

# LATE COMMENT

November 26, 2018

State Water Resources Control Board  
Attn: Jeanine Townsend  
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*Sent via email to [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)*

Comment Letter – Updates to Cannabis Cultivation General Order

As a licensed cultivator of cannabis in Santa Barbara County, I appreciate the Water Boards consideration on a few comments regarding the current Cannabis General Order (CGO). As it is written, the mold does not fit with our practices of greenhouse cultivation. Opportunely, our practices are very much in line with the priorities of the Water Board to manage irrigation water responsibly, protect ground water, and not to harm sensitive riparian corridors. Our greenhouses, built in the 1970's, were originally growing potted nursery plants and later chrysanthemums in the soil. The next owner started cultivating gerbera daisies in the 1990's which included much of the efficient Dutch water recapture. Since we have taken over the operations, we have improved this water recapture system with new steel gutters, new drain manifolds, and on-site water sterilization. This enables us to recapture all of the over-drain water from our hydroponic system. Contrary to the older style of growing such as chrysanthemums in the soil, we do not add any nitrates, salts, or fertilizers to the soil that can then leach into the ground water. Our system is closed loop, so whatever fertilizer is added will be recirculated. We do not discharge any hydroponic water, and we certainly do not dump any into our septic system. 100% of irrigation tail-water is reused. This saves us both water and fertilizer costs; and more importantly, is much better for the environment and the nearby seasonal creek. This is the most economic, environmentally sound, and efficient way to cultivate any crop. Our greenhouse roof is glazed with polycarbonate, so we are an impermeable indoor structure with a permanent roof. There isn't any rain water or storm water passing through our indoor growing areas.

For operations such as our greenhouse, I urge you to consider revising the CGO to conditionally waive impermeable permanent greenhouses that recapture all of their hydroponic tail water and can demonstrate their over-drain tail-water is 100% reused. Any water that is used on site, stays on site, and does not leach into the soil, septic system, or run off site. This revision would support greenhouse growers who do not discharge any wastewater that adversely affects creeks and groundwater.

We are strongly opposed to the Water Board's determination that we are a "Tier 2, High Risk" operation. The CGO requires that grow operations in greenhouses with dirt floors are considered "outdoor" and is therefore required to be enrolled under Waste Discharge Requirements, not the Waiver of Waste Discharge Requirements. This designation as "outdoor" is not only inconsistent with MAUCRSA (Medical and Adult Use Cannabis Regulatory Safety Act) which classifies us as "mixed light," but is also inaccurate

and punitive to highly efficient and sophisticated cannabis cultivation greenhouse operations.

It is not possible for us to qualify for an indoor conditional exemption because we cannot meet the criteria for indoor sites. It is not feasible to lay down plastic liner or an impermeable floor, or lay concrete, in our existing greenhouses. This would be cost prohibitive and disruptive to our entire operation, and bad for the environment.

Secondly, because portions of our greenhouse are within the 150 foot setback from a creek, we are required to enroll as Tier 2 High Risk, which has an \$8,000 annual fee. This fee is unreasonable and onerous on a burgeoning industry. We are already burdened with extraordinary costs of compliance with regulations from the County, State, CDFW and State Water Board. Unreasonable regulations and fees perpetuate the black market and negatively impact licensed cannabis operators who are on the pathway to compliance and legal operations.

It is impossible to move our pre-existing greenhouse out of the setback, which requires us to develop an individual Waste Discharge Requirement. We encourage you to consider exceptions for responsible growers who are utilizing pre-existing infrastructure. It is unreasonable to institute a policy that is punitive to farmers who are simply using infrastructure that was developed years ago.

Lastly, we are opposed to the provision of the CGO which states that wastewater must be sent to a treatment facility, treated onsite (not including septic) or hauled. We strongly believe that discharging water to conventional crops is an appropriate, sustainable and safe method of disposal which should be permitted without needing an individual WDR. We currently discharge irrigation tailwater to avocado trees, which is a environmentally friendly use of water and reduces the amount of new water and nutrients that would need to be applied to the non-cannabis crop regardless.

Sincerely,

Ivan Van Wingerden  
Flora Coast  
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