

State Water Resources Control Board

**NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT,
STAFF INFORMATIONAL WORKSHOPS, BOARD WORKSHOP, AND
PUBLIC HEARING**

**TO CONSIDER ADOPTION OF:
(1) CANNABIS CULTIVATION POLICY; AND (2) GENERAL WASTE DISCHARGE
REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS
CULTIVATION ACTIVITIES**

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board or Board) will accept public comments on the *Draft Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* (Cannabis Policy), *Draft Cannabis Cultivation Policy Staff Report* (Staff Report) and *Draft General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (General Order). Information on the comment period and how to submit written comments is detailed below under “Submission of Written Comments.”

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold two staff informational workshops and one Board workshop as detailed below.

Staff Informational Workshops*	
Thursday, July 20, 2017 4:00 P.M. – 6:00 P.M. Adorni Center 1011 Waterfront Drive Eureka, CA 95501	Thursday, July 27, 2017 10:00 A.M. – 12:00 P.M. (noon) Joe Serna Jr. CalEPA Headquarters Bldg. Coastal Hearing Room 1001 I Street, Second Floor Sacramento, CA 95814

* The purpose of the staff informational workshops is for State Water Board staff to present information and answer questions on the Draft Cannabis Policy, Staff Report, and General Order.

State Water Board Workshop**
Wednesday, August 2, 2017 9:30 A.M. Joe Serna Jr. CalEPA Headquarters Building Coastal Hearing Room 1001 I Street, Second Floor Sacramento, CA 95814

**Oral comments will be accepted and recorded at the Board Workshop and will be entered into the appropriate administrative record.

A quorum of the State Water Board may be present at one or more of the workshops, but no State Water Board action will be taken.

NOTICE IS ADDITIONALLY HEREBY GIVEN that the State Water Board will hold public hearings to receive oral comments regarding (1) the Cannabis Policy, and (2) the General Order. The State Water Board may adopt each of these items after their respective hearings. If the Cannabis Policy is adopted, it will be sent to the Office of Administrative Law for approval and would become effective on or about November 22, 2017. The hearings will be conducted as part of the Board's October 17, 2017, State Water Board meeting. The location and start time of the Board meeting are provided below.

**Tuesday, October 17, 2017
9:30 A.M.
Joe Serna Jr. CalEPA Headquarters Building
Coastal Hearing Room
1001 I Street, Second Floor
Sacramento, CA 95814**

Additional information on the hearings (Board meeting) is available at:
http://www.waterboards.ca.gov/board_info/calendar/

BACKGROUND

On June 27, 2016, the Governor signed Senate Bill 837¹, which among other things, codified Water Code section 13149 and authorizes the State Water Board to adopt principles and guidelines (requirements) for cannabis cultivation as part of a state policy for water quality control. The State Water Board has prepared a statewide Cannabis Policy and General Order to minimize water quality degradation and low flow impacts associated with cannabis cultivation. The State Water Board will implement the Cannabis Policy and the Regional Water Quality Control Boards (Regional Water Boards) will use the General Order to streamline permitting of cannabis cultivation projects and focus resources on inspections and enforcement.

The **Cannabis Policy**, if adopted, would establish interim requirements for cannabis cultivation. The requirements include measures to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation. The requirements may include, but are not limited to, instream flow objectives, limits on diversions, requirements for screening of diversions, and elimination of barriers to fish passage. The requirements may also include requirements on groundwater extractions that the State Water Board determines to be reasonably necessary.

The **General Order**, if adopted, would establish waste discharge requirements to limit water quality degradation and other adverse impacts to surface water and groundwater resources associated with cannabis cultivation on private land. The General Order requires existing enrollees in the North Coast Regional Water Quality Control Board's [Order No. R1-2015-0023](#) and the Central Valley Regional Water Quality Control Board's [Order No. R5-2015-0113](#) to transition to the statewide General Order by July 1, 2018.

¹ Statutes 2016, Chapter 32, Committee on Budget and Fiscal Review.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

Water Code section 13149(b)(1) provides that the requirements for cannabis cultivation (i.e., the Cannabis Policy) are exempt from the California Environmental Quality Act (CEQA). The Cannabis Policy would include requirements specified in Attachment A for cannabis cultivators to minimize the discharge of waste to waters of the state. The Cannabis Policy would provide that those water quality requirements shall be implemented through the adoption of a General Order adopting waste discharge requirements for waste from cannabis cultivation. The General Order would implement this directive by requiring cannabis cultivators to comply with the Cannabis Policy. In that context, the General Order merely implements aspects of the requirements that the Legislature has already determined are exempt from CEQA. The State Water Board therefore will rely on the following CEQA exemptions:

- Water Code section 13149(b)(1) (exempting the requirements adopted pursuant to section 13149)
- California Code of Regulations, title 14, section 15268 (statutory exemption for “ministerial projects”)
- California Code of Regulations, title 14, section 15061(b)(3) (CEQA does not apply where it can be “seen with certainty” that there will not be significant environmental impacts from the action in question)

DOCUMENT AVAILABILITY

The Draft Cannabis Policy, Staff Report, and General Order are available at: http://www.waterboards.ca.gov/water_issues/programs/cannabis/.

Those without Internet access may request a paper copy of the Draft Cannabis Policy or General Order by calling Peter Barnes at (916) 445-9989.

SUBMISSION OF WRITTEN COMMENTS

The State Water Board will accept written comments on both of the proposed items. Written comments must be received by **12:00 P.M. (noon) on Wednesday, September 6, 2017**. Written comment letters may be submitted electronically (email), by fax, U.S. Mail, or courier. Electronic submittals must be emailed to commentletters@waterboards.ca.gov. Written comments may also be submitted by hard copy and be addressed to:

<u>Hand/Courier Delivery</u>	<u>U.S. Mail Delivery</u>
State Water Resources Control Board Attn: Jeanine Townsend 1001 I Street, 24 th Floor Sacramento, CA 95814	State Water Resources Control Board Clerk to the Board Attn: Jeanine Townsend P.O. Box 100 Sacramento, CA 95812-0100

On all comment letters please indicate clearly the subject of your comments, as follows:

“Comment Letter – Cannabis Policy and Staff Report,” or

“Comment Letter – Cannabis General Order”

Electronic submittals shall be in portable document format (pdf) (less than 15 megabytes in total size). If the file is greater than 15 megabytes in total size, then the comment letter may be submitted by fax at (916) 341-5620. U.S. Mail must be received (not postmarked) at the State Water Board offices by the close of the comment period. Couriers delivering comment letters must check in with lobby security personnel, who can contact Ms. Townsend at (916) 341-5600.

PROCEDURAL MATTERS

At the hearings there will be no sworn testimony or cross-examination of participants. However, the State Water Board and its staff may ask clarifying questions. Participants will be given an opportunity to summarize and/or supplement their written materials with oral presentations. To ensure a productive and efficient hearing in which all participants have an opportunity to participate, oral comments will be limited to three minutes unless otherwise authorized by the Board Chair. For other presentation recommendations, please visit the State Water Board's web site at: http://www.waterboards.ca.gov/board_info/meetings/board_presentations.shtml.

EX PARTE DISCLOSURE REQUIREMENTS FOR PENDING ITEMS

This item is subject to the ex parte communication disclosure requirements of Water Code section 13287, as explained in http://www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf. Any communications between interested persons and State Water Board members (other than at a noticed Board meeting or submitted as a comment letter in compliance with the public notice) must be disclosed by the interested person within seven days of the communication. Sample disclosure forms are available at: http://www.waterboards.ca.gov/laws_regulations/docs/swrcb_godf_fillin.pdf.

Questions concerning the hearings should be directed to Peter Barnes by telephone at (916) 445-9989 or via email at Peter.Barnes@waterboards.ca.gov.

PARKING AND ACCESSIBILITY

For directions to the Joe Serna, Jr. CalEPA Building and public parking information, please refer to the map on the State Water Board web site at: <http://www.calepa.ca.gov/headquarters-sacramento/location/>.

The CalEPA Building is accessible to persons with disabilities. Individuals requiring special accommodations are requested to call (916) 341-5880 at least five working days prior to the meeting. Telecommunications device for the deaf (TDD) users may contact the California Relay Service at: (800) 735-2929 or voice line at (800) 735-2922.

WEBCAST INFORMATION

Video and audio broadcasts of the staff information workshop (in Sacramento only) and public hearings will be available via the Internet and can be accessed at: <https://video.calepa.ca.gov/>.

All visitors to the CalEPA Building are required to sign in and obtain a badge at the Visitor Services Center located just inside the main entrance (10th Street entrance). Valid picture identification may be required. Please allow up to 15 minutes for security clearance.

FUTURE NOTICE

The State Water Board staff informational workshops, Board workshop, and public hearings will be at the times and places noted above. Any change in the date, time, and place of the workshops and public hearings will be noticed on the State Water Board's cannabis cultivation webpage: http://www.waterboards.ca.gov/water_issues/programs/cannabis/.

ADDITIONAL INFORMATION AND CONTACT INFORMATION

Please direct all questions to the staff listed below regarding the proposed:

Cannabis Policy – Peter Barnes at (916) 445-9989 or Peter.Barnes@waterboards.ca.gov.

General Order – Kevin Porzio at (916) 341-6914 or Kevin.Porzio@waterboards.ca.gov.

July 7, 2017

Date



Jeanine Townsend
Clerk to the Board