

Regional Water Quality Control Board
North Coast Region

Executive Officer's Summary Report
October 15, 2020

ITEM: 4

SUBJECT: Update on Cannabis Cultivation Waste Discharge Regulatory Program Activities in the North Coast Region (*Kason Grady, Mona Dougherty, David Kuszmar*)

BOARD ACTION: This item is an informational item only; no action will be taken by the Regional Water Board.

BACKGROUND: At the August 20, 2020 Regional Water Board meeting, staff provided a general overview and summary of the Cannabis & Enforcement Division's work plan for fiscal year 2020-2021. The purpose of having such a work plan is to prioritize and guide the work of Regional Water Board staff during the fiscal year, and to manage expectations regarding the scope, content and schedule associated with work plan milestones and deliverables.

At the time the work plan was drafted, the North Coast Region's dedicated Cannabis Program staff consisted of 11 occupied positions and 6 frozen vacancies. Since then, water quality (i.e., non-water rights) Cannabis Program staff within the State and Regional Water Boards have been further reduced, ultimately reaching 50% of previous statewide staffing levels. The reductions are due to funding shortfalls and a commitment by the Water Boards to not raise cannabis fees this year. To achieve these reductions, current statewide cannabis position vacancies will remain vacant, four statewide positions have been abolished, and several existing cannabis staff have been redirected to other Water Boards programs. In the North Coast Region, one position has been abolished, one position has been vacated and subsequently frozen, and one position has been redirected to the Water Quality Certification Program. This leaves the North Coast Region with a total of 9 occupied positions (including managers) and 7 vacant frozen positions.

Based on recent guidance and direction from executive managers at the State Water Board, Cannabis Program activities in the North Coast Region will be evenly split in the coming year between core regulatory functions associated with implementing the statewide Cannabis General Order¹ (on legal cultivation sites), and enforcement efforts intended to address threats to water quality associated with cannabis cultivation (with a priority focus on illegal cultivation sites). Due to reduced staffing, the North Coast Region's cannabis regulatory staff must increasingly rely upon enrollee self-certification, self-reporting, and remote sensing to assess compliance and to identify and prioritize sites that warrant additional review and inspection. Meanwhile, the North Coast

¹ State Water Board Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities.

Region's cannabis enforcement staff will remain focused on enrollment enforcement and on participating in interagency enforcement inspections with the California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture (CDFA), and local regulatory and law enforcement agencies.

DISCUSSION: The purpose of this informational item is to update the Regional Water Board on the recent and current status of Cannabis Program activities in the North Coast Region. The attached excerpt from the North Coast Region's Fiscal Year 2019-2020 Annual Report on the 2014-2020 Nonpoint Source Program Implementation Plan provides a brief written summary of regional program accomplishments. Program managers will present basic performance summaries and provide an overview of recent changes to the Cannabis & Enforcement Division's work plan, based on reduced staffing levels and soon-to-be released recommendations from the Water Boards' Cannabis Executive Oversight Committee (EOC). State Water Board Chief Deputy Director, Jonathan Bishop, will also be available to address questions regarding the statewide Cannabis Program. Staff welcomes comments from interested stakeholders and will be available to receive feedback and answer questions from Board members.

RECOMMENDATIONS: N/A

SUPPORTING DOCUMENTS:

1. Cannabis Program excerpt from the North Coast Region's Fiscal Year 2019-2020 Annual Report on the 2014-2020 Nonpoint Source Program Implementation Plan