

ERIC GARCETTI
Mayor

Commission
MEL LEVINE, *President*
WILLIAM W. FUNDERBURK JR., *Vice President*
JILL BANKS BARAD
CHRISTINA E. NOONAN
AURA VASQUEZ
BARBARA E. MOSCHOS, *Secretary*

DAVID H. WRIGHT
General Manager

September 6, 2017



Ms. Jeanine Townsend
Clerk to the Board
State Water Resources Control Board
PO Box 100
Sacramento, CA 95812-0100

Dear Ms. Townsend:

Subject: Comments – Cannabis Policy and Staff Report

The Los Angeles Department of Water and Power (LADWP) would like to thank the State Water Resources Control Board (SWRCB) for the opportunity to comment on the Cannabis Cultivation Policy and General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Policy).

LADWP is the largest municipally owned utility in the nation, which serves a 465 square mile area in Los Angeles with approximately 4 million residents and a portion of the Eastern Sierras in Owens Valley. Its mission is to provide essential public services (water and power) for grid reliability and public health and safety in an efficient, cost-effective, and environmentally responsible manner. LADWP owns and operates its 233-mile gravity fed Los Angeles Aqueduct which brings water to the City of Los Angeles (City). LADWP's Water System supplies approximately 177 billion gallons of water annually and an average of 446 million gallons per day to its residential and business customers. The water supply consists of local groundwater, imported water, recycled water, storm water, and the Los Angeles Aqueduct.

LADWP supports policies and regulations that protect the environment, and believes that this Policy is a necessary and important part of it. LADWP owns a large amount of land within the Owens Valley and the Los Angeles Basin. These lands and leases of these properties to third parties must comply with both Federal and State laws. At this time, LADWP would not permit cannabis cultivation on City lands. In addition, many of these areas are remote and cannabis crops could be grown on these lands without LADWP's knowledge. Therefore, LADWP encourages SWRCB to adopt measures that hold innocent landowners harmless for water usage, water quality, and liability associated with cannabis farming.

Ms. Jeanine Townsend
Page 2
September 6, 2017

LADWP owns land that has many waterways, and some of these waterways may be located downstream of cannabis crops. Due to water diversions by cannabis cultivators these waterways could experience reduced flow, despite the Policy's "Prohibition Against Waste and Unreasonable Use of Water." LADWP is concerned with the clarity of the definition of numeric and narrative instream flow requirements, and requests that the determination of minimum acceptable flows be clarified.

LADWP is also concerned with land owner liability versus cannabis cultivator liability. LADWP owns over 300,000 acres of land in Inyo County alone, and due to the size and vastness of its properties, may not be aware of specific growing activities on its leased or not leased lands. LADWP requests that only the cannabis grower be liable for permit issuance and associated water quality monitoring, and the land owner be indemnified of permit responsibilities.

Finally, LADWP requests that when permits are issued for cannabis farming, the landowner be notified of the cannabis cultivator's intent to obtain a permit. LADWP suggests that applications include a section requiring the identification of the owner of the land, so that there is a mechanism to notify the landowner when an application is submitted.

In closing, LADWP appreciates the opportunity to provide comments on the Policy and looks forward to working with SWRCB staff in this process. Should you have any questions regarding this letter, please contact me at (213) 367-0436 or Ms. Chloé Grison of the Wastewater Quality and Compliance Group at (213) 367-1339.

Sincerely,



Katherine Rubin
Manager of the Wastewater Quality and Compliance Group

CG:

c: Ms. Felicia Marcus, Chair, SWRCB
Mr. Steven Moore, Vice Chair, SWRCB
Ms. Tam M. Doduc, SWRCB
Ms. Dorene D'Adamo, SWRCB
Mr. E. Joaquin Esquivel, SWRCB