

Central Coast Regional Water Quality Control Board

October 27, 2017

Matt Johnston
Santa Cruz County Planning Department
Matt.Johnston@santacruzcounty.us

Dear Mr. Johnston:

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT ON PROPOSED REGULATIONS FOR COMMERCIAL CANNABIS CULTIVATION AND MANUFACTURING, Santa Cruz COUNTY

We appreciate the opportunity to comment on the draft Environmental Impact Report on Santa Cruz County's proposed regulations for commercial cannabis cultivation and manufacturing. We have the following comments that are an attempt to clarify enrollment requirements from our agency and the State Water Resources Control Board and a request for a greater level of detail regarding impact to groundwater resources.

1. The Central Coast Water Board's current irrigated agriculture regulatory program does not regulate cannabis cultivation. Cannabis cultivation will be regulated under the State Water Resources Control Board's proposed statewide general order, WQ 2017-00XX-DWQ (see comments for page 3.9-20 below). Please revise Section 3.9-13 — Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands — accordingly.
2. Change paragraph 4 on page 3.9-20 as follows:

Dischargers are also required to comply with monitoring and reporting requirements to ensure that discharges comply with the numeric action levels and numeric effluent limitation specified in the permit. In addition to the State General Permit, **commercial cannabis cultivators must enroll in the State Water Resources Control Board Order WQ 2017-00XX-DWQ General Waste Discharge Requirements (WDR) for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order).** to the State General Permit requirements, the RWQCB Conditional Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands will apply to all licensees. **This General Order requires all cannabis cultivators to register or enroll with the SWB and comply with requirements presented in the Cannabis Policy Attachment A including, but not limited to, requirements related to erosion and sedimentation, water quality objectives and standards, winterization, water diversions and waste discharge, and in-stream flow.** This Waiver requires all cannabis cultivators to submit a Notice of Intent to the RWQCB, comply with water quality standards, implement water quality protective management practices,

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~~minimize bare soil and implement erosion control, and submit a farm water quality management plan (Farm Plan) prior to any discharge or commencement of activities that may cause a discharge~~

3. Change sentence 7 of paragraph 1 on page 3.9-21 as follows:

As a result, cannabis cultivators and manufacturers are required to obtain a waiver or other permit from the State Water Resources **Control** Board **and, if applicable, the RWQCB**, that addresses the disposal of wastewater in order to obtain a State License. Conformance with this requirement ensures impacts associated with industrial wastewater disposal in areas not served by a domestic sanitation system are considered less than significant.

4. Regarding section Post-Mitigation Level of Impacts [for Impact Hydro-2] (page 3.9-26), it is not clear how *less than significant with mitigation* was determined. It is unclear whether there will be substantial impacts to groundwater resources. We recommend this be changed to *potentially significant with mitigation*.
5. Regarding section MM Hydro-2.3 Water Tank Supply Management (page 3.9.27), it is unclear what the likelihood that water tanks will be able to be shared or how many will be shared. Even at half of the worst-case scenario, water demand from indirect activities created as a result of the total expansion of the Commercial Cannabis Cultivation and Manufacturing Regulations and Licensing Program, as described in paragraph two on page 3.9.27, will be over 100 acre-feet when the regulatory program is initially adopted. This should remain as a *potentially significant with mitigation*, at least initially when tanks are being filled.

Thank you again for the opportunity to comment. If you have any questions, please contact Leah Lemoine at (805) 549-3159 or leah.lemoine@waterboards.ca.gov or Chris Rose at (805) 542-4770 or chris.rose@waterboards.ca.gov.

Sincerely,

for John M. Robertson
Executive Officer