

UPDATE ON THE CANNABIS REGULATORY PROGRAM

February 21, 2019 - Agenda Item 10
North Coast Regional Water Board
Kason Grady, North Coast Region
Kevin Porzio, Division of Water Quality
Dan Schultz, Division of Water Rights



Outline

- Background
- North Coast Organizational Changes
- Enrollment Updates
- Current Priorities
- Other Projects
- State Board General Order and Policy Update

Background

- 2014 - Initial Funding for Pilot Programs (R1 & R5)
- 2015 - Adoption of Regulatory Orders (R1 & R5)
- 2016 - Enrollment requirements began
- 2017 - MAUCRSA Adopted
 - State Board Adopts Cannabis Order & Policy
- 2018 - Implementation of R1 & Statewide Orders
- 2019 - State Board Updated Cannabis Order & Policy
 - Regional Enrollees Transfer to Statewide Order

Organizational Changes

- 17 Cannabis Program Staff
 - 2 WRCE vacancies
- Cannabis and Enforcement Division
 - Southern Cannabis Regulatory Unit
 - Northern Cannabis Regulatory Unit (Eureka)
 - Enforcement Unit



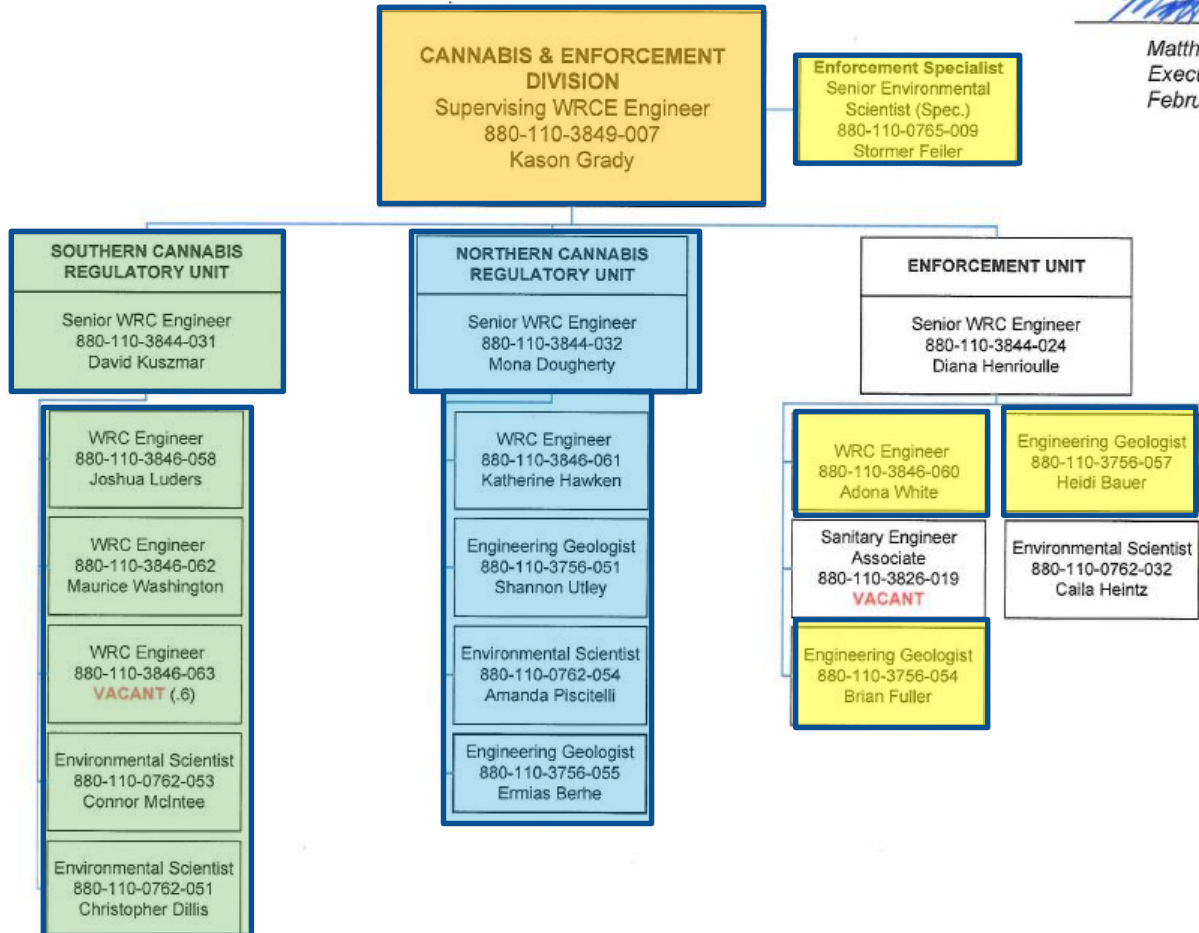
NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD
REGION 1 – NORTH COAST



Gavin Newsom
Governor

Matthias St. John

Matthias St. John
Executive Officer
February 1, 2019





NORTH COAST REGIONAL WATER QUALITY CONTROL BOARD REGION 1 – NORTH COAST

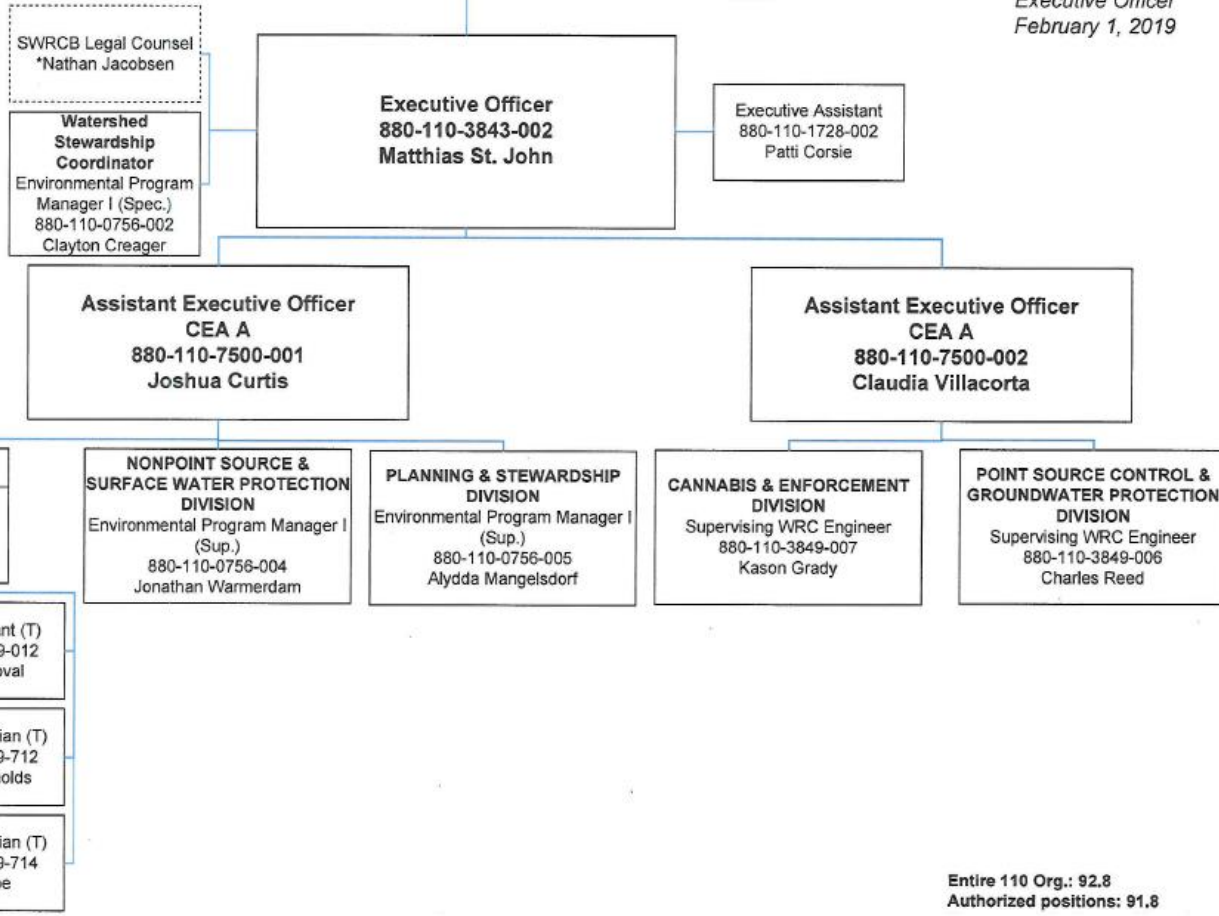


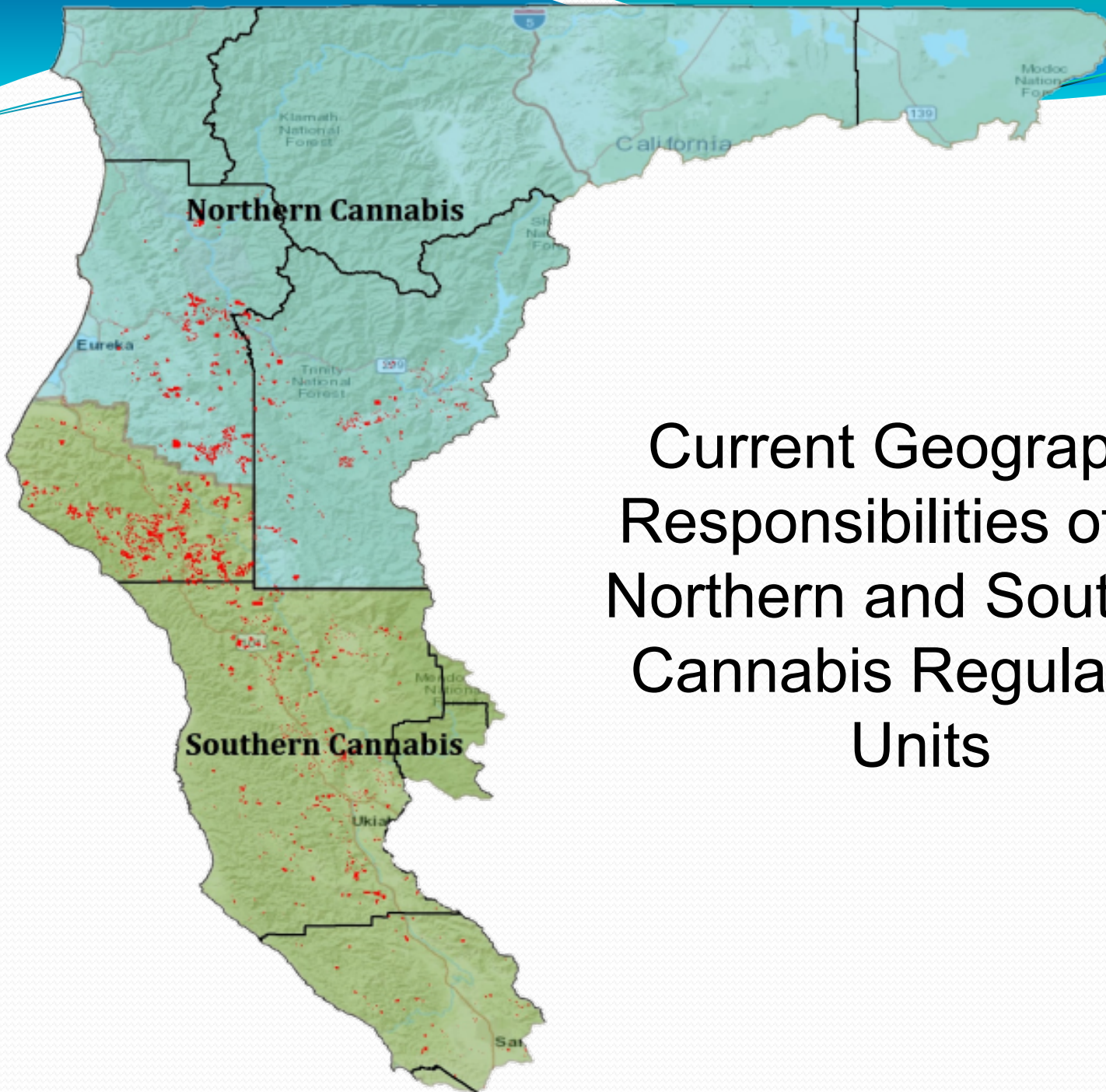
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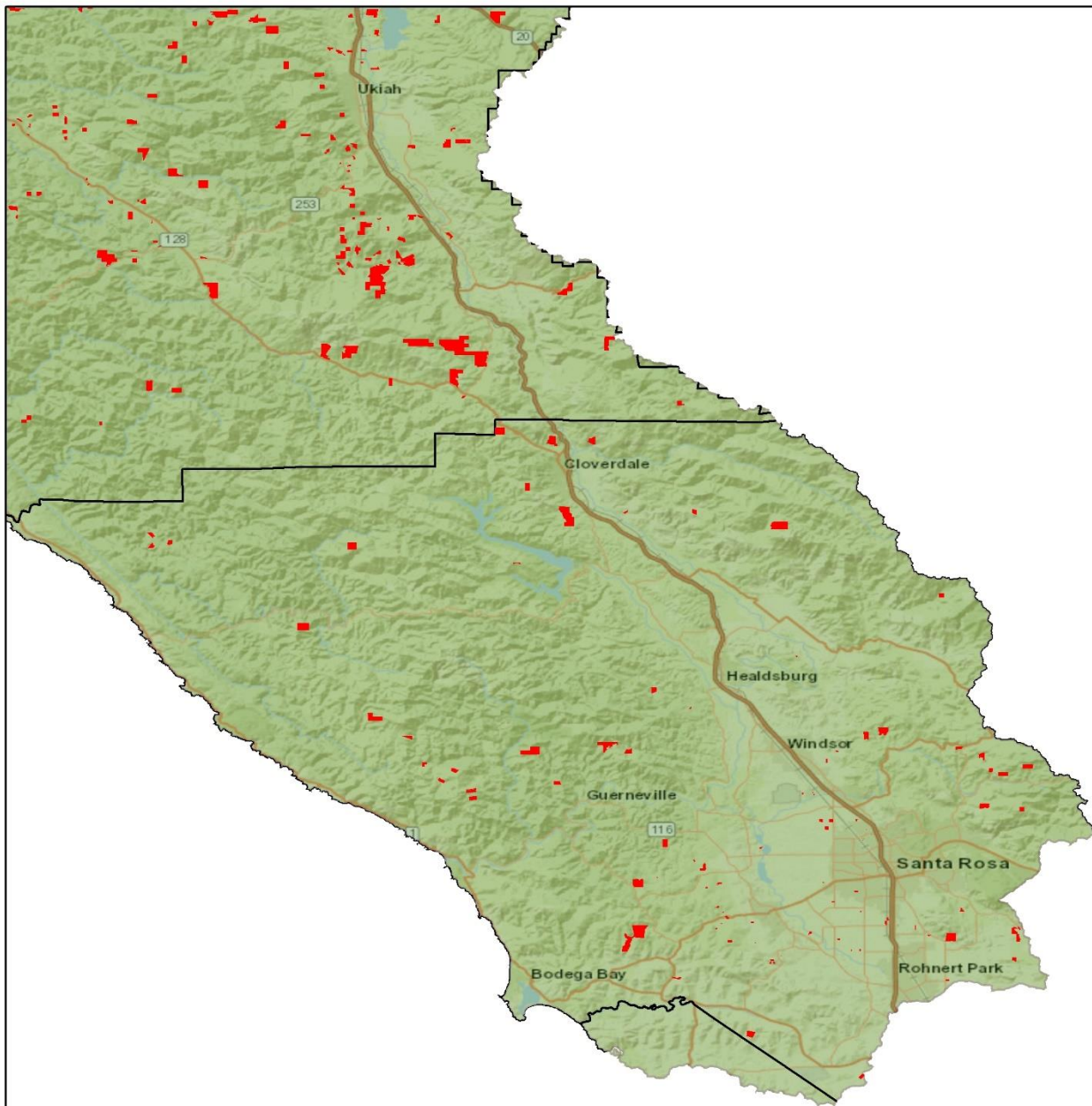
BOARD MEMBERS	
David Noren, Chair	VACANT
Valerie Quinto, Vice Chair	Greg Giusti
John W. Corbett	Kelli Gant
Hector Bedolla	



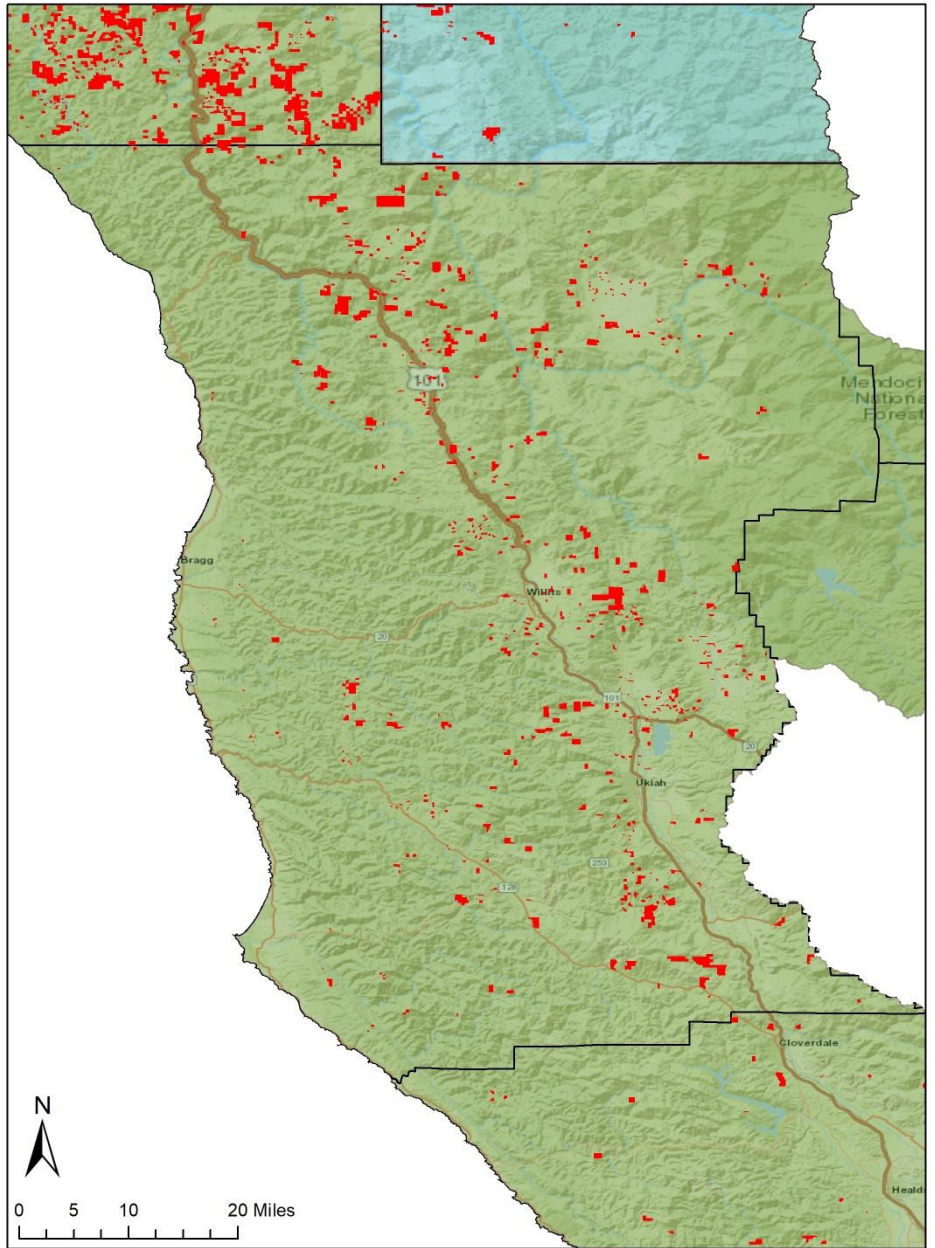


Current Geographic Responsibilities of the Northern and Southern Cannabis Regulatory Units

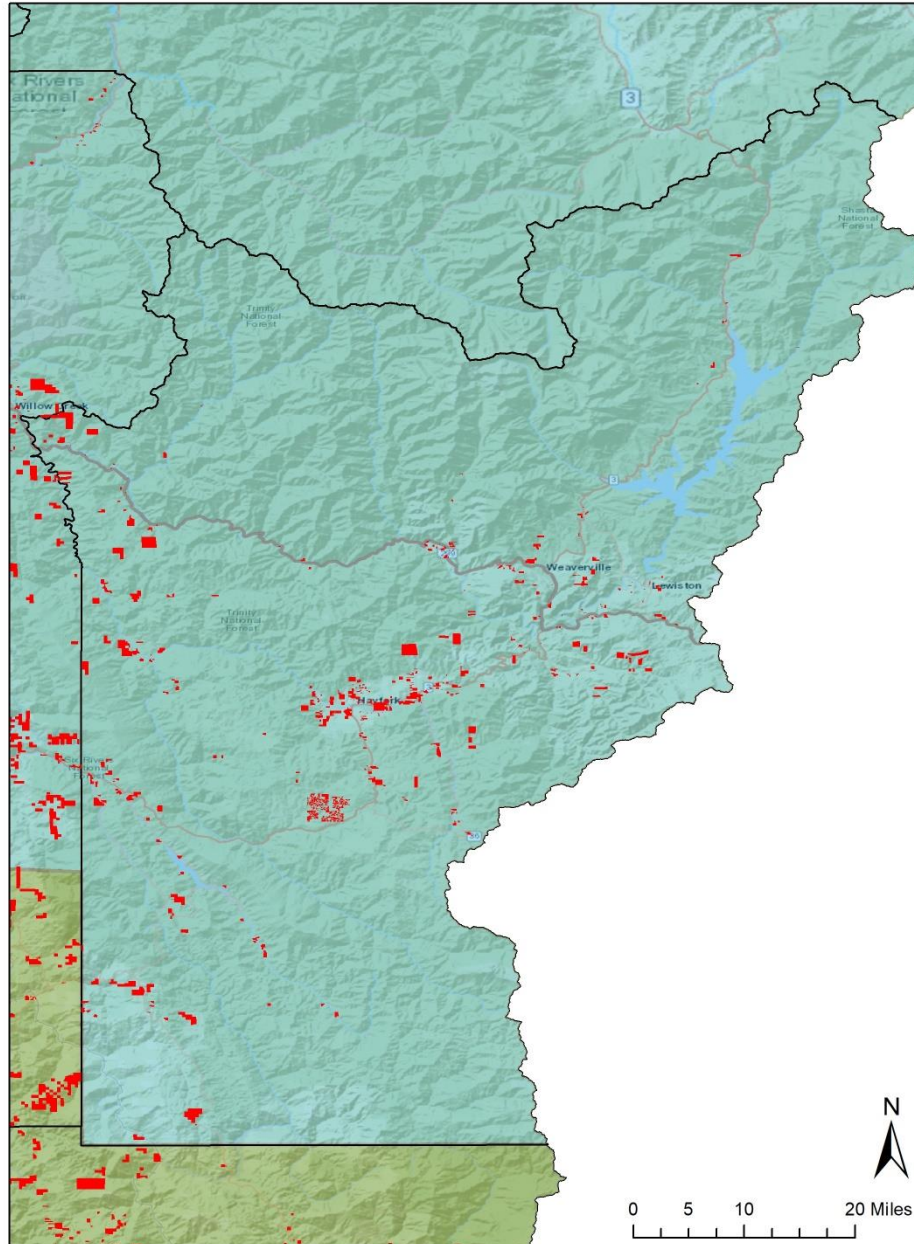
Sonoma County R1-2015-0023 & 2017-0023-DWQ Enrollees



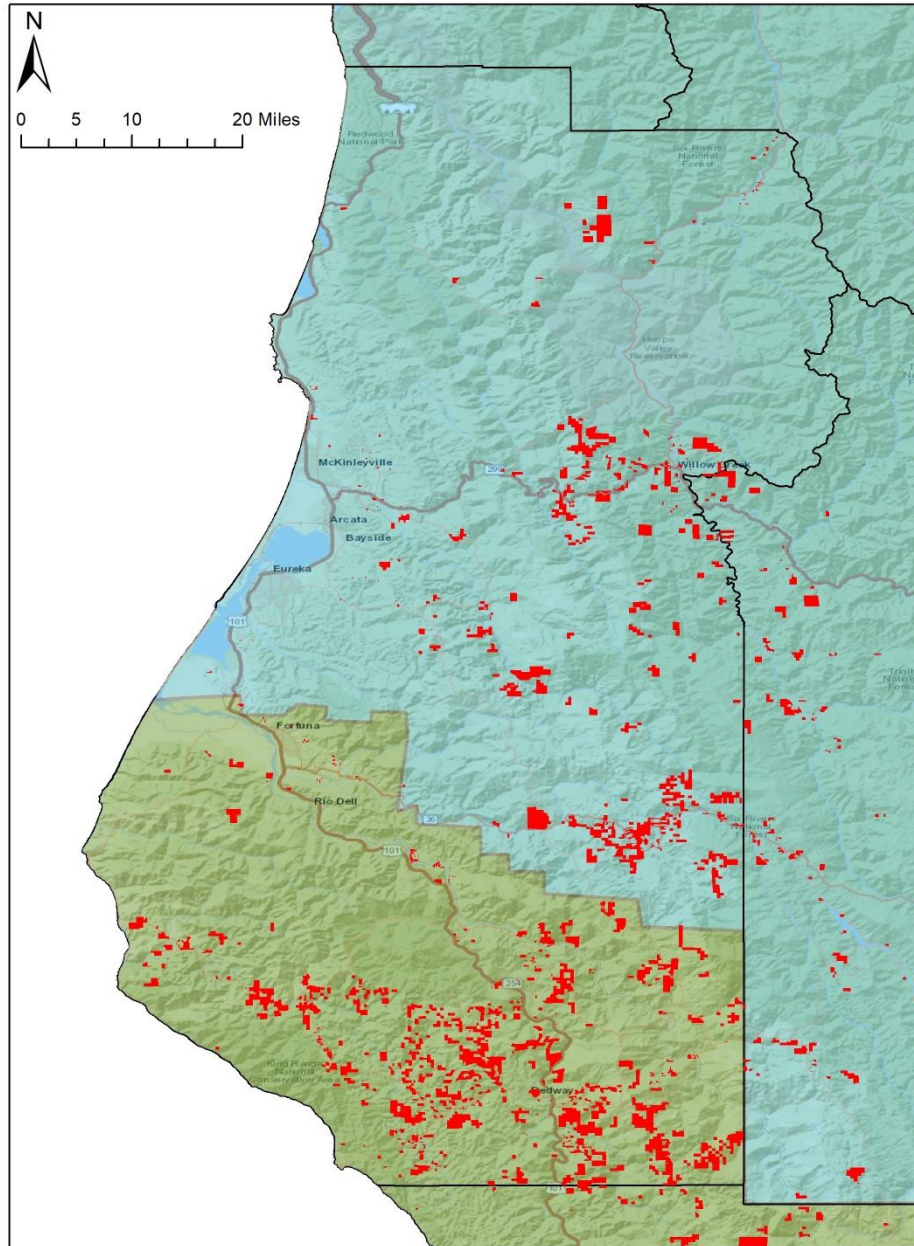
Mendocino County R1-2015-0023 & 2017-0023-DWQ Enrollees



Trinity County R1-2015-0023 & 2017-0023-DWQ Enrollees

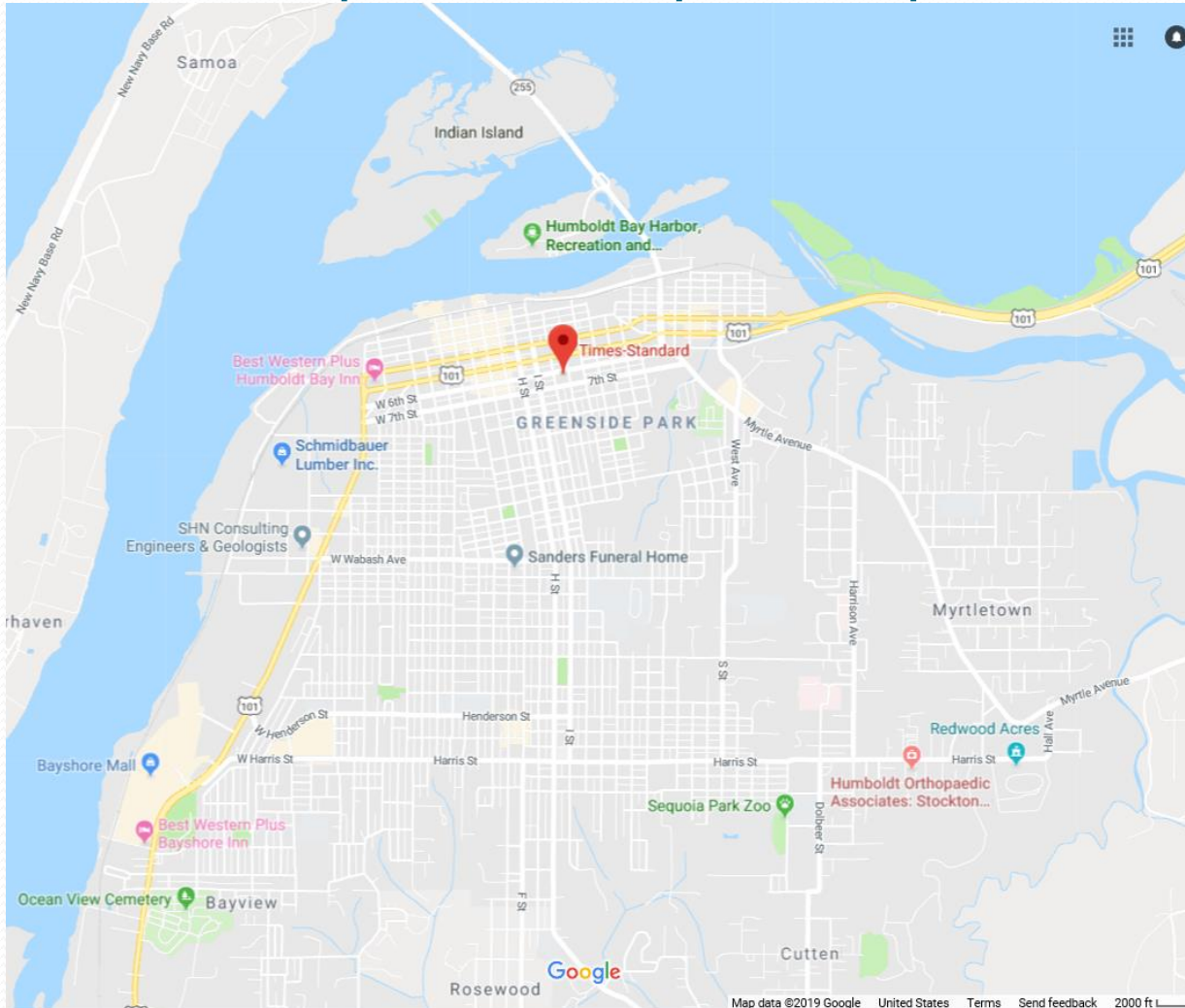


Humboldt County R1-2015-0023 & 2017-0023-DWQ Enrollees



Northern Field Office

Expected to Open in April



Northern Field Office

Expected to Open in April



Regulatory Orders Enrollment Update

- 5470 Enrollees Statewide (R1, R5, DWQ)
 - 3417 Enrollees in the North Coast (62%)
 - ❖ 2727 under R1-2015-0023
 - Humboldt.....1208
 - Mendocino.....485
 - Sonoma.....58
 - Trinity.....976
 - ❖ 691 under 2017-0023-DWQ
 - 73 paid pending NOA
- 81% of all statewide NOAs issued within 30 days

Current Permitting Priorities

- **Terminations ~250**
- **Enrollment Transfer (R1-2015-0023→2017-0023-DWQ)**
 - All 2726 R1 enrollees must transition by 7/1/2019
 - Those that cannot transition will need to terminate or be issued other Orders (e.g. CAO)
- **Annual Monitoring Reports** are due in March
- **Water Quality Certification Applications**

Enforcement

2018 Calendar Year

- 211 Inspections; 137 Inspection Reports Issued
- 1112 NOVs issued for late annual monitoring reports
- 9 NOVs issued for other threats to water quality (and many more pending)
- 2 Investigative orders issued (13267)
- 2 Cleanup and Abatement Orders (CAOs) Issued
- Finalized enforcement process
- Drafting database to track enforcement cases

Enforcement Priorities

- NOVs
 - Finalize a template NOV to streamline noticing
 - Issue NOVs to Noncompliant Sites Inspected
 - Issue NOVs for Nonsubmittal of 2018 Annual Reports
 - Issue NOVs for Noncompliance with Enforcement Orders
- 13267 Investigative Orders
- CAOs (~10 candidate sites being evaluated)
- ACLs
 - 1 Case Currently In Settlement
 - Various High Priority Cases In Development

Interagency Coordination

MONTHLY

- Sonoma County, National Marine Fisheries Service, and CDFW groundwater and cannabis instream flow
- CDFW three Watershed Enforcement Teams
- County Coordination (Currently Humboldt, Mendocino and Trinity)

BI-MONTHLY

- CDFW and CDFA permitting and licensing subgroup coordination
- Water Boards Roundtables

QUARTERLY

- CDFW and CDFA management coordination
- CDFA Enforcement Sub-Group
- Resource agency instream flow coordination
- California Water Quality Monitoring Council's California Environmental Flow Workgroup

OTHERS

- Bureau of Cannabis Control - all agencies

Education and Outreach

“Cultivate Change”

‘Water Boards Cultivation Programs’ Facebook and Instagram accounts on social media
@CAWaterBoardsCultivation

- 100 Facebook posts
 - Reached 40,433 people
- Statewide Outreach Events
 - 64 in 2018 and 6 in early 2019
 - Including 22 outreach events in the North Coast

Education and Outreach

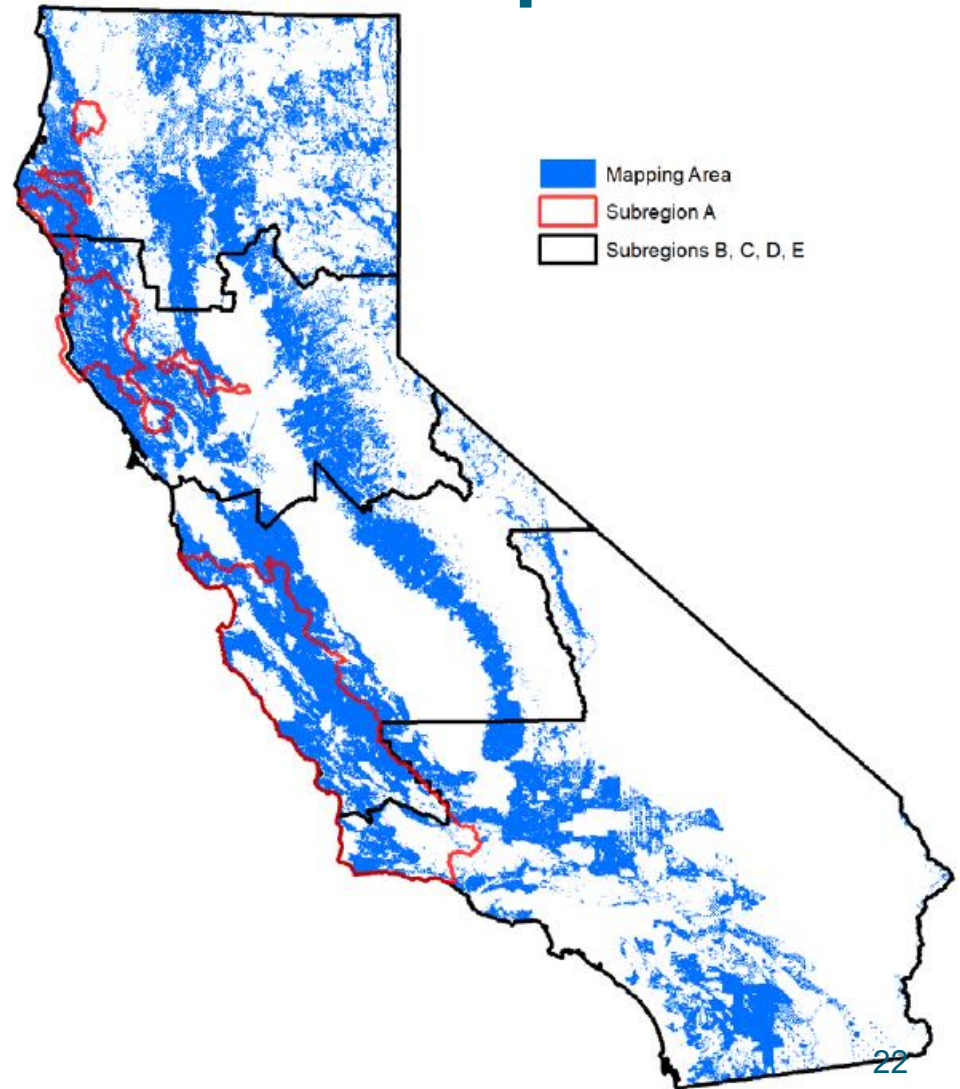
<u>Event Name</u>	<u>Start Date</u>	<u>Time</u>	<u>Location</u>	<u>Organizing Agency</u>	<u>Staff's Role (e.g., presenting, panel, table, etc.)</u>
Cannabis Permitting & Compliance Enrollment Workshop	2/26/2019	10:00am-3:00pm	Santa Rosa	CDFW/ CDFA/ Water Boards	Presenting/Table
Cannabis Permitting & Compliance Enrollment Workshop	2/28/2019	10:00am-3:00pm	Hayfork	DWR	Presenting/Table
Lake County Permitting	3/13/2019	3:00pm-7:00pm	Clearlake	DWQ	Presenting/Table
29th Annual International Conference on Soil, Water, Energy, and Air - Association for Environmental Health and Sciences Foundation (AEHS)	3/18/2019-3/21/2019	12:00pm-1:30pm	San Diego	AEHS/R8	
California Water and Environmental Modeling Forum	4/22/2019-4/24/2019	9:00 am-5:00 pm	Folsom	CWEMF	Presenting/Attending
Salmonid Restoration Federation Annual Conference (Workshop)	4/24/2019	9:00 am-5:00 pm	Santa Rosa	DWR	Presenting/Panel
SWRCB, Board Meeting	May 2019, Date TBD	9:00 am - 5:00 pm	Redding	OE	OE/DWR/DWQ presenting

Other Projects

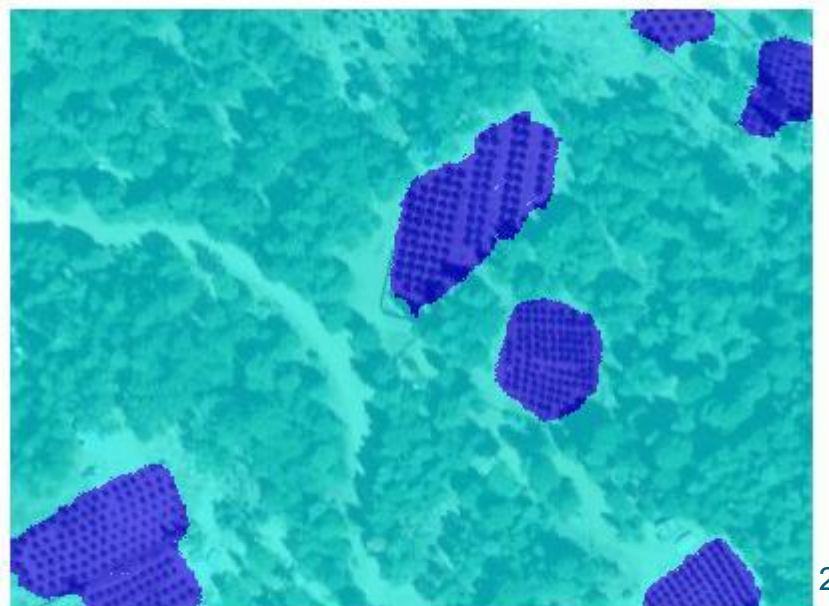
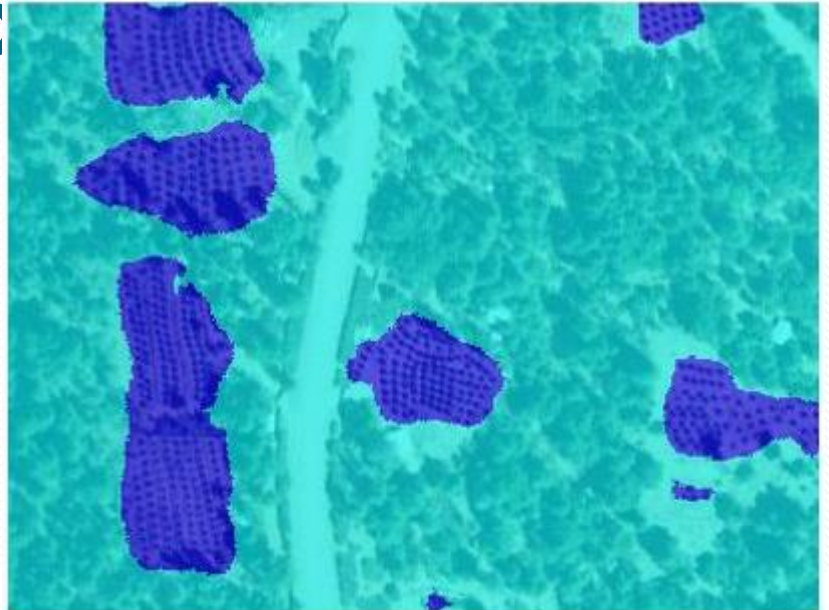
- Finalizing Health & Safety Guidelines for inspections
- Cannabis Program Report (May 2019)
- Cannabis Program Implementation Strategy (May 2019)
- Priority Watersheds and Enrollment Enforcement
- IT
 - Cannabis Identification and Prioritization System (CIPS)
 - Imagery
 - Machine Learning / Computer Vision Site Identification


CIPS: Cannabis Identification & Prioritization System Expansion

- Funding for CIPS in FY 17/18 Budget
- Contract Secured
- Statewide Mapping of Approx. 30 Million Acres
- Deliverables throughout FY 18/19



Computer Vision





**Overview of Updates to
2017-0023-DWQ and the
Cannabis Cultivation Policy
Principles and Guidelines
adopted by the
State Water Board on
February 5, 2019**

Cannabis Policy and Cannabis Cultivation General Order Update

Main proposed updates to Cannabis Policy and Cannabis Cultivation General Order are focused on:

- Conditionally Exempt Indoor Cultivation Sites
- Tribal Buffers (permission to cultivate on and/or within 600 feet)
- Onstream Reservoirs
- Winterization
- Minor clean up and clarifications based on feedback received during initial implementation efforts

Indoor Cultivation Sites – Cannabis Policy

- Clarify conditional exemption requirements for indoor commercial cannabis cultivation activities
- Comply with Cannabis Policy and all applicable Requirements in Attachment A.

Attachment A - Requirements for Conditionally Exempt Indoor Cultivation Sites

- Provide exemption from riparian setbacks and tribal buffers for indoor cultivation sites that meet certain conditions
- Exemption criteria differ for indoor cultivation sites that existed prior to October 1, 2018 versus new sites



Attachment A - Requirements for Conditionally Exempt Indoor Cultivation Sites (cont'd)

Option 1 (construction started *prior* to Oct. 1, 2018)

- Building permit on file
- Valid certificate of occupancy for indoor cannabis cultivation; and either:
 - Connected to and discharges to a permitted wastewater treatment collection system;
 - or
 - Discharges to storage tank, and discharge is properly disposed of.

Option 2 (construction started *after* Oct. 1, 2018)

- Building permit on file
- Valid certificate of occupancy for indoor cannabis cultivation; and
- Connected to and discharges to a permitted wastewater treatment collection system

Attachment A – Tribal Buffers

Updated to improve implementation and provides tribes following options to approve/deny requests:

- Water Boards notify tribes of request to cultivate on or within 600 feet of tribal lands; 45-day period for the tribe to accept, reject, or remain silent (considered acceptance)
 - Tribes may request an extension, if needed
- Tribe can inform State Water Board that tribe does not approve any cannabis cultivation on and/or within 600 feet
- Tribe can waive the 45-day notification period for all cannabis cultivation on and/or within 600 feet (blanket approval)

Attachment A - Onstream Reservoirs

Cultivators with certain pre-existing onstream reservoirs may obtain a Cannabis Small Irrigation Use Registration (SIUR) if:

- **Reservoir existed prior to October 1, 2016;** and
- Deputy Director for Division of Water Rights and CDFW determine removal of reservoir or installation of off-stream storage would cause more environmental damage than continuing to use onstream reservoir for diversion and storage

Attachment A - Onstream Reservoirs (cont'd)

As part of filing for a Cannabis SIUR, cannabis cultivator shall agree to:

- Request a determination of whether removal of reservoir or installation of off-stream storage would cause more environmental damage than continuing to use existing onstream reservoir for diversion and storage
- Accept any conditions imposed to ensure operation of the onstream reservoir are protective of water quality and aquatic resources
- Withdrawal of water from onstream reservoir for cannabis cultivation activities only allowed during surface water diversion forbearance period

Onstream reservoirs that DO NOT qualify for ongoing operation under the SIUR will either need to be removed or otherwise rendered incapable of storing water.

Attachment A – Onstream Reservoir Measurement Requirement

Cannabis cultivators with onstream reservoirs shall install and maintain a measuring device that is:

- ✓ capable of recording date, time, and volume of water diverted at an hourly or more frequent basis, year-round
- ✓ installed and calibrated by a Qualified Professional (including development of area-capacity curve).

Cannabis Cultivators shall maintain hourly depth and volume records.

Attachment A – Winterization

Clarify Requirements to:

- Allow use of heavy equipment during winter season if authorized in site management plan
- Application of linear sediment controls around perimeter of cultivated area

Other Updates

- **Policy and General Order Clarifications and Cleanups**
- **Staff Report**
 - Added background and rationale for proposed updates
 - Other minor edits and clarifications made based on comments and feedback received during first year of implementation
- **Cost Analysis**
 - Focused on costs of bringing existing onstream reservoirs into compliance