

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 2925

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11353

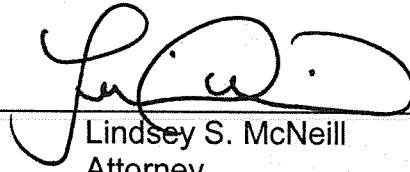
OAL Matter Number: 2019-0304-01

OAL Matter Type: Regular (S)

On February 5, 2019, the State Water Resources Control Board adopted Resolution No. 2019-0007 amending the Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation in accordance with California Water Code section 13149.

OAL approves this regulatory action pursuant to section 11353 of the Government Code.

Date: April 16, 2019



Lindsey S. McNeill
Attorney

Original: Eileen Sobeck, Executive
Director

Copy: Daniel Schultz

NOTICE PUBLICATION REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0304-015	EMERGENCY NUMBER
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

APR 16 2019

3:14 PM

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2019 MAR -4 P 1: 36
OFFICE OF ADMINISTRATIVE LAW

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
State Water Resources Control Board

AGENCY FILE NUMBER (if any)
Resolution 2019-0007

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Cannabis Cultivation Policy - Principles and Guidelines for Cannabis	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2017-1102-015
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LM per agency request 4/16/19

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND
TITLE(S)	REPEAL
23	Division 3, Chapter 22, Section 2925

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Government Code § 11353	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) Upon OAL Approval (Gov't Code § 11353)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Daniel Schultz	TELEPHONE NUMBER (916) 323-9392	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) daniel.schultz@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 3/1/2019
PRINTED NAME AND TITLE OF SIGNATORY Eric Oppenheimer, Chief Deputy Director	

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ENDORSED APPROVED

APR 16 2019

Office of Administrative Law

**CONCISE SUMMARY OF REGULATORY PROVISIONS
FOR THE CANNABIS CULTIVATION POLICY – PRINCIPLES AND GUIDELINES
FOR CANNABIS CULTIVATION**

California Code of Regulations

Title 23. Waters

Division 3. State Water Resources Control Board and Regional Water Quality Control Boards

Chapter 22. State Policy for Water Quality Control

§2925. Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation

On October 17, 2017, the State Water Resources Control Board adopted Resolution No. 2017- 0063, adopting the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* (Cannabis ~~Cultivation~~-Policy) ~~in accordance with California Water Code section 13149.~~

The Cannabis ~~Cultivation~~-Policy establishes principles and guidelines (requirements) for cannabis cultivation activities to protect water quality and instream flows. The purpose of the Cannabis ~~Cultivation~~-Policy is to ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. The Cannabis ~~Cultivation~~-Policy applies to the following cannabis cultivation activities throughout California:

- Commercial Recreational
- Commercial Medical
- Personal Use Medical

The Cannabis ~~Cultivation~~-Policy does not apply to recreational cannabis cultivation for personal use, which is limited to six plants under the Adult Use of Marijuana Act (Proposition 64, approved by voters in November 2016)¹.

On February 5, 2019, the State Water Resources Control Board adopted Resolution No. 2019-0007, adopting updates to the Cannabis Policy. The updates were focused on requirements related to tribal buffers, indoor cultivation sites, onstream reservoirs, and winterization requirements. The Cannabis Policy and all updates to the Cannabis Policy were adopted in accordance with California Water Code section 13149.

¹ Recreational cannabis cultivation for personal use as defined in Health and Safety Code section 11362.1(a)(3) and section 11362.2.