



EXECUTIVE OFFICER’S REPORT
September 1, 2023 – September 30, 2023

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1. Personnel Report – Sandra Lopez

Promotions

- Katrina Fleshman, Associate Governmental Program Analyst. This position oversees board agenda processes, including coordinating and tracking project schedules for agenda items, leading the agenda production team, and managing board-related webpages; tracks the region’s performance targets; maintains region-wide procedures related to the Executive Office; assists with document accessibility projects; and provides administrative support to the Board, Executive Officer, and Assistant Executive Officer.

New Hires – none

Vacancies

- Engineering Geologist, Land Disposal Unit, Victorville. This position will oversee waste discharges to land and site investigation/cleanup at various types of regulated and unregulated facilities including landfills, mines, composting facilities, cement plants, and site clean-up sites.
- Engineering Geologist, Department of Defense Unit, Victorville. This position will oversee site investigations and cleanups at Department of Defense sites in the South Lahontan area and respond to spills and complaints, as necessary.
- Senior Water Resource Control Engineer (Supervisor), South Lake Tahoe. This position will oversee the Regulatory and Enforcement unit. The unit is

responsible for implementing the Water Board's regulatory and compliance programs within the North Lahontan Region and, under certain circumstances, throughout the Lahontan Region (e.g., National Pollutant Discharge Elimination System (NPDES) Program for Fish Hatcheries, Aquatic Pesticides application).

2. Cal Poly Pomona Korean American Scientists and Engineers Associations (KSEA) Presentation – John Yu

On September 26, 2023, Lahontan Water Board staff, John Yu, had the privilege of representing the Lahontan Water Board as a guest speaker for KSEA at the Cal Poly Pomona (CPP) campus. The association was established in 1971, and part of their mission is to guide collegians in developing their full career potential in the fields of science and engineering. John Yu accepted the invitation to speak at their campus because it allowed him to exercise one of the core principles of the State Water Board in providing education and outreach.



Figure 2.1: CPP KSEA Flyer

Initially, they were expecting less than 15 students to attend but the classroom ended up being full and there were close to 30 students in attendance. John quickly realized there was a need for more public outreach when, at the beginning of John presentation, he asked whether anyone had heard of the State Water Board. To John's surprise, none of the students raised their hands.

John first discussed the Water Board's mission statement and our role as a state regulatory agency in protecting water quality. Then John talked about his job responsibilities as a Water Resource Control Engineer broken down into three categories: Field, Compliance, and Enforcement. John shared his experiences in inspections, spill response, and water quality sampling. He also discussed how we are responsible for maintaining compliance by administering waste discharge requirements

and regularly reviewing monitoring reports. As for enforcement, John showed an example of a Notice of Violation and the civil liabilities we are allowed to enforce under the Water Code.

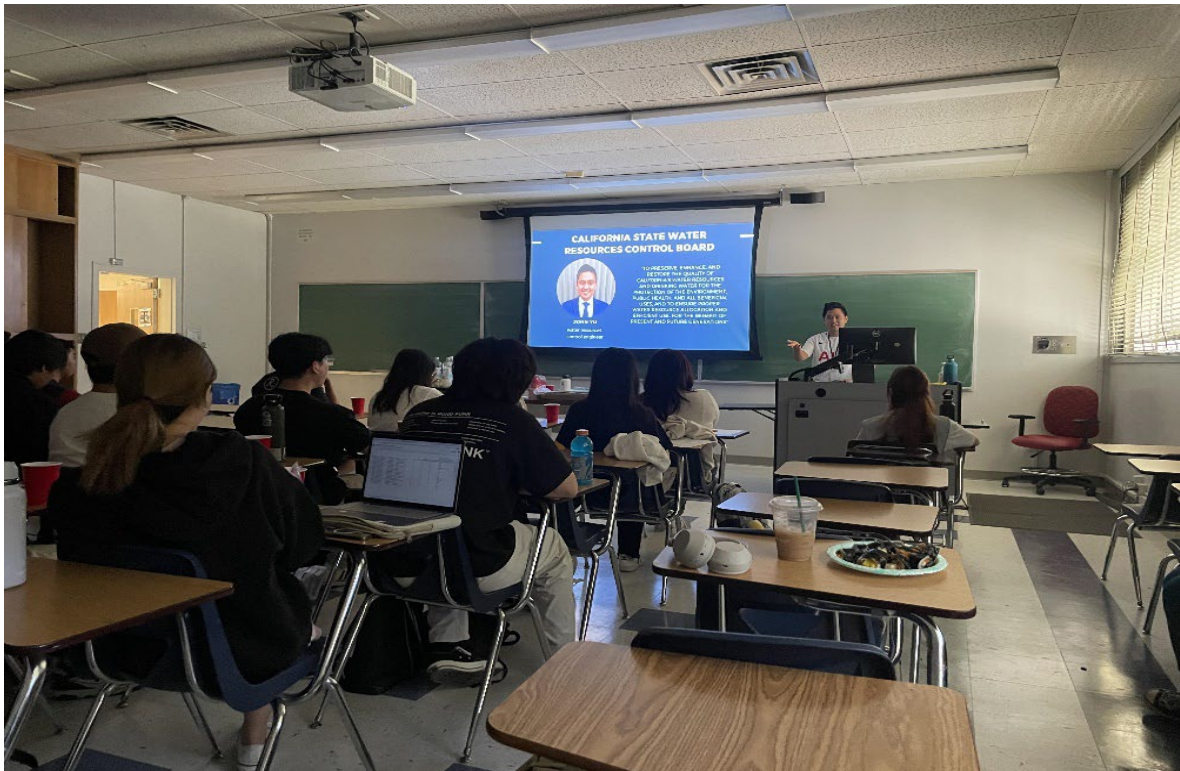


Figure 2.2: CPP KSEA Presentation

At the end of his presentation, John provided guidance on how to navigate the CalCareer Job Portal. Many of the students did not know that this job search engine existed. John shared examples of some of the typical positions at the Water Board while focusing on the Scientific Aid position, which is an excellent opportunity for students. John Yu encouraged everyone to explore the portal to see if there are any career opportunities.

3. Standing Item – Eastern California Cannabis Unit Report – Kathleen Bindl

This report provides an annual update on the Eastern California Cannabis Regulatory Unit (Cannabis Unit) in the Lahontan Region (Region 6) and the Colorado River Basin (Region 7). The Cannabis Unit staff are responsible for regulating indoor and outdoor cannabis cultivation in Regions 6 and 7 in accordance with the State Water Board’s Cannabis General Order. The Cannabis General Order provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for cannabis cultivation activities that pose a low threat to water quality. In addition, the Cannabis Unit staff are responsible for implementing progressive enforcement strategies at permitted facilities with observed Cannabis General Order violations and at unpermitted sites.

Staffing

The Cannabis Unit filled a Water Resource Control Engineer position based out of the Victorville office. Jairo Luque began on April 10, 2023, bringing the overall staffing of the unit to three positions.

Unpermitted Cultivation

The Cannabis Unit continues to focus on the issue of unpermitted cannabis cultivation, as directed by State Board, due to the threat to water quality. An important part of this focus has been establishing and strengthening relationships with other agencies working on unpermitted cultivation. This includes county sheriff's departments, California Department of Fish and Wildlife (CDFW), county code enforcement, and the county district attorney's office among others.

Staff have been assisting the San Bernardino County district attorney's office to support their criminal cases by identifying violations of Water Code sections 13260 and 13264. Staff review law enforcement reports and photos to determine whether a Water Code violation occurred at an unpermitted cannabis site. If a water code violation is supported, a felony enhancement can be charged against the suspect. A felony could deter offenders from cultivating illegally again, which is a common occurrence. Staff have reviewed 42 reports. Staff have also been requested to provide expert testimony for three San Bernardino County cases over the last year which were settled out of court. Additional staff time may be required to respond to similar requests by other county district attorney's offices in Regions 6 and 7.

Staff have been focusing on identified priority watersheds in the southern portion of Region 6, including Antelope Valley and Mojave Watersheds. Figure 3.1 shows the general location of approximately 2,200 known unpermitted cannabis cultivation sites in southern portion of Region 6 and northern portion of Region 7 identified since the Cannabis Unit was developed in 2018. The locations shown as blue points on the map represent sites identified since January 1, 2023, approximately 330 sites. This information has been compiled from law enforcement agencies, CDFW, and citizen complaints.

Since January 1, 2023, staff have conducted 11 inspections at unpermitted cultivation sites in Antelope Valley (9), Lucerne Valley (1), and Brawley (1). As part of the enforcement strategy, all landowners were issued a Notice of Violation identifying water quality violations observed for cultivating cannabis without a permit. The Notice of Violation requires the landowner to cease cultivation activities and clean up any waste associated with the cultivation activities. Staff have received responses from five (5) of the 11 sites and are actively working with the landowners to confirm cleanup activities are completed. If cleanup activities are not completed at a site, then the site will be reassessed, and progressive enforcement may occur.

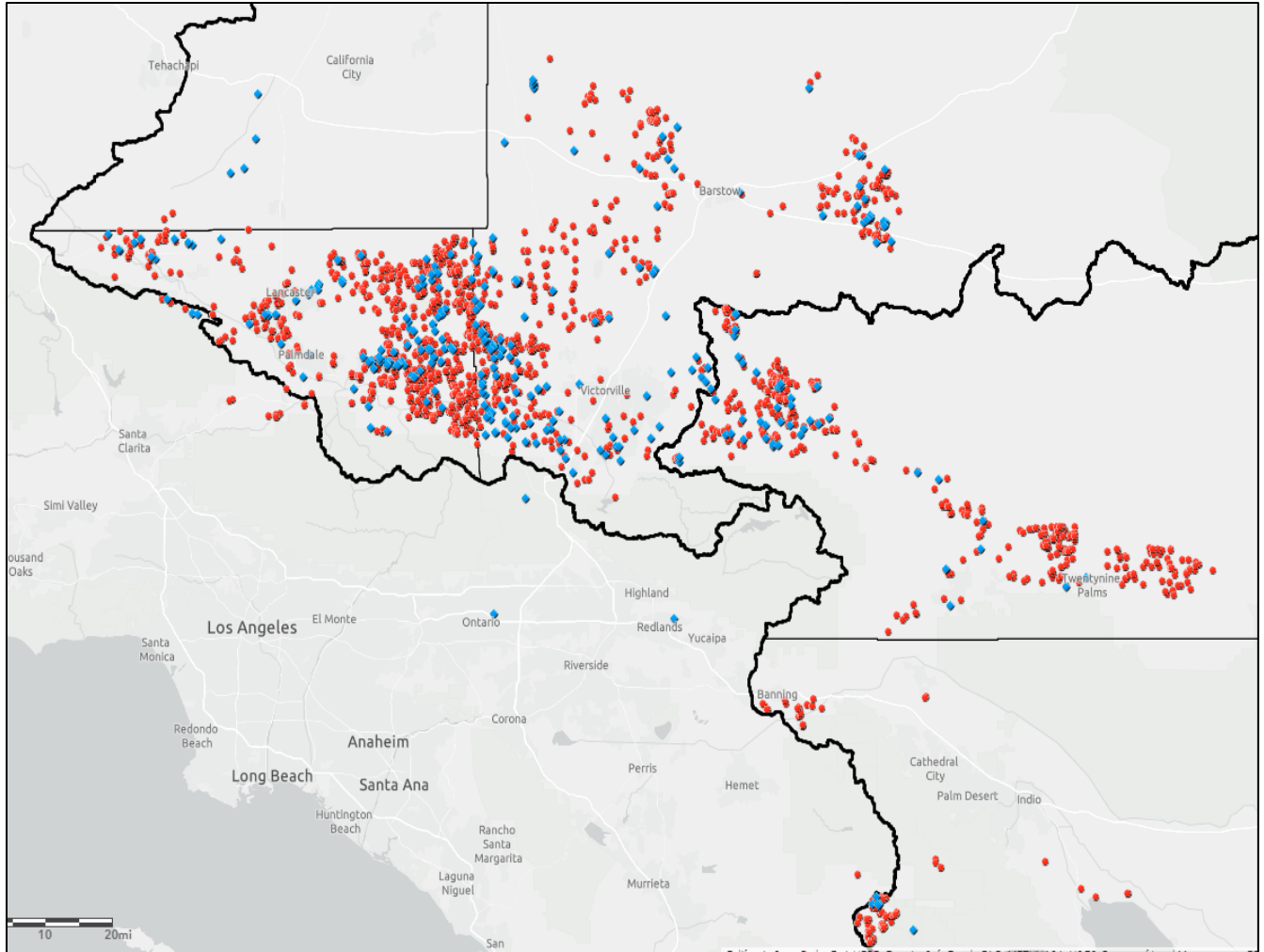


Figure 3.1: Locations of known unpermitted cultivation sites in southern portion of Region 6 and northern portion of Region 7. Locations shown as blue points are sites identified since January 1, 2023.

Permitted Cultivation

In addition to unpermitted cultivation sites, staff have conducted site inspections at permitted facilities to evaluate compliance with the Cannabis General Order requirements and respond to complaints received. Table 3.1 shows the number and type of active permits within Regions 6 and 7 (358 total) and Figure 3.2 shows the general location of permitted cannabis cultivation facilities. Since January 1, 2023, staff have conducted 11 compliance inspections, three (3) of those were related to complaints received.

Wastewater Characterization

Cannabis Unit staff have completed a wastewater characterization study. The purpose of this study was to characterize cannabis wastewater generated from indoor cannabis facilities to determine what constituents are contained in cannabis wastewater. Samples

were collected at six (6) indoor facilities and tested for a range of analytes including nutrients, total dissolved solids, and metals. Analytical results are currently being evaluated and a wastewater characterization summary report will be available soon. Results will be shared with interested stakeholders including wastewater treatment plant operators, particularly those jurisdictions not accepting cannabis wastewater for disposal. Wastewater treatment facilities not accepting cannabis wastewater directly affects the number of cannabis facilities required to store and haul wastewater. Storing and hauling cannabis wastewater to an off-site disposal facility is costly and historically this has led to violations through improper disposal to land or septic tanks.

Type of Facility	Region 6	Region 7
Indoor (Sewer)	125	60
Indoor (Waste Hauler)	49	112
Outdoor	11	1
Total	185	173

Table 3.1: Types and number of active permits throughout Regions 6 and 7

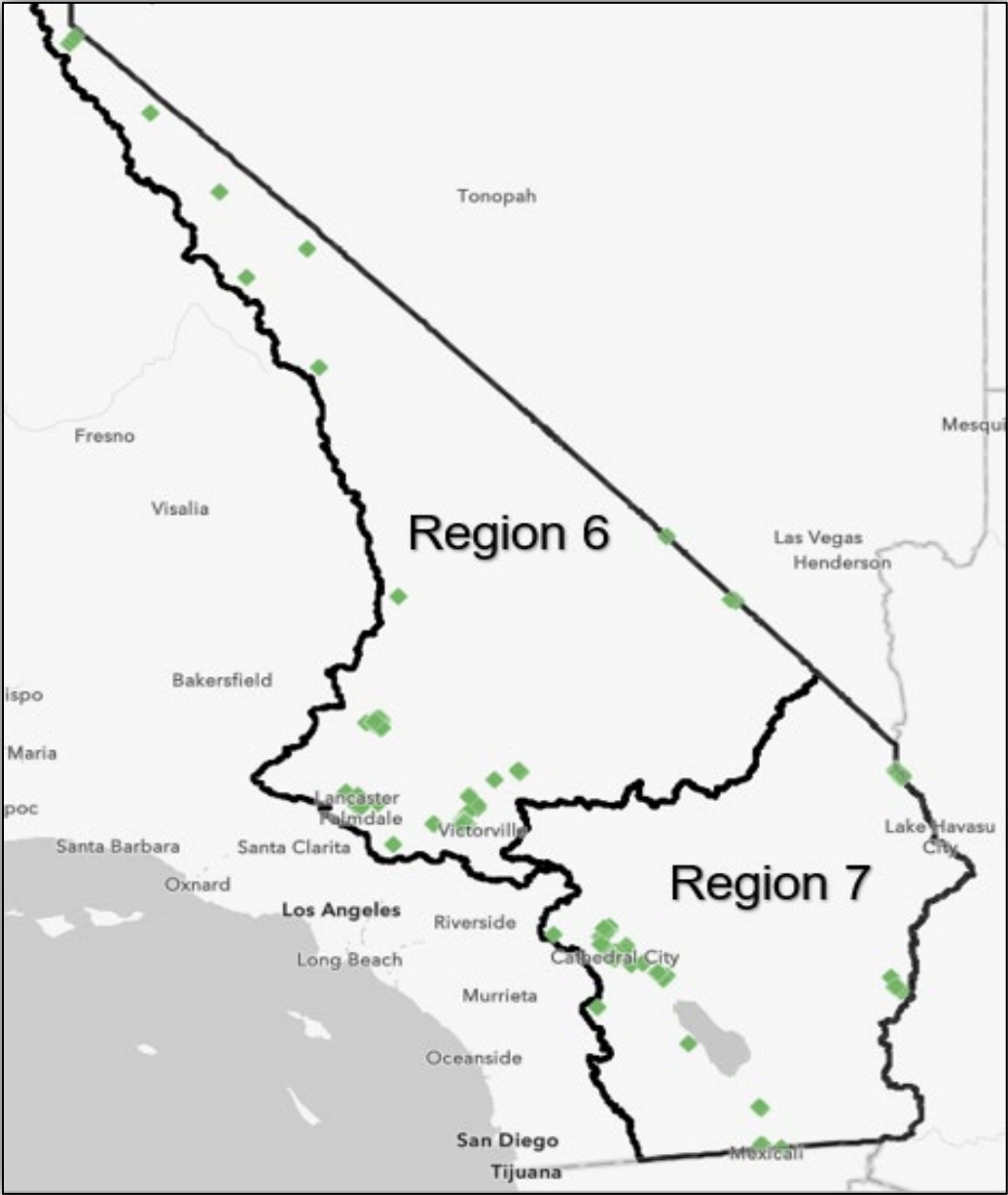


Figure 3.2: General locations of permitted cannabis cultivation facilities in southern portion of Region 6 and Region 7.

