Low Risk	Moderate Risk	High Risk
No portion of the disturbed area is located on a slope greater than 30 percent	Any portion of the disturbed area is located on a slope greater than 30 percent,	Any portion of the disturbed area is located within the setback requirements
AND	AND	
All of the disturbed area complies with the setback requirements	All of the disturbed area complies with the setback requirements	

Cannabis General Order

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Reporting Requirements

Conditionally Exempt Dischargers

- Site Closure Report – due **90 days prior** to termination

Tier 1 and Tier 2 Dischargers

- Low Risk – Site Management Plan and Site Closure Plan
- Moderate Risk – **add** Site Erosion Sediment Control Plan (EO approval)
- High Risk – **add** Disturbed Area Stabilization Plan (EO approval)
- Large area cultivation sites – **add** Nitrogen Management Plan

Monitoring and Reporting Program (MRP)

Cannabis General Order

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Monitoring and Reporting

- Reports are necessary to ensure compliance with General Order
- MRP can be revised by Regional Water Board EO
- Reports due March 1
- Include:
 - Facility status
 - Site maintenance status
 - Stormwater runoff monitoring

Cannabis General Order

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Monitoring and Reporting (cont.)

Facility Status

- All Tier 1 and Tier 2 (report)

Winterization Measures Implemented
Tier Status Confirmation
Third Party Identification
Nitrogen Application, if applicable

Cannabis General Order

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Monitoring and Reporting (cont.)

Site Maintenance Status

- Tier 1 and Tier 2, Moderate or High Risk (observations)

Surface water runoff	Soil erosion control
Sediment capture	Erosion/Sediment capture maintenance
Stabilization of disturbed areas	Materials storage erosion/spills prevention
Holding tank, septic tank, or chemical toilet	

Cannabis General Order

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Monitoring and Reporting (cont.)

Stormwater Runoff Monitoring

- Tier 1 and Tier 2, High Risk (monitoring)

Turbidity	pH
-----------	----

- Instruments must be calibrated
- Representative samples of discharge
- Monitoring all months until winterization is complete

Cannabis General Order

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General Order Summary

- All commercial cannabis activities require coverage under the General Order Waiver or General Order
- Existing enrollees in the Region 1 and Region 5 orders:
 - Transition to the statewide General Order by **July 1, 2019**
 - Existing facilities can operate within existing setbacks (unless Regional Water Board Executive Officer determines not protective of water quality)
- Previously exempt commercial cultivators under Region 1 and Region 5 orders must apply for coverage
- All applications will be on-line via Internet
- Tier 1 and 2 cultivators have technical report requirements

Cannabis General Order

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Questions?



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California Water Rights and Small Irrigation Use Registrations

State Water Resources Control Board
Division of Water Rights

Outline

- Overview of California Water Rights
- State Water Board's role in water source documentation and water rights for cannabis cultivations
- Small Irrigation Use Registrations

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General Water Rights Principles

- All water belongs to people of the state
- Water rights are a right to the use of water
- Water use must be reasonable and beneficial

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Water Rights in California

- Riparian Water Rights
- Appropriative Water Rights (Post-1914)
 - Application
 - Permit
 - License
 - **Registration** (est. 1989)
 - Expedited water rights for certain small projects
 - **Small Domestic, Small Irrigation, and Livestock Stockpond**

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Riparian Water Rights

All owners of property adjacent to a stream have right to reasonable use of water from the stream

- Applies only to natural flow
- Exist through ownership of land abutting stream
- Can be put to any reasonable, beneficial use on riparian property
- Usually have priority over appropriative rights
- CANNOT store

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Appropriative Water Rights

Water Rights for diversion of water on parcels that do not abut a stream. Also, for **storage** of water on any parcel

- First in time, First in Right
- Limited to amount historically used (cannot be increased)
- Can lose the right due to non-use (more than 5 years)

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State Water Board

- Water Rights oversight includes:
 - Permitting & administration of **post-1914 water rights**
 - Reasonable use of all water rights, including pre-1914 and riparian
 - Protection of the public trust with regard to all rights, including pre-1914 and riparian

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Examples of Surface Water Requiring a Water Right

- River
- Stream
- Creek
- Gully (surface water channels)
- Pond
- Lake
- Reservoir
- Hydrologically Connected Subsurface Flow
- **Spring** located on the diverter's property that runs off the property at any time during the year

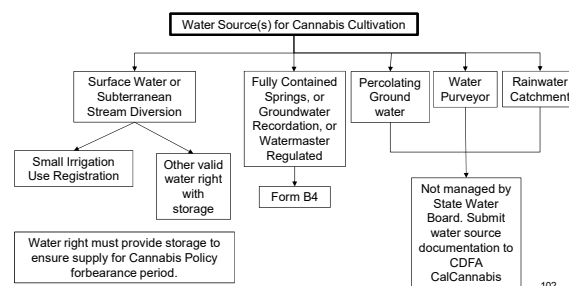
100

"Percolating" Groundwater

- All groundwater not part of a subterranean stream
- Regulated by Sustainable Groundwater Management Act (local agencies and state)
- Complex rules for use among neighbors

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Do I need a water right?



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Water Rights Forms for Cannabis Cultivators

The image displays four forms side-by-side. From left to right: Form B4, Form B5*, Initial Statement of Water Diversion and Use (ISDU) & Special Use Attachment*, and Small Irrigation Use Registration (SIUR). Each form is a detailed document with various sections for information entry.

*Forms "B5" and ISDU submitted to State Water Board by October 31, 2017 deadline may be provided to CDFA CalCannabis as interim water source documentation; you still must obtain an appropriate right (Small Irrigation Use Registration)

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Who needs a water right?

- Small **Domestic** Use Registration
 - For domestic water users
 - **6** cannabis plants or less
 - **More than 6** cannabis plants and **less than 100 square feet** cultivation
 - Cannabis General Order Personal Medical Use Exemption
- Small **Irrigation** Use Registration
 - **Commercial cannabis cultivator**
 - For sale, trade, or barter

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When do I apply for Small Irrigation Use Registration?

- ALL CASES – we recommend obtaining your SIUR as soon as possible
- If you have an existing water right and submitted your Initial Statement or Form b5 by October 31, 2017:
 - 2018 forbearance period is waived (with potential for curtailment*) if you obtain SIUR prior to diverting during the forbearance period (April 1 – October 31, 2018)
- If you currently have no water right:
 - Obtain SIUR prior to diverting during forbearance period

* See slide in Cannabis Policy presentation for more information

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Small Irrigation Use Registration (SIUR)

- Must comply with General Conditions, California Department of Fish and Wildlife (CDFW) Conditions, and Cannabis Policy
- Obtain SIUR certificate through State Water Board's online cannabis application portal
- Max Diversion Amount: Up to 6.6 Acre-Feet per Year (AFY)
- Max Diversion Rate: 10 Gallons per Minute (GPM)
- Allows water **diversion to storage** during wet season
 - November 1 through March 31 (see Cannabis Policy for limitations)
- Imposes **forbearance period** during dry season
 - April 1 through October 31, possibly longer depending on flows

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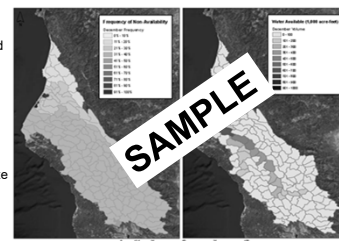
SIUR Limitations

- Will not be issued for diversions from:
 - Fully Appropriated Streams
 - Wild and Scenic Rivers
 - CDFW Instream Flow Study Area
 - Public Resource Code section 10002
- Must obtain Tribal approval if within 600 feet of Tribal lands

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Water Availability Analysis

- Statewide Predictive Model
 - Multiple methods based on cannabis cultivation regions
- Identify watersheds that may become Fully Appropriated
 - Cultivators would need to submit site-specific water availability analyses to demonstrate a reasonable likelihood that water is available for their use
- Northern CA Coastal Watersheds in development



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State Water Resources Control Board

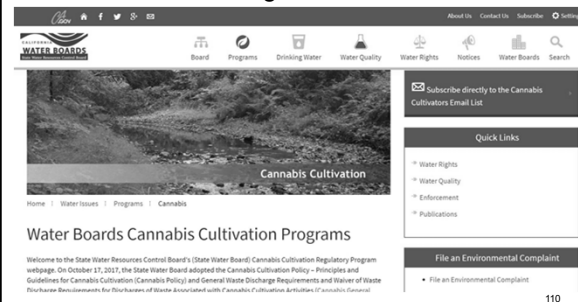
Cannabis Program - Online Portal Overview



109

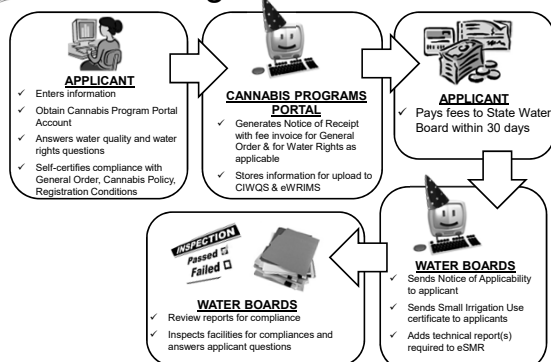
Water Boards Cannabis Website

www.waterboards.ca.gov/cannabis



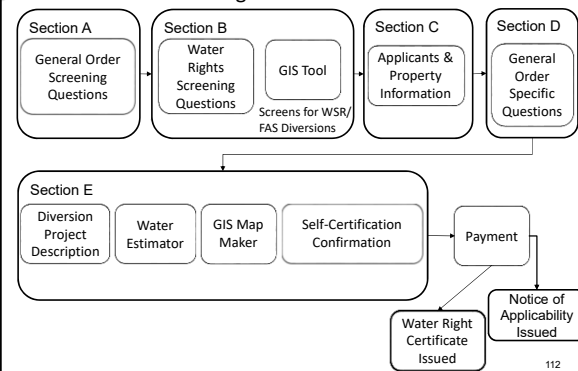
110

Cannabis Programs Portal Process



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Cannabis Program Portal Process Flow



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Section A Cannabis General Order Eligibility Screening Questions

Section A - Water Quality Eligibility

Applying for Coverage under the Cannabis General Order

Some Regional Water Quality Control Boards (Regional Water Boards) will be covering discharges of waste from cannabis cultivation activities under Irrigated Lands Regulatory Program (ILRP) water discharge requirements (WDRs). If you are or will be seeking coverage under ILRP WDRs or site-specific WDRs, contact the Regional Water Board for information on how to apply.

Do any of the following conditions apply to you?

- I am currently covered under General Order 95-2015-0023 or General Order 95-2015-0115 for my cannabis cultivation activities and I am not seeking coverage under the Cannabis General Order.
- I am seeking coverage under the Cannabis General Order for small irrigation use for Cannabis Cultivation. (If you are seeking coverage under the Cannabis General Order regardless of whether you are filing for a water right registration for Small Irrigation Use for Cannabis Cultivation, this condition does not apply to you.)
- I will be seeking coverage under ILRP WDRs or a site-specific WDR but would like to file for a water right registration for Small Irrigation Use for Cannabis Cultivation.

Yes No

File New

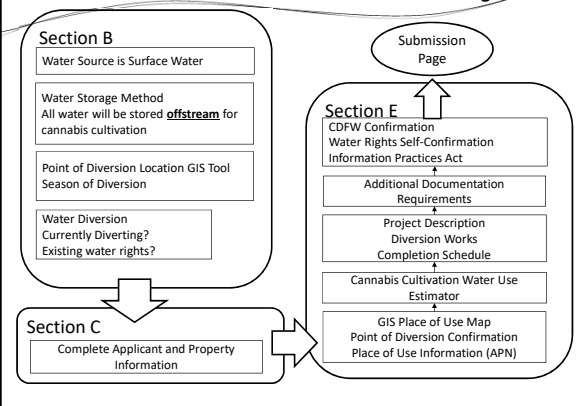
Email for help on this page

© 2017 - 8/19/2018

- Applying for Coverage under the Cannabis General Order
- Completely Indoor Cultivation
- Outdoor Cannabis Cultivation Activities
- Personal Use Exemption Compliance with Conditions

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Flow Chart - Surface Water Diversion – Off Stream Storage



Section B Water Source Surface Water & Storage Method

Water Source

1. For more information on subsurface streams, please visit http://www.waterboards.ca.gov/water_issues/programs/regs_attr/attr.htm.

2. The spring would flow off the property if it is not being diverted.

3. For Rainwater Catchment, water cannot be diverted before entering your pond.

Please check your water resources for your cannabis cultivation project.

Check all that apply: ☒ **Check all applicable water resources**

☐ Stream, creek, gully (surface water channels), pond, lake, reservoir, and subsurface streams

☐ Spring located on the diverter's property that runs off the property at any time during the year.

☐ Spring located on the diverter's property that does NOT run off the property at any time during the year. In the absence of any diversions.

☐ Groundwater well (not a subsurface stream, regardless of whether it is used for irrigation or not).

☐ Rainwater Catchment (does not include targeting of water).

☐ Water Purveyor (municipal, retail supplier, water right).

Water Storage Method

Will you be diverting water for cannabis cultivation from onstream storage? ☒

☐ Existing onstream storage with a permit, license, or registration obtained prior to October 17, 2017.

☐ Additional Proposed onstream storage for cannabis cultivation.

☐ Existing onstream storage (with a permit, license, or registration) and proposed onstream storage.

☒ All water will be stored offstream for cannabis cultivation.

Select storage method

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Section B Point of Diversion Location & Seasons of Diversion

Point of Diversion Location

The point of diversion is the point (or points) where water diverted under the permit is diverted from the source water to the point of diversion.

Click on the map button to select the location of your primary Point of Diversion. Add a marker on the map as close to the actual water source as possible. If you have multiple points of diversion, select the largest stream from which you will be diverting water (you will have a chance to mark additional points of diversion later). This step is important to determine whether your water source is eligible for the Small Irrigation Use Registration Program.

☒ Point of Diversion APN

☒ County

☒ Lat/Lng

Season of Diversion

Your diversion season begins on: 01/01/2018

Your diversion season ends on: 12/31/2018

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Section B Water Diversion Currently Diverting? Existing water rights?

Water Diversion

Are you currently diverting or have you previously diverted water (for any purpose) at the place of use?

☐ Yes

☒ No

Do you have an existing water right at the Place of Use where you are filing a Small Irrigation Use Registration?

☐ Yes

☒ No

File Initial Statement of Diversion and Use

☒ I acknowledge that I am on notice that receipt of a Statement of Water Diversion and Use and any potentially subject to monetary penalties, if I fail to file a Statement within 30 days, the monetary penalties may increase to \$500 per day after this 30-day notice.

Do you have another existing water right at the Place of Use where you are filing a Small Irrigation Use Registration?

☐ Yes

☒ No

Go to Section C – Applicant and Property Information

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Section C Complete Applicant and Property Information

Section C - Applicant and Property Information

Cannabis Cultivation Site and Contact Information

Provide information regarding your cannabis cultivation site and contact information. For Cannabis General Order coverage, if your site is located on more than one parcel and the parcels are not contiguous (next to each other), you must submit a separate application for each non-contiguous cultivation area. Refer to the Cannabis Policy for additional information.

Enter the legal name of the cannabis cultivation site (e.g., the name of the operation or the facility name, if any. If the site does not have a legal name, enter the name of the site as you would like it to be identified. The site name will be published on the public site of the State Water Board's database(s). We request that you use the following format: [Site Name] [City] [State] [Zip].

Site Name

Enter the physical address of the cultivation site (NO P.O. BOX NUMBERS) including the county.

Street Suite Street Direction Street Name

City State Zip

Enter information about the contact person for the cannabis cultivation site. First phone number and contact person information.

Contact Person First Name Contact Person Last Name

Contact Person Phone Number Extension Contact Person Email

Phone extensions should only include numbers (no leading 1).

1. Cannabis Cultivation Site and Contact Information
2. Cultivator/Diverter Information
3. Property Landowner Information (1)
4. Additional Property Landowner (1)
5. Address Where Legal Notice May Be Served
6. Billing Information
7. General Order Third-Party Representative/Agent
8. Water Rights Agent/Third-Party Representative

Section C Complete Applicant and Property Information

If applicants has identical information to the address and contact information provided on a previous page, you will be able to choose to auto fill from drop down list.

In the following pages you will have the ability to enter additional property landowner addresses and contact information, if applicable. After the property landowner address and contact information pages, you will be asked to provide the address and contact information where legal notice may be served. If the legal notice address and contact information is identical to the address and contact information provided on a previous page, or the address and contact information you will provide for one of the additional property landowners, please select the page name from the drop-down menu below. This will allow the system to copy the information so you do not need to re-enter it. Otherwise, select "Not the same."

Select:

Prev Next

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Section D Cannabis General Order Questions

Section D - Water Quality Questions

Site Coordinates

Use the map to select the geographic coordinates of the cultivation site for which you are applying for coverage under the Cannabis General Order. The coordinates shall be at the approximate center of the cultivation area. Click the "Map" button to open the map. The map will open in a new window and will include instructions for selecting a site location.

Cannabis Cultivation Site Map ☒

☒ County

☒ Lat/Lng

If this screen does not show any coordinates or you receive an error upon closing the map window, click "Map" again and then close the map window without making changes. If you are still having problems with the map, click on the "Email for help on this page" link at the bottom of this page to request assistance.

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Email for help on this page

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Section E Project Description Cont.

Reservoir Name	Approximate Capacity (acre-feet)	Construction Material	Vertical Height from Dam Toe to Spillway (ft)	Length of Dam (ft)	Vertical Distance from Spillway Crest to Dam Crest (ft)	Assessor's Parcel Number (APN)
Reservoir Information if Applicable						

*Capacity (in acre-feet) = 0.7 x (maximum depth of water in feet) x (surface area in acres when full), or other available survey information.

If you have more than 8 ponds or reservoirs, please download this spreadsheet, fill it out, and then upload it.

[Choose Files](#) | No file chosen

Upload

How large is the area (in acres) to be graded or excavated for candidate cultivation?

Describe how the project facilities (water diversion, storage, and irrigation) will be operated.

Mandatory Field

Describe complete, partially complete, or proposed features of the project.

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Section E Diversion Works & Completion Schedule

Section E - Water Rights Questions

How is water conveyed from the point of diversion to offstream storage (check all that apply)?

- ☐ PVC or HDPE Pipe
- ☐ Concrete Pipe
- ☐ Metal Pipe
- ☐ Concrete lined channel
- ☐ Rock lined channel
- ☐ Unlined Channel
- ☐ Other (describe):

Specify the method of diversion (gravity)-check

- ☐ Dam
- ☐ Pipe in unobstructed channel
- ☐ Pipe through dam
- ☐ Siphon
- ☐ Slog
- ☐ Gate
- ☐ Other (describe):

Specify the method of diversion (pumping)-check

- ☐ Pump
- ☐ Off-pipe float
- ☐ Channel
- ☐ Reservoir
- ☐ Other (describe):

What is the length (ft) of conduit from the point of diversion to offstream storage?

What is the diameter (inches) of the conveyance pipe?

What is the depth (ft) of the conveyance duct?

What is the width (ft) of the top of the duct?

What is the width (ft) of the bottom of the duct?

Completion Schedule

Indicate the completion status of your project:

- ☐ Complete
- ☐ Partially Complete
- ☐ Proposed

If your project is partially complete or proposed, provide the following:

Your work will start:

Your work will be completed:

Your water will be used to fill the reservoir capacity:

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Section E GIS Place of Use Map

Section E - Water Rights Questions

GIS Place of Use Map

This map is informational only—it is not a legal document and does not establish the place of use boundaries. Please indicate the location of each place of use, additional points of diversion, and storage facilities on the map using the tools provided.

Click icons to grab, and drop it on the map as accurate as possible

Count: 0

Map (last 10/28/17)

Map showing the location of the project area and the place of use map.

Section E Point of Diversion Confirmation

Section E - Water Rights Questions

Point of Diversion Confirmation

A. Indicate the name of your diversion works, for example, "Gate Pump," "Gate Dam," or "Point of Diversion."

B. Select the name of the water source for your project. If the source is unregulated, select "unregulated stream" or "unregulated spring."

C. Select the larger body of water (tributary) into which your water source flows. For example, the Middle River flows into or is a tributary to the San Joaquin River.

D. If the tributary is unregulated, then select the first named tributary into which the tributary of your water source flows. Otherwise, you may leave this field blank.

E. In a normal year, does the stream dry up at any point downstream from your project?

F. Provide the APN(s) which the PDC(s) is located.

G. Latitude will be automatically filled based on your input of PDC(s) on the GIS map in Section B.

H. Longitude will be automatically filled based on your input of PDC(s) on the GIS map in Section B.

PDC	Diversion Name	Stream	Tributary	Normal Tributary	Does the Stream Dry Up?	APN	Latitude	Longitude
A	B	C	D	E	F	G	H	I
1	"Select"	"Select"	"Select"	"Select"	dropdown	dropdown	38.0778	-122.50
2	"Select"	"Select"	"Select"	"Select"	dropdown	dropdown		
3	"Select"	"Select"	"Select"	"Select"	dropdown	dropdown		
4	"Select"	"Select"	"Select"	"Select"	dropdown	dropdown		
5	"Select"	"Select"	"Select"	"Select"	dropdown	dropdown		

Mandatory Field

Automatically Fills according to Mapped coordinates in the previous page.

If you have more than 8 PDCs, please download this spreadsheet, fill it out, and then upload it.

[Choose Files](#) | No file chosen

Attach photographs of points of diversion and water source (both upstream and downstream of the PDC(s)).

[Choose Files](#) | No file chosen

Upload

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Section E Place of Use Information

Section E - Water Rights Questions

Place of Use Information 1

For each separate parcel involved with a single Assessor's Parcel Number (APN), identify if you own the parcel, list the parcel acreage, cultivated acreage, number of points per acre, and average irrigated per parcel, identify reservoirs, the other areas of use of water to each parcel, including residential or irrigation of non-candidate crops.

Do you own this APN? ☐ Yes ☐ No

APN:

Cultivated Acreage:

Non-Candidate Irrigation Acreage:

If you have an interest in requests that use the **Diversion Calculator** to convert requests that to acreage?

If you are also allowing water for an incidental purpose of use(s), please specify by selecting one or more of the checkboxes below:

- ☐ Residential
- ☐ Non-residential
- ☐ Fish and Wildlife Preservation and Enhancement

If you are not the owner of the property, list the owner of each APN, as shown on current County Assessor's Records with that owner's address.

CA County:

"Pick Own"

Property Owner First Name: Property Owner Last Name: County: Foreign Postal Code:

Street: Street Number: Street Direction: Street Name:

City: State: State Phone: State:

City: State: State Phone: State:

Does the place of use consist of any other APN? ☐ Yes ☐ No

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Section E California Department of Fish & Wildlife Confirmation

Section E - Water Rights Questions

California Department of Fish & Wildlife Confirmation

Use the following navigation buttons to return to the previous sections:

[Introduction](#) [Section A - Candidate General Order Eligibility Questions](#) [Section E - Water Rights Eligibility Questions](#)

[Section C - Candidate Cultivation Site Information](#) [Section E - Water Use Estimator](#)

The California Department of Fish and Wildlife may either add to your water right registration (1) conditions under which you may divert water or (2) clearance indicating that they have had an opportunity to review the proposed project and have determined that additional conditions are not required.

The Division of Water Rights will notify CDFW on your behalf to obtain conditions, which may be added to your water right registration after issuance. Alternatively, you may choose to contact the California Department of Fish and Wildlife (CDFW) representative prior to that time of your final registration. The CDFW representative will collect information about your diversion and provide any conditions to you in writing.

Review the following conditions and check the checkboxes to confirm that you agree to the statements:

OPTION 1 - DIVERTER AGREES TO ALLOW STATE WATERBOARD TO CONTACT CDFW TO OBTAIN CONDITIONS

- ☐ I agree to allow the State Water Board to contact CDFW on my behalf.

OPTION 2 - DIVERTER CHOOSES TO OBTAIN CONDITIONS FROM CDFW PRIOR TO FILING REGISTRATION

- ☐ I (we) have contacted the CDFW representative for the region in which my (our) project is located.
- ☐ I (we) have furnished a copy of this registration form to said representative.

CDFW ACKNOWLEDGEMENT

- ☐ I (we) will comply with all state rules and conditions, including terms and conditions identified in the General Conditions and as required by the CDFW.

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Section E Water Rights Self-Confirmation

Section F - Water Rights Self-Certification

Use the following navigation buttons to return to the previous sections:

Introduction Section A - Cannabis General Order Eligibility Questions Section B - Water Rights Eligibility Questions

Section C - Cannabis Cultivation Site Information Section E - Water Use Estimator

Thank you for completing sections this portal. Please review the following Water Rights Self-Certification statements and check the checkboxes next to them to certify that you will comply with your water right registration and the Principles and Guidelines of Cannabis Cultivation Policy.

☐ I certify that my cannabis cultivation is for commercial purposes and my use of water is less than 42,000 gallons per day, less than 20 acre-feet of storage, and less than 20 acre-feet total diversion in any one year.

☐ I understand that this registration may not be modified to add or alter an existing permit.

☐ I understand that this form and general conditions authorized by any registration issued only covers diversion to offstream storage. Once issued, this registration may not be modified to add or alter an existing permit.

☐ I understand that if I file this registration for cannabis, and at a site that include cannabis either was not grown or ceased to be grown, the public trust constituting on the registration for cannabis remains applicable.

☐ I acknowledge that the State Water Resources Control Board has the continuing authority to modify these terms and conditions.

☐ I understand that the Division of Water Rights will, on my behalf, provide the information set forth in this registration from the California Department of Fish and Wildlife for the region in which my project is located.

☐ I agree to allow representatives of the State Water Board to access the property defined on this form to confirm my overall compliance with the law and conditions attached herein.

☐ I understand that my certificate will be subject to revocation if I fail to comply with all conditions, fail to divert and use water, fail to renew my certificate, or if I have been found to make a false statement, or knowingly concealed a material fact when completing this form.

☐ I declare under penalty of perjury that the information provided on this form and attachments is true and correct to the best of my knowledge and belief.

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Section E Information Practices Act

Section F - Information Practices Act

NOTICE PURSUANT TO INFORMATION PRACTICES ACT OF 1977 (CIV. CODE, § 1796.17) The State Water Resources Control Board is requesting personal identifying information about the diverter/discharger and the person filing for this Small Irrigation Use Registration (SIUR) and coverage under the statewide General Waste Discharge Requirements for Discharge of Waste Associated with Cannabis Cultivation Activities (General Order). The agency officer responsible for this system of records are Robert Connerley, Senior Engineer, whose business address is 1001 I Street, 14th Floor, Sacramento, CA 95814 and whose business telephone is (916) 341-6300, and Timothy O'Brien, Senior Engineering Geologist, whose business address is 1001 I Street, 14th Floor, Sacramento, CA 95814 and whose business telephone is (916) 341-6304. Upon request, the agency officer(s) shall inform an individual regarding the location of his or her records and the categories of any persons who use the information in these records.

The State Water Resources Control Board is empowered to require the submission of personal identifying information by California water code sections 13228 and 13260. The submission of the name and address of the diverter/discharger and person filing for SIUR and General Order coverage is mandatory. The submission of the phone number and e-mail address of the diverter/discharger and person filing for SIUR and General Order coverage is voluntary. Failure to provide the mandatory information can result in the imposition of administrative civil liability in the amount of \$500 and an additional \$250 per day for each additional day on which the violation continues if the person fails to cure the violation within 30 days after the State Water Resources Control Board has called the violation to the attention of the person.

This personal identifying information is collected to facilitate better water management and waste discharge management by the State Water Resources Control Board. The State Water Resources Control Board will not automatically post personal identifying information to public databases. However, the State Water Resources Control Board may be legally required to disclose personal identifying information under any of the circumstances described in Civil Code, section 1798.24. Such circumstances may include, but are not limited to, responding to a request pursuant to the California Public Records Act or responding to a subpoena from a federal agency.

☐ I acknowledge and accept these conditions.

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Submission Page

SUBMISSION PAGE

You have provided the information needed to complete this application. After you click on "Submit" you will see a summary of the information you have provided and will have the ability to save a pdf copy of your information.

The next step for completing your application is to pay any fees associated with this application and submit authorization from a Native American tribe (if needed).

Cannabis General Order Applicants: should you have any fees due, you will be notified in the Notice of Receipt for Cannabis General Order, which you can access upon submittal. To access your Notice of Receipt for the Cannabis General Order, click on "Notice of Receipt for Cannabis General Order as PDF" on the next page. The Notice of Receipt for Cannabis General Order includes instructions for determining the fee amount due, as well as instructions on how and where to pay the fee.

Water Rights Applicants: should you have any fees due, you will be notified in the Notice of Receipt, which you can access upon submittal and will receive via email. To access your Notice of Receipt and Invoice for Cannabis Small Irrigation Use Registration, click on "Notice of Receipt and Invoice for Cannabis Small Irrigation Use Registration as PDF" on the next page. The Notice of Receipt includes fee amount due as well as instructions on how and where to pay the fee.

You can view a summary of your application before submitting by clicking on the "Preview" button. The summary will open in a new tab. To return to this screen, simply close the tab with the application summary. If you need to make changes to your application, you may use the navigation buttons at the top of this page, or the "Prev" button below to navigate to previous pages. If you are not able to visit your application after you submit:

Prev Submit

Click to Preview Application

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Notice of Receipt – General Order

NOTICE OF RECEIPT

STATE WATER RESOURCES CONTROL BOARD ORDER NO. 0017-0001-0002

GENERAL WASTE DISCHARGE REQUIREMENTS AND NUMBER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES

For your application produced an error. Please contact the State Water Board at (916) 341-6300 or at SWRCB@waterboards.ca.gov for assistance.

CDDA License

For discharge seeking a cultivation license from CDDA, this Notice of Receipt is sufficient. Upon payment of your application fee use Fee Payment section as a source of further information and information of needed for Native American. This authorization section includes you will receive a separate notice to be used for entering a CDDA license.

Fee Payment

For your application produced an error. Please contact the State Water Board at (916) 341-6300 or at SWRCB@waterboards.ca.gov for assistance.

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Notice of Receipt – Small Irrigation Use Registration

REGISTRATION FILING FEE PAYMENT OPTIONS

The application registration filing fee can be paid with electronic fund transfers, checks, money orders, or cashier's checks.

ELECTRONIC PAYMENT/AUTOMATIC CLEARINGHOUSE (ACH)

If you are making electronically, include your registration number when submitting your payment. Visit the SWRCB Make A Payment web page. Send to the bottom of the page and enter your application number.

CASH AND CREDIT CARDS

Cash and credit cards are NOT accepted forms of payment for your Cannabis Small Irrigation Use Registration at this time.

CHECK, MONEY ORDER, AND CASHIER'S CHECK

Please mail a check, money order, or cashier's check for the \$750 filing fee payable to the State Water Resources Control Board. Include the perforated portion of notice of the Receipt and Invoice when you submit your payment. Make sure your check, money order, or cashier's check includes your application number 040102708, registration number 040102708, name, and address. Along with your check, please include the perforated portion of the page and mail to:

State Water Resources Control Board
Division of Water Rights
Cannabis Registration Unit
P.O. Box 20202
Sacramento, CA 95812

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Fees

- A separate fee is required for Cannabis General Order (WDR/Waiver/Conditionally Exempt) and Small Irrigation Use Registrations (SIURs)
- Payment must be received by State Water Board within 30 days of issuance of Notice of Receipt(s) – submittal of application(s) via online cannabis portal
 - Issuance of WDR/Waiver WDR notice of applicability and SIUR certificate is contingent on receipt of fee payment and annual payments
- Make sure all mailed fee payments include Notice of Receipt pay stub and write the invoice number on the payment

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Fee Payment Options

- Initial fee payments are currently accepted by:
 - Cashier's check or money order
 - Check
 - Online ACH payment via checking or savings account
- State Water Board is evaluating fee payment options via:
 - Cash
 - Credit Cards

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Current WDR/Waiver/Conditionally Exempt Fees

- Application and annual fees are same; both paid to State Water Board
- Tier 1 – Dischargers with disturbed area greater than 2,000 square feet and less than one acre
 - Low Risk: \$600
 - Moderate Risk: \$1,800
 - High Risk: \$4,800
- Tier 2 – Dischargers with disturbed area equal to or greater than one acre
 - Low Risk: \$1,000
 - Moderate Risk: \$3,000
 - High Risk: \$8,000
- Waiver of WDR – indoor or conditionally exempt sites
 - \$600 (paid each time an application for coverage is submitted, initial coverage and annual renewals)

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Current Cannabis SIUR and Statement Fees

- SIUR Application (Filing) Fee: \$750
 - Covers first year
 - Paid to State Water Board
- SIUR Annual Fee: \$750
 - Billed by and paid to California Department of Tax and Fee Administration
- Cannabis Statement (including supplemental Statements): \$200

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Current (Fiscal Year 17-18) Fee Webpages

- Water Quality:
 - https://www.waterboards.ca.gov/resources/fees/docs/fy1718_fee_schedule.pdf
 - Page 13, Item (b) – Statewide General WDR for Discharges of Waste Associated with Cannabis Cultivation
- Water Rights:
 - https://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/docs/fy1718_finalfeeschedulesummary.pdf
 - Small Irrigation Use Registration for Cannabis
 - Cannabis Statement Filing Fee

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Fee Branch Contact Info

- General questions or if you would like information regarding stakeholder outreach (please include your contact information) can be sent to the following email address: cannabisfees@waterboards.ca.gov
- Sign up to receive email updates regarding fees: https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html
 - For Water Quality - Check the box next to "Fee Regulations - Water Quality" under "General Interests"
 - For Water Rights – Check the box next to "Water Rights Fees" under "Water Rights"

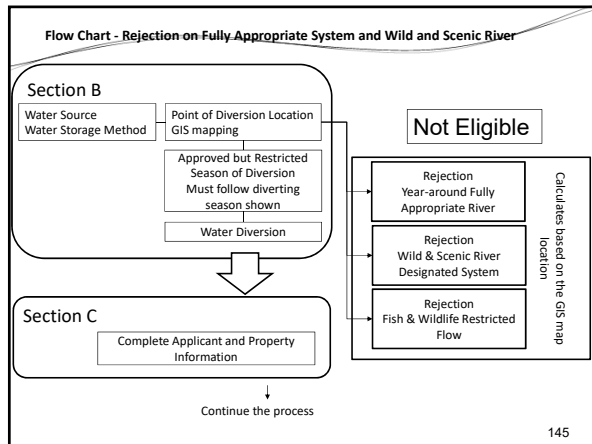
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Water Right Certificate issued

Certificate

GIS Map

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Section B Approved but Restricted Season of Diversion
Must follow diverting season shown

Not Eligible Screens

Checklist for Completing Application

- Reliable high speed internet connection
- Contact information for cultivators, diverters, property/landowners, and agents;

Water Rights Items

- All existing water right numbers (Small Domestic Registration, Initial Statement, Permit, License, etc.) or other water right information;
- Point of Diversion (POD) and Water source information (Name, Location, stream characteristics, etc.);
- Place of Use (POU) information (APN, parcel acreage, cultivation acreage, non-cannabis irrigation acreage, number of plants);
- Diversion Works information (method and conveyance specifics);
- Information on water use for cannabis plants (gallons or acre feet), the planned number of irrigation days, and irrigation rate;
- Planned water use amounts for any incidental uses (aesthetic, fire protection, recreational, or fish and wildlife) in gallons per year and a justification for the amount;
- Offstream storage information such as number of existing tanks/bladders, number of proposed tanks/bladders, existing capacity, and proposed capacity;
- Project description (area to be graded, diversion operation, and complete or proposed project features);
- Project Completion Schedule

Cannabis General Order Items

- Waste Discharge Identification Number (WDID) if currently enrolled in General Waiver R1-2015-0023 or General Order R5-2015-0113;
- Size of cultivation area and disturbed area (in square feet);
- Site information, including slope of disturbed area and setback distances;
- Native American tribe authorization if your cannabis cultivation site is or will be on or within 600 feet of tribal lands.

Contact Information

- Cannabis Policy Questions**
 - CannabisWR@waterboards.ca.gov
- Cannabis Small Irrigation Use Registration Questions**
 - CannabisReg@waterboards.ca.gov
 - 916.319.9427
- Cannabis General Order (WDRs/Waiver) Questions**
 - DWQ.Cannabis@waterboards.ca.gov
 - 916.341.5580

Begin the Journey...