



North Coast Regional Water Quality Control Board

August 24, 2020

WDID:1_12CC428105

BRETT BOYNTON
615 5TH STREET
EUREKA, CA 95501

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality
Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

2020.08.24 14:15:35 PDT

On Behalf Of
Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

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NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, BRETT BOYNTON, HUMBOLDT COUNTY APN(s) 107-086-020-000

Brett Boynton (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on July 08, 2020, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_12CC428105**.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA. Please note that this NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Food and Agriculture (CalCannabis), required permits from your local jurisdiction (City or County), and an agreement from the California Department of Fish and Wildlife. General Requirement #1 of the Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from those other agencies prior to cultivating cannabis.

1. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note

that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;

- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by October 05, 2020, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov
Cliff Johnson, Humboldt County Planning and Building,
cjohnson@co.humboldt.ca.us
Joseph J. Benson & Juanita L. Storc Trust, 3151 Fairview Drive Vista,
CA 92084

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**GENERAL WASTE DISCHARGE REQUIREMENTS AND
WAIVER OF WASTE DISCHARGE REQUIREMENTS
FOR DISCHARGES OF WASTE ASSOCIATED WITH
CANNABIS CULTIVATION ACTIVITIES**



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REGIONAL WATER QUALITY CONTROL BOARDS

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ACRONYMS AND ABBREVIATIONS

Abbreviation	Expanded Form
Antidegradation Policy	State Water Board Resolution 68-16, the Statement of Policy with Respect to Maintaining High Quality of Waters in California
Army Corps	United States Army Corps of Engineers
AUMA	Adult Use of Marijuana Act of 2016
Basin Plan	Water Quality Control Plan
BOF	Board of Forestry
BPTC	Best Practicable Treatment or Control
CAL FIRE	California Department of Forestry and Fire Protection
CDFA	California Department of Food and Agriculture
Cannabis Policy	Cannabis Cultivation Policy, Principles and Guidelines for Cannabis Cultivation
CDFW	California Department of Fish and Wildlife
CIWQS	California Integrated Water Quality System
CUA	Compassionate Use Act of 1996
CEQA	California Environmental Quality Act
CDFW	California Department of Fish and Wildlife
DPR	Department of Pesticides Regulation
e.g.	Latin <i>exempli gratia</i> (for example)
FPR	Forest Practice Rules
ILRP	Irrigated Lands Regulatory Program
MCRSA	Medical Cannabis Regulation and Safety Act
MMRSA	Medical Marijuana Regulation and Safety Act
NOA	Notice of Applicability
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NPS	Nonpoint Source Pollution Control Program
NTU	Nephelometric Turbidity Units
OWTS	Onsite Wastewater Treatment System
Regional Water Board	Regional Water Quality Control Board
Road Handbook	Handbook for Forest, Ranch, and Rural Roads
RWD	Report of Waste Discharge
State Water Board	State Water Resources Control Board
SB	Senate Bill
SIC	Standard Industrial Code
SW-CGP	Storm Water Construction General Permit
SW-IGP	Storm Water Industrial General Permit
THP	Timber Harvest Plan
TMDL	Total Maximum Daily Load
U.S. EPA	United States Environmental Protection Agency
Water Boards	State Water Board and Regional Water Boards
WDRs	Waste Discharge Requirements

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FINDINGS

The State Water Resources Control Board (State Water Board) finds that:

BACKGROUND

1. Cannabis cultivation in California has grown exponentially in recent years and is often located in sensitive environmental areas where the activities create significant impacts to water quality. Waste discharges from cultivation sites include sediment, irrigation runoff, fertilizers, pesticides/herbicides, petroleum, agricultural related chemicals, cultivation related waste, refuse, and human waste. Construction of access roads has resulted in significant erosion and sediment discharges to water bodies.
2. Water Code section 13149 required the State Water Board to adopt principles and guidelines for diversion and use of water for cannabis cultivation in areas where cannabis cultivation may have the potential to substantially affect instream flows. The principles and guidelines may include, but are not limited to, instream flow objectives, limits on diversions, and requirements for screening of diversions and elimination of barriers to fish passage. The principles and guidelines may also include requirements that apply to groundwater extractions where the board determines those requirements are reasonably necessary. The principles and guidelines were developed as part of state policy for water quality control adopted pursuant to Article 3 (commencing with Section 13140) of Chapter 3 of Division 7 and include measures to protect springs, wetlands, and aquatic habitats from negative impacts of cannabis cultivation. The principles and guidelines are included in the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* (Cannabis Policy). The Cannabis Policy describes the overarching water diversion and waste discharge requirements (WDRs) associated with cannabis cultivation activities. The State Water Board does not, in any way authorize, endorse, sanction, permit or approve the cultivation, use, sale or other activities associated with cannabis. Individuals engaging in cannabis cultivation and other activities risk prosecution under federal law.
3. Section 19332 (d) of the Business and Professions Code directs the State Water Board, in consultation with the California Department of Fish and Wildlife (CDFW) and the California Department of Food and Agriculture (CDFA), to ensure, pursuant to Section 13149 of the Water Code, that individual and cumulative effects of water diversions and discharges associated with cannabis cultivation do not affect the

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instream flows needed for fish spawning, migration, rearing, and the flows needed to maintain natural flow variability.

4. This General Order implements the Cannabis Policy requirements, specifically those requirements that address waste discharges associated with cannabis cultivation activities. Dischargers covered under this General Order are subject to the requirements of the Cannabis Policy in its entirety. Administrative requirements, such as how to apply for coverage, terminate coverage, applicable fees, and monitoring and reporting requirements are contained within this General Order.
 - a. The Cannabis Policy describes the water quality control policy structure, requirements for cannabis cultivation activities to protect water quality and instream flows, implementation, means of compliance, and enforcement.
 - b. Attachment A of the Cannabis Policy, which is attached hereto as Attachment A of the General Order and is made part of this Order by reference, contains non-flow related requirements (Section 1 and Section 2) and flow requirements (Section 3, Section 4). Section 5 contains planning and reporting requirements. Section 6 contains guidance documents referenced in Attachment A.
 - c. The Cannabis Policy and staff report contains rationale for the requirements contained in the Cannabis Policy.
5. Two Regional Water Quality Control Boards (Regional Water Boards) have adopted orders related to cannabis cultivation.
 - a. On August 13, 2015, the North Coast Regional Water Quality Control Board adopted a *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order No. R1-2015-0023).
 - b. On October 2, 2015, the Central Valley Regional Water Quality Control Board adopted a *General Waste Discharge Requirements Order for Discharges of Waste Associated with Medical Cannabis Cultivation Activities* (Order No. R5-2015-0113).

APPLICABILITY, TIER DESIGNATION, AND THREAT TO WATER QUALITY

6. It is the intent of the State Water Board that Regional Water Boards enroll all eligible dischargers developing land for, or engaging in, cannabis cultivation activities under this General Order consistent with the exemptions and conditional exemptions described herein. This General Order does not limit the State Water Board or

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Regional Water Board authority to inspect and/or evaluate the regulatory status, water quality impacts, or water right regulatory requirements of cannabis cultivation activities. If a Regional Water Board determines that due to site-specific conditions, coverage under this General Order will not be protective of water quality, the Regional Water Board may issue site-specific WDRs for discharges from a cannabis cultivation site.

- a. For dredge and fill activities covered by this General Order, a Regional Water Board may issue a site-specific Clean Water Act section 401 water quality certification or enroll the Discharger in a general section 401 water quality certification if the Regional Water Board determines that the general water quality certification in this General Order is not protective of water quality due to site-specific or region-specific conditions.
 - b. The Regional Water Boards may also regulate discharges from cannabis cultivation activities using individual or general Irrigated Lands Regulatory Program (ILRP) WDRs if the Regional Water Board Executive Officer determines that the ILRP WDRs or ILRP conditional waiver of WDRs adequately describe discharges from the cannabis cultivation activity, are protective of water quality, the Discharger possesses valid water rights after consulting with State Water Board Division of Water Rights, the Discharger complies with the water diversion reporting requirements contained in Water Code sections 1840 and 1841, and the ILRP WDRs or ILRP conditional waiver of WDRs require compliance with the State Water Board's Cannabis Policy.
7. The Cannabis Policy provides a statewide tiered approach for permitting discharges and threatened discharges of waste from cannabis cultivation and associated activities, establishes a personal use exemption standard, and provides conditional exemption criteria for low threat to water quality activities. Tiers are defined by the amount of disturbed area. The criteria consist of:
 - a. Personal use exempt Dischargers are very small non-commercial cultivators that are exempt from this General Order. (Refer to the Exemptions for Certain Cultivation Activities section of this General Order for more information.)
 - b. Indoor commercial cultivation activities are conditionally exempt under this General Order. (Refer to the Exemptions for Certain Cultivation Activities section of this General Order for more information.)
 - c. Outdoor commercial cultivation activities that disturb less than 2,000 square feet may be conditionally exempt under this General Order. (Refer to the

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Exemptions for Certain Cultivation Activities section of this General Order for more information.)

- d. Tier 1 Dischargers cultivate cannabis commercially outdoors, and have a disturbed area equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet).
 - e. Tier 2 Dischargers cultivate cannabis commercially outdoors, and have a disturbed area equal to or greater than 1 acre.
8. The Cannabis Policy provides criteria to evaluate the threat to water quality based on site conditions. The threat is risk-based as described below:
- a. Disturbed area: The disturbed area indicates the threat to water quality because level of threat is proportional to the area of disturbed soil, the amount of irrigation water used, the potential for storm water runoff, and the potential impacts to groundwater (e.g., the use of fertilizers or soil amendments, the possible number of employees on site, etc.).
 - b. Slope of disturbed area: Increased slopes may be associated with decreased soil stability, especially when associated with vegetation removal. Storm water and excess irrigation water are more likely to runoff and discharge off-site from sloped surfaces.
 - c. Proximity to a surface water body: The Cannabis Policy provides setbacks from surface water bodies to reduce water quality impacts. Disturbed areas within the setbacks are more likely to discharge waste constituents to surface water and/or result in removal of riparian vegetation.
9. Dischargers must characterize their cultivation activities as described below and implement all applicable best practicable treatment or control (BPTC) measures described in Attachment A.
- a. Dischargers that cultivate in multiple areas within a parcel or contiguous parcels shall add all the disturbed areas together to calculate the total disturbed area. (For example, a Discharger that operates two cultivation areas that each disturbs 1,100 square feet must report a disturbance of 2,200 square feet and does not qualify for a conditional exemption under this General Order.)
 - b. Risk determination based on the site conditions shall be based on the greatest threat to water quality. (For example, if one of the 1,100 square feet

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cultivation areas is located on a slope greater than 30 percent, all the cultivation areas will be classified as moderate risk).

- c. Dischargers that cultivate cannabis on non-contiguous parcels must evaluate each parcel for regulatory coverage separately.

10. Personal use exempt dischargers meeting the criteria described in this General Order (see Exemptions for Certain Cultivation Activities) do not need to apply for coverage under the General Order. Dischargers that qualify for conditional exemption (either indoor or outdoor activities) will be covered under the Waiver of WDRs (Waiver) contained in this General Order. Tier 1 or Tier 2 dischargers must enroll under the General Order (refer to Finding 7 for tier designation). Outdoor conditionally exempt and Tier 1 and Tier 2 enrollees shall characterize the risk designation based on the slope of disturbed areas and the proximity to a water body. Characterization shall be based on the risk designation summarized as follows:

- a. Low risk

- i. No portion of the disturbed area is located on a slope greater than 30 percent, and
- ii. All of the disturbed area complies with the setback requirements.

- b. Moderate risk

- i. Any portion of the disturbed area is located on a slope greater than 30 percent and less than 50 percent, and
- ii. All of the disturbed area complies with the setback requirements.

- c. High risk

- i. Any portion of the disturbed area is located within the setback requirements.

11. Site development and/or access road building and maintenance activities associated with cannabis cultivation are subject to this General Order. The *Handbook for Forest, Ranch & Rural Roads* (Road Handbook) provides a guide for planning, designing, constructing, reconstructing, upgrading, maintaining, and closing wildland roads. Development of the Road Handbook was funded in part by State Water Board, United States Environmental Protection Agency (U.S. EPA), and California Department of Forestry and Fire Protection (CAL FIRE). The Road Handbook is available at:

<<http://www.pacificwatershed.com/sites/default/files/RoadsEnglishBOOKapril2015b.p>

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Construction of new access roads, and development of cultivation sites may be subject to the Regional Water Board's forestry program permitting requirements, statewide construction storm water program permitting requirements the Lahontan Regional Water Board's construction storm water program permitting requirements for the Lake Tahoe Hydrologic Unit, CAL FIRE permitting requirements, Clean Water Act section 404 permitting requirements issued by the United States Army Corps of Engineers (Army Corps), and Clean Water Act section 401 water quality certification issued by a Regional Water Board. In some cases, the Army Corps may not issue a section 404 permit because the activity is associated with cannabis cultivation; in those situations, the Regional Water Board will not issue a section 401 water quality certification but will regulate that activity under this General Order or issue individual WDRs consistent with the Water Code.

EXEMPTIONS FOR CERTAIN CULTIVATION ACTIVITIES

12. Cultivation activities that qualify for the personal use exemption disturb less than 1,000 square feet (in aggregate) and present the lowest threat to water quality; therefore, discharges from the operations are exempt from enrolling in the General Order if they comply with the conditions specified in this order. Personal use cultivation activities are exempt from requirements to obtain a CDFA cultivation license because they are not a commercial activity. Activities that are consistent with Health and Safety Code sections 11362.77 (medical marijuana) or 11362.2 (non-medical marijuana) and subsequent revisions of the statutes, disturb an area (in aggregate) less than 1,000 square feet, and comply with the additional conditions below, are not required to submit any application information to obtain coverage under this General Order. The 1,000 square feet personal use exemption criteria provide sufficient area for outdoor cultivation of six mature plants for non-medical use, or 500 square feet of cannabis plant canopy as allowed for medical cultivation purposes.
 - a. The exemptions apply per parcel or contiguous parcels; no coalitions, cooperatives, or other combination of cultivation activities can claim the personal use exemption for activities on the same parcel. The personal use exemption shall not apply if the Cannabis Cultivator fails to comply with all applicable conditions, including the non-commercial activity requirement.
 - b. If the personal use exemption does not apply, the Discharger shall contact the Regional Water Board to determine if the activity qualifies for coverage as conditionally exempt, or Tier 1 or Tier 2 enrollment. To qualify for the personal use exemption, a Discharger must comply with all of the following conditions:
 - i. The cultivation area shall be contiguous (all located in one area).

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- ii. The disturbed area complies with the setback requirements contained in this General Order (refer to Attachment A) and occupies less than 1,000 square feet.
 - iii. No part of the disturbed area is located on land with a slope greater than 20 percent.
 - iv. The Discharger implements all applicable BPTC measures listed in Attachment A.
 - c. The personal use exemption does not alter any other legal requirement (e.g., limitations on sales, distribution, or donations of cannabis). Noncommercial cultivation activities require a valid basis of right for the diversion and use of water and therefore may need to apply for a water right. The personal use exemption does not affect the requirement to obtain authorization for water diversion.
13. Outdoor cannabis cultivation activities that disturb an area (in aggregate) less than 2,000 square feet on any one parcel or on contiguous parcels managed as a single operation and that comply with all of the additional cultivation area criteria listed below are conditionally exempt and are required to obtain coverage under the Waiver. The 2,000 square feet conditional exemption criterion provides sufficient area for outdoor cultivation for small commercial activities. Facilities with larger disturbed areas are inherently a higher threat to water quality and are subject to additional regulatory oversight. The conditional exemption applies per parcel or contiguous parcels; no coalitions, cooperatives, or other combination of cultivation activities can claim the conditional exemption for activities on the same parcel. To be conditionally exempt, a Discharger must comply with all of the following:
- a. The cultivation area shall be contiguous (all located in one area).
 - b. The disturbed area complies with the setback requirements contained in this General Order (refer to Attachment A) and occupies less than 2,000 square feet.
 - c. No part of the disturbed area is located on land with a slope greater than 20 percent.
 - d. The Discharger implements all applicable BPTC measures listed in Attachment A.
14. The Conditional exemption does not alter any other legal requirement (e.g., limitations on sales, distribution, or donations of cannabis). Refer to the Application/Termination

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Process and Fees section for information on application requirements. Cultivation activities that are conditionally exempt under this General Order still require a valid basis of right for the diversion and use of water and therefore may still need to apply for a water right. Indoor commercial cannabis cultivation may be performed using hydroponic growing systems, soil, or other growth media. To maintain suitable growing conditions, wastewater is discharged from hydroponic systems when the irrigation water contains excessive salinity or nutrients. Irrigation tail water is generated when excess water drains from the growth media. Irrigation tail water or hydroponic wastewater may contain nutrients (e.g., phosphate or nitrate), salinity constituents (e.g., sodium, chloride, potassium, calcium, sulfate, magnesium), and other constituents (e.g., iron, manganese, zinc, molybdenum, boron, and silver).¹ Other sanitation based wastewaters may also be generated at indoor commercial cannabis cultivation sites. These miscellaneous industrial wastewaters may contain biocides, bleach mixtures, or other chemical waste streams.

- a. Commercial cannabis cultivation activities are classified as conditionally exempt if they occur within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and comply with the Cannabis Policy and all applicable Requirements in Attachment A, and either: 1) discharge all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater; or 2) collect all industrial wastewater in an appropriate storage container to be stored and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater. To obtain documentation of the conditionally exempt status to obtain a CDFA commercial cannabis cultivation license, conditionally exempt Dischargers are required to obtain coverage under the Waiver included in this General Order. Refer to the Application/Termination Process and Fees section for information on application requirements.
- b. Discharges of irrigation tailwater, hydroponic wastewater, or other miscellaneous industrial wastewaters from indoor cannabis cultivation activities to an on-site wastewater treatment system (such as a septic tank and leach field), to land, or to surface water must obtain separate regulatory authorization (e.g., WDRs, conditional waiver of WDRs, or other permit mechanism) to discharge the wastewater. Such Dischargers are classified as conditionally exempt. To obtain documentation of the conditionally exempt status and obtain a CDFA cultivation license, conditionally exempt Dischargers are required to obtain coverage under the Waiver included in this General Order. Refer to the Application/Termination Process and Fees section for information on application requirements.

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- c. Indoor commercial cultivation activities that are conditionally exempt under this General Order still require a valid basis of right for the diversion and use of water and therefore may still need to apply for a water right. The exemption for enrolling under this General Order does not affect the Requirement to obtain authorization for water diversion.

WATER CODE CONSIDERATIONS

- 15. Water Code section 13260(a) requires that any person, citizen, or domiciliary discharging waste or proposing to discharge waste within any region, other than to a community sewer system, that could affect the quality of the waters of the state, file a report of waste discharge (RWD) to obtain coverage under WDRs or a waiver or WDRs. Waste, person, citizen, and domiciliary are defined in Water Code section 13050.
- 16. Water Code section 13146 requires that WDRs must implement the Regional Water Board's Water Quality Control Plan (Basin Plan) for the basin in which the discharge occurs. This General Order requires Dischargers to comply with all applicable Basin Plan requirements, including prohibitions and/or water quality objectives governing the discharge. In the event of a conflict between the requirements of this General Order and the Basin Plan, the more protective requirement prevails.
- 17. The State Water Board's authority to regulate discharges associated with cannabis cultivation and associated activities are subject to the following regulatory measures:
 - a. Water Code section 13263(i) states the State Water Board or a Regional Water Board may prescribe general WDRs for a category of discharges if the State Water Board or a Regional Water Board finds or determines that all of the following criteria apply to the discharges in that category:
 - i. The discharges are produced by the same or similar operations.
 - ii. The discharges involve the same or similar type of waste.
 - iii. The discharges require the same or similar treatment standards.
 - iv. The discharges are more appropriately regulated under general WDRs than individual WDRs.
 - b. Discharges associated with cannabis cultivation and associated activities that will be regulated under this General Order are consistent with the criteria listed above and therefore a general order is appropriate. All discharges regulated under this order will be from similar operations and/or activities related to cannabis cultivation, which pose similar types of threat to water quality. The

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discharges will use similar treatment methods (e.g., filtration, settling, setbacks, application to land, etc.). Individual WDRs are not necessary because the discharges are similar and discharge requirements would be similar if individual WDRs were issued.

- c. Water Code section 13269 states that the State Water Board or the Regional Water Board may conditionally waive the requirements to file an RWD under Water Code section 13260(a)(1) and/or the requirement to prescribe WDRs under Water Code section 13263(a) for a specific discharge or specific type of discharge where such a waiver is consistent with the applicable Regional Water Board Basin Plans, in the public interest, and the following conditions are met:
 - i. The waiver is conditional.
 - ii. The discharge complies with the waiver conditions.
 - iii. A public hearing is held.
 - d. Discharges that meet the criteria for conditional exemption under this General Order are considered to be a limited threat to water quality provided the Discharger complies with the conditions contained in this General Order; therefore, coverage under a conditional waiver is appropriate. A Discharger covered under the conditional waiver that no longer complies with the conditions is required to consult with the Regional Water Board to determine if a compliance schedule is appropriate, if enrollment in Tier 1 or Tier 2 is possible, or if the Discharger must cease the discharge. Violators are guilty of misdemeanor and may be liable civilly pursuant to Water Code section 13265.
18. Pursuant to Water Code section 13263(g), no discharge of waste into waters of the state, whether or not the discharge is made pursuant to waste discharge requirements, shall create a vested right to continue the discharge. All discharges of waste into waters of the state are privileges, not rights.
19. In compliance with Water Code section 106.3, it is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to comply with requirements established to protect municipal and domestic water supplies.

REGULATORY CONSIDERATIONS

20. The Cannabis Policy includes instream flow objectives, limits on diversions, requirements for screening of diversions and elimination of barriers to fish passage,

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and requirements that apply to groundwater extraction. Cannabis cultivation activities statewide are required to comply with the requirements of the Cannabis Policy.

21. Health and Safety Code Section 11362.2 states that local municipalities (e.g., city, county, or city and county) have land use authority related to cannabis cultivation and associated activities. Coverage under this General Order does not supersede any requirements, ordinances, or regulations of other regulatory agencies or local municipalities.
22. Those requirements, ordinances, or regulations may change over time. Authorization to discharge waste from cannabis cultivation activities under this General Order may be revoked based on those conditions.
23. The Regional Water Board Executive Officer may terminate permit coverage under the General Order for cause when such termination is needed to protect water quality.
24. Industrial hemp, as defined in Health and Safety Code section 9.1, is exempt from regulation under this General Order. Industrial hemp is regulated by the CDFA, commencing with section 81000 of the Food and Agricultural Code. Cultivation of industrial hemp shall be performed consistent with the Regional Water Board's ILRP.
25. The California Forest Practice Rules (FPR) designate watercourse (stream) and lake protection zones, protective measures based on the beneficial use, and whether the watercourse is natural or manmade. Activities performed in areas subject to the FPR shall be implemented consistent with the permitting, licensing, and performance standards of the FPR, and the requirements of the Cannabis Policy and this General Order, whichever is more protective.
26. Diversion of water or any other alteration of a lake or streambed (including alterations that result from construction or modification of culverts, etc.) requires CDFW notification and permitting. CDFW manages California's fish and wildlife resources and habitats for their ecological value and enjoyment by the public. CDFW may issue Lake or Streambed Alteration Agreements (also known as "1600 Agreements") that may limit water diversions to ensure that public resources are protected or impose additional conditions.

TITLE 27 EXEMPTION

27. Discharges from cannabis cultivation activities eligible for coverage under this General Order are exempt from the requirements of Consolidated Regulations for Treatment, Storage, Processing, or Disposal of Solid Waste in California Code of Regulations, title 27, division 2, subdivision 1, section 20005, et seq. The activities are exempt

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from the requirements of title 27 so long as the activity meets and continues to meet all preconditions listed below. (Cal. Code Regs., tit. 27, §20090).

- a. Wastewater – Discharges of wastewater to land, including but not limited to evaporation ponds, percolation ponds, or subsurface leach fields if all of the following conditions are met:
 - i. The applicable Regional Water Board has issued WDRs, reclamation requirements, or waived such issuance.
 - ii. The discharge complies with the applicable water quality control plan.
 - iii. The wastewater does not need to be managed according to California code of Regulations, title 22, division 4.5, chapter 11, as a hazardous waste. (Cal. Code Regs., tit. 27, §20090(b).)
- b. Soil Amendments – Use of nonhazardous decomposable waste as a soil amendment pursuant to applicable BPTC measures, provided that Regional Water Boards may issue waste discharge or reclamation requirements for such use. (Cal. Code Regs., tit. 27, §20090(f).)

MONITORING AND REPORTING

28. Water Code section 13267 states, in relevant part:

- a. (b)(1) In conducting an investigation ..., the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region ... shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports.
- b. Tier 1 and Tier 2 enrollees are required to submit technical and monitoring reports. The reports include certifying completion of winterization measures, certification of the facility tier status, and for higher risk tiers, nitrogen management status. The technical reports and monitoring reports are necessary to assure compliance with this General Order. The burden and cost of preparing the reports is reasonable and consistent with the interest of the state in maintaining water quality.

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BASIN PLANS AND BENEFICIAL USES

29. Beneficial uses of groundwater are determined by each Regional Water Board and are listed in their respective Basin Plans.
- a. Beneficial uses of groundwater include municipal and domestic supply, industrial service supply, industrial process supply, fresh water replenishment, aquaculture, wildlife habitat, water contact recreation, agricultural supply, and groundwater recharge. Some beneficial uses only apply to certain geographical areas within regions.
 - b. Beneficial uses of surface waters include agricultural supply; cold freshwater habitat; estuarine habitat; flood peak attenuation or flood water storage; freshwater replenishment; groundwater recharge; inland saline water habitat; municipal and domestic supply; warm freshwater habitat; water quality enhancement; wetland habitat; wildlife habitat; aquaculture; commercial and sport fishing; industrial process supply; industrial service supply; migration of aquatic organisms; Native American culture; navigation; non-contact water recreation; rare, threatened, or endangered species; spawning, reproduction, and/or early development; subsistence fishing; and water contact recreation.

NORTH COAST REGIONAL WATER BOARD BASIN PLAN, POLICIES, AND TMDLS

30. The North Coast Regional Water Board adopted the *Support of Restoration in the North Coast Region Resolution Number R1-2015-0001* (Restoration Policy) to support the implementation of restoration projects for the purpose of eliminating, reducing, or ameliorating a variety of conditions that can negatively impact aquatic ecosystems, including but not limited to: water pollution, eutrophication, desiccation, habitat simplification, species displacement, migration barriers, erosion from diverted streams, riparian zone disturbance, effects of climate change, or other impairments to the beneficial uses of waters of the state. In many watersheds, the impact of past land use activities or so-called "legacy" problems may require decades to recover to their historic, natural, or functioning conditions. Some aquatic ecosystems have been so significantly altered that it is no longer reasonable or feasible to achieve historic conditions; but rather, restoration efforts must focus on establishing best achievable structure, function, and biodiversity.
31. The North Coast Regional Water Board Basin Plan includes the policy for the Implementation of the Water Quality Objectives for Temperature (Temperature Implementation Policy), which specifies that activities resulting in water temperature increases shall be addressed on a case-by-case basis to reduce impairments and prevent further impairment. The Temperature Implementation Policy directs staff to examine and address temperature when developing permits. At a minimum, any

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program or permit should implement temperature shade load allocations in areas subject to existing temperature total maximum daily loads (TMDLs), including EPA-established temperature TMDLs. To attain and maintain the water quality objectives for temperature, the Regional Water Board and its staff will implement programs and collaborate with others in such a manner as to prevent, minimize, and mitigate temperature alterations associated with sediment discharges and controllable water quality factors. Controllable water quality factors affecting water temperature include any anthropogenic activity which results in the removal of riparian vegetation, sediment discharges, impoundments and other channel alterations, reduction of instream summer flows, and the reduction of cold water sources. The Temperature Policy requires program implementation through adoption of WDRs.

32. The North Coast Region is home to numerous threatened and endangered species that are sensitive to excessive sediment, temperature fluctuations, and reduction of suitable habitat. The migration, spawning, reproduction, and early development of cold-water fish such as salmon and trout species are impacted in the North Coast Region due to water quality impairments and other conditions. The National Marine Fisheries Service has listed southern Oregon/northern California coast Coho salmon, California coastal Chinook salmon, and northern California steelhead as threatened under the federal Endangered Species Act. The CDFW listed Coho salmon as threatened in 2005.
33. Approximately 61-percent of the North Coast Region drains to sediment impaired rivers and streams (2006 Clean Water Act Section 303(d) list). Sediment TMDLs have been established by the U.S. EPA for the Albion River, Big River, Middle Fork Eel River, North Fork Eel River, South Fork Eel River, Garcia River, Gualala River, Mattole River, Navarro River, Noyo River, Redwood Creek, Ten Mile River, Trinity River, South Fork Trinity River, and Van Duzen River. The establishment of TMDLs by the U.S. EPA was conducted under the authority of the Clean Water Act and is equivalent to adoption of a TMDL as described in California Code of Regulations, title 14, section 916.9(a)(l).
34. The North Coast Regional Board adopted the *TMDL Implementation Policy Statement for Sediment Impaired Receiving Waters in the North Coast Region*, (Sediment TMDL Implementation Policy) on November 29, 2004. The Sediment TMDL Implementation Policy directs the Executive Officer to use all available authority in pursuing sediment related compliance.
35. This General Order is consistent with the Basin Plan for the North Coast Region, the Temperature Implementation Policy and the Sediment TMDL Implementation Policy by requiring all Dischargers that are landowners of the cultivation site in the North Coast Region to develop *Site Management Plans* identifying compliance with BPTC

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measures property-wide, including discharges from legacy activities (e.g., former timber harvest, road building, mining, etc.) at the site.

LAHONTAN REGIONAL WATER BOARD BASIN PLAN

36. The Lahontan Regional Water Board Basin Plan contains control measures for construction activities. To minimize the risk of erosion and storm water threatening sensitive watersheds, the Basin Plan requires the following:
- a. Disturbed areas located at elevations above 6,000 feet must be stabilized from October 15th through May 1st of each year, and all work performed during this period must be conducted so that the site can be winterized within 48 hours.
 - b. "Winterized" for the Lahontan region means implementing erosion and/or sediment controls that will prevent the discharge of earthen materials from the site and the controls will remain effective throughout the rainy/snow season without requiring maintenance. The winter season may be shortened in desert areas of the region.
37. The Lahontan Regional Water Board adopted the *General Waste Discharge Requirements and National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity in the Lake Tahoe Hydrologic Unit, Counties of Alpine, El Dorado, and Placer* (Order No. R6T-2016-0010) which includes a specific anticipated precipitation event criteria. An anticipated precipitation event is defined as a 30 percent or greater chance producing 0.1 inch of precipitation as rainfall in the project area, or if the chance of thunderstorms becomes 30 percent or greater, or when visual observations indicate imminent precipitation.
38. The Lahontan Regional Water Board adopted Resolution Number R6T-2008-0019, *Approval of Amendments to the Water Quality Control Plan for the Lahontan Region to Incorporate a Total Maximum Daily Load (TMDL) and TMDL Implementation Plan for Sediment in the Middle Truckee River Watershed, Placer, Nevada, and Sierra Counties, and Certification of a Substitute Environmental Document* (Middle Truckee River TMDL) on May 14, 2008. The Middle Truckee River TMDL was approved by the State Water Board on March 17, 2009; and the U.S. EPA on September 16, 2009. The implementation of the Middle Truckee River TMDL includes identification of legacy sites and restoration, or implementation of storm water best management practices to prevent erosion and sedimentation of surface waters. The BPTC measures included in this General Order includes requirements to control sediment discharges from construction and maintenance activities related to cannabis cultivation.

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SAN DIEGO REGIONAL WATER BOARD TMDL

39. The San Diego Regional Water Board adopted Resolution Number R9-2005-0036, *A Resolution Adopting an Amendment to the Water Quality Control Plan for the San Diego Region (9) to Incorporate Total Maximum Daily Loads (TMDLs) for Total Nitrogen and Total Phosphorus in the Rainbow Creek Watershed, San Diego County* (Rainbow Creek TMDL) on February 9, 2005. The Rainbow Creek TMDL was approved by the State Water Board on November 16, 2005; the Office of Administrative Law (OAL) on February 1, 2006; and the U.S. EPA on March 22, 2006. The Rainbow Creek TMDL became effective on February 1, 2006.

- a. Nitrate and phosphorus concentrations in the Rainbow Creek Watershed exceed the water quality objective for some municipal supply beneficial uses and threaten several additional beneficial uses. Runoff from agriculture, nursery, and residential land uses contribute to increased nitrate and phosphorus in Rainbow Creek as a result of storm water runoff, irrigation return flows, and groundwater contributions to the creek.
- b. The objectives of the Rainbow Creek TMDL Implementation Plan requires the use of effective management practices and best management practices to reduce the loading of nitrogen and phosphorus to attain numeric targets for total nitrogen (1.0 mg/L) and total phosphorus of (0.1 mg/L). The BPTC measures included in this General Order represent effective management practices limiting nitrogen and phosphorus discharges.

40. The San Diego Regional Water Board adopted Resolution Number R9-2010-0001, *A Resolution Amending the Water Quality Control Plan for the San Diego Basin (9) to Incorporate Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (including Tecolote Creek)* (Bacteria TMDL) on February 10, 2010. The Bacteria TMDL was approved by the State Water Board on December 14, 2010; OAL on April 4, 2011; and U.S. EPA on June 22, 2011. The Bacteria TMDL became effective on April 4, 2011.

- a. Bacteria in the waters of the beaches and creeks addressed by this TMDL have exceeded numeric water quality objective for total, fecal, and/or enterococci bacteria (collectively referred to as indicator bacteria). Beaches have been posted with health advisories and/or closed threatening and impairing beneficial uses.
- b. Watersheds with agricultural operations (Lower San Juan hydrologic sub area, San Luis Rey hydrologic unit, San Marcos hydrologic area, and San Dieguito hydrologic unit) are required to reduce their wet weather and dry weather bacteria loading. The objectives of the Bacteria TMDL Implementation Plan

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requires the use of effective management practices and best management practices to reduce the loading of bacteria containing discharges to achieve the load allocations and waste loads specified in the Bacteria TMDL. The BPTC measures included in this General Order represent effective management practices limiting bacteria-containing discharges.

NON-POINT SOURCE POLICY

41. In May 2004, the State Water Board adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). The purpose of the NPS Policy is to improve the state's ability to effectively manage nonpoint source pollution, conform to the requirements of the Clean Water Act, and comply with the Federal Coastal Zone Act Reauthorization Amendments of 1990. Polluted runoff from nonpoint sources accounts for more than 76 percent of the water bodies where TMDLs are required.

- a. The NPS Policy requires the Water Boards to regulate all nonpoint sources of pollution, using the administrative permitting authorities provided by the Porter-Cologne Water Quality Control Act. This General Order implements the NPS Policy by requiring BPTC measures for site development, cannabis cultivation, associated activities (e.g., site grading, road building, surface water diversion, etc.) that can contribute to nonpoint source pollution.
- b. NPS pollution control implementation programs are a mechanism to achieve compliance with Basin Plan requirements. Pollution control implementation programs may be imposed upon a subbasin by the State or Regional Water Board, an individual Discharger, or a coalition of Dischargers. Alternatively, a pollution control implementation program may be developed by an individual Discharger, group of Dischargers, or landowners to address a water quality issue.
- c. Implementation of the applicable BPTC measures contained in Attachment A will be protective of water quality for most cannabis cultivation activities. However, adherence to the BPTC measures does not assure compliance. The ultimate compliance evaluation is comparison of the effectiveness of BPTC measure implementation to the appropriate Basin Plan requirements. In some cases, the Discharger will have to implement multiple BPTC measures, or increase the density of BPTC measures to achieve water quality protection. In some cases, the activity cannot be performed without unacceptable water quality degradation. In those cases, the Regional Water Board may revoke the authorization under the General Order, require authorization under a site-specific order, or prohibit the activity from occurring.

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APPLICATION/TERMINATION PROCESS AND FEES

42. The North Coast Regional Water Board and the Central Valley Regional Water Board have authorized discharges related to cannabis cultivation under Orders R1-2015-0023 and R5-2015-0113. The State Water Board intends that regulatory coverage under an existing Regional Water Board general order will be terminated by the applicable Regional Water Board by **July 1, 2019**. All existing Dischargers must apply for coverage under this General Order. (Some existing Dischargers may qualify for conditional exemption from the General Order; some previously exempted activities may need to obtain coverage under the Waiver or enroll under this General Order.) All cannabis cultivation activity that requires discharge authorization as described herein, shall be authorized by this General Order, an appropriate ILRP WDR, a waiver of ILRP WDRs, or by a site-specific order if deemed necessary by the Regional Water Board Executive Officer. All Dischargers enrolled under Orders R1-2015-0023 or R5-2015-0113 as of October 17, 2017 may continue to operate their facility with their existing order's setbacks (grandfathered status) unless the Regional Water Board's Executive Officer determines that the reduced setbacks applicable under those orders are not protective of water quality. Such Dischargers are not required to modify their facilities to comply with this General Order's setback limits. New disturbed areas or expansions to the existing facilities shall comply with the setbacks provided in this General Order.
43. Applicants must comply with the setback and slope limits. A cultivation site is classified as moderate risk if any part of the disturbed area is located on a slope greater than 30 percent. Such Dischargers shall enroll as moderate risk and submit a *Site Erosion and Sediment Control Plan*. (See the plan description in the Provisions section of this General Order.) A cultivation site is classified as high risk if any part of the disturbed area exists within the setback limits. Such Dischargers shall enroll as high risk, submit a *Disturbed Area Stabilization Plan*, and shall address the setback compliance issue as described below. (See the plan description in the Provisions section of this General Order.) Because such Dischargers pose a higher risk to water quality and will require a higher level of Regional Water Board oversight, they are subject to a higher application and annual fee. When the site is reconfigured to comply with the setbacks, the Discharger can request the Regional Water Board to reclassify the site to a lower risk level and allow a lower annual fee to be assessed.
44. Applicants seeking coverage under the Waiver or that are required to enroll are required to pay an application fee as described below. Water Code sections 13260(d)(1)(A) and 13269(a)(4)(A) requires persons subject to waste discharge requirements or a waiver of waste discharge requirements to pay an annual fee according to a fee schedule established by the State Water Board. The application

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and annual fee schedule is presented in California Code of Regulations, title 23, section 2200 et seq.

- a. Commercial indoor cannabis cultivation activities that occur within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and comply with the Cannabis Policy and all applicable Requirements in Attachment A, and either: 1) discharge all industrial wastewaters generated to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater; or 2) collect all industrial wastewater in an appropriate storage container to be stored and properly disposed of by a permitted wastewater hauler at a permitted wastewater treatment facility that accepts cannabis cultivation wastewater are required to apply for coverage under the Waiver on-line and pay an application fee.
- b. Indoor cannabis cultivation activities that occur within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), but discharge irrigation tailwater or hydroponic wastewater, to an on-site wastewater treatment system (such as a septic tank and leach field or to land) must obtain separate regulatory authorization for the wastewater discharge (e.g., WDRs, conditional waiver of WDRs, or other permit mechanism). Indoor cannabis cultivation with an onsite treatment system are required to apply for coverage under the Waiver on-line and pay an application fee.
- c. Outdoor cannabis cultivation activities that comply with the conditionally exempt conditions described in the Exemptions for Certain Cultivation Activities section of this General Order are required to apply for coverage under the Waiver on-line and pay an application fee. Existing Dischargers (under Orders R1-2015-0023, R5-2015-0113) are required to transition coverage (enroll) under the General Order. Dischargers enrolled under Order R1-2015-0023 or Order R5-2015-0113 are subject to all applicable Attachment A Requirements related to water diversion and instream flow². Transitioning Dischargers are required to apply on-line. They do not pay an application fee; they continue to pay their annual fee as appropriate from the general order fee schedule (the fee may change based on site conditions). Some Dischargers may qualify for, or be required to obtain coverage under an ILRP WDR, ILRP conditional waiver of WDRs, or a site-specific WDRs order. Enrollees directed to those orders shall contact the appropriate Regional Water Board for instructions on application procedures. Such Dischargers shall also comply

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with the applicable water rights registration process described herein as applicable.

- d. New facilities that are classified as either Tier 1 or Tier 2 are required to enroll under the General Order. New facilities are required to apply on-line and pay an application fee. The application fee serves as the first year's annual fee; Dischargers will be billed on an annual basis. Some existing Dischargers (under Orders R1-2015-0023, R5-2015-0113) may be classified as a Tier 1 or Tier 2 facility.
 - e. Tier 1 and 2 sites shall be characterized for risk based on site conditions. Risk is defined as low, moderate, or high. Because moderate and high risk sites will require greater level of regulatory oversight, the fees for those risk levels are higher, reflecting the additional cost to achieve water quality protection. A site can be located on a slope greater than 30 percent and not comply with the setback requirement. In that case, the Discharger shall pay the highest applicable fee.
 - i. Low Risk – Comply with the slope requirements and setbacks. Low risk sites are deemed to be a lower threat to water quality.
 - ii. Moderate Risk – Comply with the setback requirements but exist on slopes greater than 30 percent and less than 50 percent. The higher slopes will require implementation of more BPTC measures, more monitoring of their effectiveness, and more maintenance activities to ensure the BPTC measures are effective.
 - iii. High Risk – Are facilities that have any portion of their disturbed area located within the setback requirements, with the exception of activities authorized under a Clean Water Act section 404 permit, a CDFW LSA Agreement, coverage under the General Order Water Quality Certification, or site-specific WDRs issued by the Regional Water Board, are classified as high risk and will be assessed the high-risk fee until the activities comply with the setback requirements. It is the Discharger's responsibility to notify the Regional Water Board of compliance with the setback requirements to reassess the annual fee.
45. To apply for coverage under this General Order, the Discharger shall submit an application through the Internet as described in the Application Procedure section of this General Order.
- a. The application requires the Discharger to self-certify that all applicable BPTC measures are being implemented, or will be implemented by **the onset of the**

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winter period, following the enrollment date. Upon submittal of the application, the Discharger will obtain a Notice of Receipt. Applicants that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the Regional Water Board Executive Officer a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A. Refer to the definition of winter period in Attachment A for specific dates. The notice of receipt will expire within **30 days** of issuance if the Discharger fails to complete the application by submitting the application fee to the State Water Board. (Dischargers that are currently enrolled in the North Coast Regional Water Board or the Central Valley Regional Water Board orders do not pay an additional fee as described in the Application/Termination Process and Fees section of this General Order.)

- b. Technical reports shall be submitted to the appropriate Regional Water Board via e-mail as described in the notice of receipt and Attachment B monitoring and reporting program (MRP). The MRP is attached hereto and is made part of this General Order by reference. Enrollees may be directed to upload reports via the Internet in the future. See the Provisions section of this General Order for guidance on the report(s) contents.
 - c. Upon receipt of an application, fee, and required documentation (e.g., a tribal authorization letter may be required for some applicants). Dischargers will receive documentation for use in obtaining a CDFA cultivation license.
 - i. Conditionally exempt Dischargers will receive a Conditional Waiver of WDRs.
 - ii. Tier 1 or Tier 2 Dischargers will obtain a Notice of Applicability.
 - iii. Enrollees transitioning from an existing Regional Water Board order will receive either a Conditional Waiver of WDRs or a Notice of Applicability depending upon the site characteristics.
46. Dischargers that want to terminate coverage under this General Order shall submit a Notice of Termination (NOT), provided in Attachment C, which is attached hereto and is made part of this General Order by reference. The NOT shall include a *Site Closure Report* (see the plan description in the Provisions section of this General Order) and a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving an NOT.

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CEQA CONSIDERATIONS

47. This General Order imposes regulatory requirements on existing cannabis cultivation sites and regulates the water related impacts associated with the development of new cannabis cultivation sites.
- a. The adoption of this General Order for existing cannabis cultivation sites is categorically exempt from CEQA pursuant to California Code of Regulations, title 14, section 15301 (ongoing or existing projects).
 - b. Water Code section 13149 required the State Water Board to adopt principles and guidelines addressing water diversion and water quality issues associated with cannabis cultivation. The principles and guidelines contain substantive criteria for enrollment, water quality protection, and protective measures addressing biological and cultural resources. Water Code section 13149 (b)(1) provides that these actions of the State Water Board are deemed to be within California Code of Regulations, title 14, section 15308 (regulatory actions for environmental protection) if stream flow standards are not relaxed. The principles and guidelines described in the Cannabis Policy and as implemented in this General Order do not relax stream flow standards and are therefore exempt from further CEQA evaluation. Adoption of this General Order is a ministerial action under CEQA because it is a requirement of the Cannabis Policy. The General Order contains no substantive requirements that are not already required by the Policy, so there is no possibility that the General Order itself will have any significant effects on the environment.
 - c. Activities performed in aquatic environments require Lake or Streambed Alteration Agreements from the CDFW. Potential impacts to aquatic biological resources are addressed by the CDFW permitting process.
 - d. Activities related to site development in timberland require permits from CAL FIRE. Potential impacts to biological resources and cultural resources are addressed in the CAL FIRE permitting process.

OTHER REGULATORY CONCERNS

48. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a take will result from any action authorized under this General Order, the Discharger shall obtain authorization for an incidental take prior to

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construction or operation of the project. The Discharger shall be responsible for meeting all applicable requirements of the Endangered Species Act.

49. The State Water Board has notified interested agencies and persons of its intent to adopt this General Order for discharges of waste from cannabis cultivation activities within the state and has provided them with an opportunity for a public hearing and an opportunity to submit comments.

50. The State Water Board in a public meeting, heard and considered all comments pertaining to this General Order.

IT IS HEREBY ORDERED that, (1) this General Order shall not take effect unless and until the Cannabis Policy is approved by the Office of Administrative Law (Effective Date), (2) pursuant to Water Code section 13269, the State Water Board waives the requirement to submit a report of waste discharge and obtain waste discharge requirements for indoor commercial cannabis cultivators and outdoor cannabis cultivators that meet all requirements for conditional exemptions described in this General Order. This Waiver shall expire five years after the Effective Date of this General Order, unless terminated or renewed by the State Water Board, and (3) pursuant to Water Code sections 13263 and 13267, the Discharger, its agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted hereunder, shall comply with the requirements of this General Order:

A. CANNABIS POLICY REQUIREMENTS

The Discharger shall comply with, and implement, all requirements described in Attachment A of the Cannabis Policy, which is included as Attachment A of this General Order.

B. APPLICATION PROCEDURE

1. All Dischargers, except those that qualify for the personal use exemption and that do not need a water rights registration, shall provide the information requested on-line as described below.
2. To obtain coverage under the Waiver or enroll under this General Order, the Discharger shall:
 - a. Provide the information required in the on-line application process located at <https://www.waterboards.ca.gov/cannabis>.
 - b. Submit the application fee within **30 days** of submitting the on-line application. Failure to submit the application fee within 30 days will result in the application being voided and authorization terminated. Payments shall be identified using the Fee Payment Application Number (found on the Notice of Receipt). All

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checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered to:

- i. By U.S. Mail:
Accounting Office
Attn: Water Quality Fees – Cannabis General Order
P.O. Box 1888
Sacramento, CA 95812-1888
 - ii. In person or by courier delivery:
Accounting Office
Attn: Water Quality Fees – Cannabis General Order
1001 I Street
Sacramento, CA 95814
- c. Provide the technical reports listed in Table 1 on page 34. *Site Management Plan* is due **90 calendar days** after the application is submitted and the Notice of Receipt is issued; the *Site Closure Report* is due **90 days** prior to ending cannabis cultivation activities. When required, the *Site Erosion Sediment Control Plan*, and the *Disturbed Area Stabilization Plan* must be submitted and approved by the Regional Water Board Executive Officer before the Dischargers can initiate activities at the site. See the Provisions section of this General Order for descriptions of the technical report contents.
3. The primary authority for issuing Notices of Applicability (NOAs) is the Regional Water Board Executive Officer. However, NOAs may also be issued by the State Water Board Division of Water Quality Deputy Director or the State Water Board Chief Deputy Director.
4. Dischargers that want to terminate coverage under this General Order shall submit a Notice of Termination (NOT), provided in Attachment C. The NOT shall include a *Site Closure Report* (see the plan description in the Provisions section of this General Order) and a final monitoring report. The Regional Water Board may inspect the site before approving an NOT.

C. PROVISIONS

1. Technical Report Preparation Requirements. All technical reports shall be submitted to the appropriate Regional Water Board by transmitting the report in portable document format (PDF) to the e-mail address provided in the notice of receipt. Refer to the General Order attachments for guidance on the contents of the reports.

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- a. **Within 90 days** of the issuance of a Notice of Receipt, all Tier 1 and Tier 2 Dischargers shall submit and implement a *Site Management Plan* that describes how the Discharger is complying with the BPTC measures listed in Attachment A. The description shall describe how the BPTC measure is implemented (e.g., for petroleum fuel storage, specify the specific product or means of compliance). Dischargers that are landowners of the cultivation site in North Coast Regional Water Board jurisdiction are required to submit and implement *Site Management Plans* that describes how the BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities. The *Site Management Plan* may include a schedule to achieve compliance, but all work must be completed by **the onset of winter period each year**. (The due date does not relieve a Discharger from implementing the interim soil stabilization BPTC measures described in Attachment A. Interim measures are those that are implemented immediately upon site development.) Attachment D, which is attached hereto and is made part of this General Order by reference, provides guidance on the contents of the *Site Management Plan*.
- b. Tier 1 or Tier 2 Dischargers classified as moderate risk (any portion of the disturbed area is located on a slope greater than 30 percent, or conditionally exempt Dischargers that do not comply with the conditions that must enroll as Tier 1 or 2, and have any portion of the disturbed area on a slope greater than 30 percent) shall submit a *Site Erosion and Sediment Control Plan* that describes how the Discharger will implement the BPTC measures listed in Attachment A. (Refer to Attachment A, Section 5 Planning and Reporting for a listing of professional registrations or certifications that are qualified to prepare the plan.) Because moderate risk sites are located on steeper slopes, additional BPTC measures, or a higher density of BPTC measures may be appropriate to achieve the goal of minimizing the discharge of sediment off-site. The report shall include an analysis of slope stability. Attachment D of the General Order provides guidance on the contents of the *Site Erosion and Sediment Control Plan*. The Report shall be approved by the Regional Water Board Executive Officer prior to implementation.
- c. Tier 1 or Tier 2 Dischargers classified as high risk (any portion of the disturbed area exists within the setbacks specified in this General Order except as authorized by a CDFW Lake or Streambed Alteration permit, shall submit a *Disturbed Area Stabilization Plan* that shall describe how compliance with the setbacks will be achieved. (Refer to Attachment A, Section 5 Planning and Reporting for a listing of professional registrations or certifications that are qualified to prepare the Plan.) If the Discharger will not be able to achieve

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compliance by the onset of the next winter period (stabilization work will continue into the winter period or will continue the following year), the Discharger must include a time schedule and scope of work for approval by the Regional Water Board Executive Officer and use in preparing an enforcement order. Attachment D of the General Order provides guidance on the contents of the *Disturbed Area Stabilization Plan*. The Report shall be approved by the Regional Water Board Executive Officer prior to implementation.

- d. **Within 90 days** of the issuance of a notice of receipt, all Tier 2 Dischargers with a cannabis cultivation area, or aggregate of cultivation areas, greater than one acre shall submit a *Nitrogen Management Plan* (NMP) for the facility. The NMP shall calculate all the nitrogen applied to the cannabis cultivation area (dissolved in irrigation water, originating in soil amendments, and applied fertilizers) and describe procedures to limit excessive fertilizer application. Attachment D of the General Order provides guidance on the contents of a *Nitrogen Management Plan*.
- e. At least **90 days prior to ending cannabis cultivation** at a site, a conditionally exempt, Tier 1, or Tier 2 Discharger shall submit a *Site Closure Report* that describes how the site will be decommissioned to prevent waste constituents, sediment, and/or turbidity discharges that degrade water quality. If construction activities are proposed in the *Site Closure Report*, a project implementation schedule shall be included in the report. The *Site Closure Report* shall also include a final MRP report. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

2. Standard Provisions for All Dischargers

- a. The requirements prescribed herein do not authorize the commission of any act causing damage to the property of another, or protect the Discharger from liabilities under federal, state, or local laws. This General Order does not convey any property rights or exclusive privileges and does not create a vested right to continue cannabis cultivation or discharge of wastewater.
- b. This General Order does not relieve the Discharger from responsibility to obtain other necessary local, state, or federal permits, nor does the General Order prevent imposition of additional standards, requirements, or conditions by any other agency.

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- c. The requirements of this General Order are severable. If any provision of this General Order is held invalid, the remainder of this General Order shall not be affected.
- d. The Discharger shall ensure that all site operating personnel are familiar with the contents of the General Order. A copy of this General Order and technical reports required by this General Order shall be kept at the cultivation site. Maintenance of electronic copies of the documents, that can immediately be viewed, is acceptable.
- e. Consistent with the Business and Professions Code, the Forest Practice Act, and other state laws, certain technical report preparation, design calculations, and report preparation must be prepared under the supervision of a California licensed civil engineer, professional forester, or professional geologist. This General Order also contains requirements related to storm water documents. (Refer to the Planning and Reporting section of Attachment A for a listing of professional registrations or certifications that are qualified to prepare the plan.) In addition, contractors employed to implement the BPTC measures must comply with the specific requirements contained in the Forest Practice Act and the general requirements requiring licensing by the California Contractors' State License Board.
- f. The Discharger shall comply with all of the terms and conditions of this General Order. Any noncompliance with this General Order constitutes a violation of the Porter-Cologne Water Quality Control Act and/or applicable Regional Water Board's Basin Plan and may be grounds for an enforcement action.
- g. The State Water Board will review this General Order periodically and will revise requirements when necessary.
- h. The Regional Water Board Executive Officer or State Water Board Division of Water Quality Deputy Director or the State Water Board Chief Deputy Director may terminate a Discharger's coverage under this General Order for cause including, but not limited to, any of the following:
 - i. Violation of any of the terms or conditions contained in this General Order.
 - ii. Obtaining this General Order by misrepresentation, or failure to disclose fully all relevant facts.

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- iii. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge activities.
- iv. A material change in the activity, character, location, or volume of discharge.
- v. Adoption of a TMDL amendment, new TMDL, or TMDL alternative.
- i. Before making a material change in the activity, character, location, or volume of discharge, the Discharger shall notify the Regional Water Board Executive Officer. The Regional Water Board Executive Officer may require resubmittal of application information, technical reports, or certifications. If the authorization was issued by the State Water Board Division of Water Quality Deputy Director or the State Water Board Chief Deputy Director, those individuals may also require that actions described in this standard provision. A material change includes, but is not limited to, any of the following:
 - i. An increase in cultivation area (indoor or outdoor) beyond that specified in the application.
 - ii. A significant change in the operational activities that have the potential to increase or create a discharge to waters of the state (e.g., new greenhouses, change in wastewater disposal method, or new activity such as cannabis manufacturing).
- j. Except for material determined to be confidential in accordance with California law, all reports prepared in accordance with terms of this General Order shall be available for public inspection at the offices of the Regional Water Board. Data on waste discharges, water quality, geology, and hydrogeology are not confidential.
- k. The Discharger shall take all reasonable steps to minimize any adverse impact to waters of the state resulting from noncompliance with this General Order. Such steps may include accelerated or additional monitoring as necessary to determine the nature and impact of the noncompliance.
- l. The Discharger shall maintain in good working order and operate as efficiently as possible any facility, control system, water storage, or monitoring device installed to achieve compliance with this General Order.
- m. The Discharger shall permit representatives of the Regional Water Board and/or the State Water Board, upon presentation of credentials, to:

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- i. Enter premises where cannabis is cultivated or processed, wastes are treated, or disposed of, and facilities in which any records are kept.
 - ii. Copy any records required under terms and conditions of this General Order.
 - iii. Inspect at reasonable hours, monitoring equipment required by this General Order.
 - iv. Sample, photograph, and/or video record any cultivation activity, discharge, waste material, waste treatment system, or monitoring device.
- n. For any electrically operated equipment at the site, the failure of which would cause loss of control or containment of waste materials or violation of this General Order, the Discharger shall employ safeguards to prevent loss of control over wastes. Such safeguards may include alternate power sources, standby generators, retention capacity, operating procedures, or other means.
- o. The fact that it would have been necessary to halt or reduce the permitted discharge activity to maintain compliance with this General Order shall not be a defense for the Discharger's violations of the General Order.
- p. Any of the following changes must immediately be reported to the Regional Water Board Executive Officer:
 - i. A change in ownership of the parcel where the cultivation activities take place. The Discharger or owner must notify the succeeding owner of the existence of this General Order by letter, a copy of which shall immediately be forwarded to the Regional Water Board's Executive Officer.
 - ii. A change of the permitted facility operator. The Discharger must notify the succeeding operator of the existence of this General Order by letter, a copy of which shall immediately be forwarded to the Regional Water Board's Executive Officer.
 - iii. A change in a third-party representative. The Discharger shall notify the owner of the change by letter, a copy of which shall immediately be forwarded to the Regional Water Board's Executive Officer.
- q. Dischargers that are covered by the Waiver or enrolled under this General Order shall pay an application fee and an annual fee to the State Water Board in accordance with the fee schedule for each fiscal year. (Cal. Code Regs.

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tit. 23, §2200.) Fees are based on tier and risk designations and are subject to revision by the State Water Board. Annual invoices are issued by the State Water Board for the state fiscal year (July 1 to June 30).

3. General Reporting Requirements

- a. If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by **the onset of winter period each year**, the Discharger shall notify the Regional Water Board staff by telephone so that a site-specific compliance schedule can be developed. Notification shall occur as soon as the Discharger or its agents have knowledge of such noncompliance or potential for noncompliance. The written notification shall state the date, time, nature, cause of noncompliance, immediate response action, and a schedule for corrective actions. Current phone numbers for Regional Water Board Offices may be found on the Internet at:
<http://www.waterboards.ca.gov/about_us/contact_us/rwqcbcs_directory.shtml>.
- b. All reports submitted in response to this General Order, including monitoring reports, shall be signed by a person identified below:
 - i. For individuals at a private residence: by the property owner of the residence.
 - ii. For a corporation: by a principal executive officer of at least the level of senior vice-president.
 - iii. For a partnership or sole proprietorship: by a general partner or the proprietor.
 - iv. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected or appointed official.
 - v. A duly authorized representative of a person described above if all of the following are completed:
 1. The authorization is made in writing by a person describe above.
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of site manager, superintendent, or position of equivalent responsibility. (A duly

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authorized representative may thus be either a named individual or any individual occupying a named position).

3. The written authorization is submitted to the Regional Water Board.
- c. Any person signing a document under this section shall make the following certification:
 - i. "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."
 - d. The Discharger shall mail a copy of each monitoring report and any other reports required by this General Order to the appropriate Regional Water Board or provide electronic submittals of reports or data as specified by the Regional Water Board. Contact and mail address information is available at: http://www.waterboards.ca.gov/about_us/contact_us/rwqcbs_directory.shtml.
 - e. When the Discharger becomes aware that it failed to submit any relevant facts in an application or technical report to the Regional Water Board, it shall promptly submit such facts or information.

4. Monitoring Requirements

- a. Dischargers enrolled under Tier 1 or Tier 2 classifications shall comply with the attached MRP and any future revisions as specified by the appropriate Regional Water Board Executive Officer or State Water Board's Executive Director. An Executive Officer, State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director may modify or replace the MRP for site specific conditions when deemed necessary.
- b. Unless otherwise approved by the Regional Water Board Executive Officer, all analyses shall be conducted at a laboratory certified for the analyses by the State Water Board's Division of Drinking Water Environmental Laboratory Accreditation Program. Field tests, such as tests for color, odor, turbidity, pH, temperature, dissolved oxygen, conductivity, and disinfectant residual are not subject to this requirement and will be accepted provided an acceptable

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Quality Assurance/ Quality Control Program is instituted by the laboratory. A manual containing the steps followed in the program must be available in the laboratory and shall be available for inspection by Regional Water Board or State Water Board staff. The Quality Assurance/ Quality Control Program must conform to U.S. EPA guidelines or to procedures approved by the Regional Water Board or State Water Board.

- c. The results of any monitoring done more frequently than required in the MRP shall be reported in the next regularly scheduled monitoring report. Values obtained through additional monitoring shall be used in calculations as appropriate.
- d. The Discharger shall furnish within a reasonable time any information the Regional Water Board or State Water Board staff may request to determine whether cause exists for modifying, revoking, reissuing, or terminating the Discharger's coverage under this General Order. The Discharger shall also furnish copies of records required to be kept by this General Order upon request. Providing electronic copies of the documents is acceptable.
- e. The Discharger shall retain records of all monitoring information, including copies of all reports required by this General Order and records of all data used to complete the application for this General Order. Records shall be maintained for a minimum of **three years** from the date of the report or application. Records may be maintained electronically. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Water Board Executive Officer.
- f. All monitoring and analysis instruments and devices used by the Discharger to fulfill the prescribed MRP shall be properly maintained and calibrated as recommended by the manufacturer to ensure their continued accuracy.
- g. Monitoring and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

5. Notice of Termination (NOT)

- a. If a Discharger wishes to terminate coverage, the Discharger shall submit a Notice of Termination (NOT) form (Attachment C) to the appropriate Regional Water Board. A new landowner and/or Discharger must obtain authorization under this General Order or the activity is subject to enforcement activity.
- b. The General Order coverage is not terminated until the NOT is approved by the Regional Water Board. Until the NOT is approved, the Discharger is

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responsible for any permit fees associated with General Order enrollment. Regional Water Boards may elect to conduct an inspection of the facilities prior to terminating coverage.

- c. Dischargers and/or landowners remain responsible for any water quality degradation that results from cultivation related activities whether coverage under this General Order has been terminated or not.

Note the following information relating to Table 1 on page 34:

1. Refer to the Provisions section of this General Order for the technical report content requirements.
2. Some conditionally exempt facilities (including personal use exemption) may have to enroll as a Tier 1 or Tier 2 site if it no longer meets the exemption criteria. If so, the (formerly) conditionally exempt facilities shall submit the technical reports and monitoring reports associated with their tier status.
3. A *Site Closure Report* is required prior to ending cannabis cultivation at a site. Also refer to the Notice of Termination (Attachment C.)
4. A *Site Erosion Sediment Control Plan* is required when any portion of the disturbed area is located on a slope greater than 30 percent.
5. A *Disturbed Area Stabilization Plan* is required when any portion of the disturbed area, including areas disturbed upon initial site development, are located within the Disturbed Area Setbacks presented in Attachment A. Access roads and water crossings designed, constructed, and maintained consistent with the Road Handbook and Attachment A, are not considered disturbed areas.
6. A *Nitrogen Management Plan* is required when the cultivation area, or aggregate of cultivation areas, exceeds one acre.

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Table 1: Technical Report Requirements by Tier

Tier	Risk Level	Technical Reports
Conditionally Exempt	N/A	Site Closure Report
Tier 1	All	Site Management Plan
Tier 1	Moderate	Site Erosion Sediment Control Plan
Tier 1	High	Disturbed Area Stabilization Plan
Tier 1	All	Site Closure Report
Tier 2	All	Site Management Plan
Tier 2	Moderate	Site Erosion Sediment Control Plan
Tier 2	High	Disturbed Area Stabilization Plan
Tier 2	All	Nitrogen Management Plan
Tier 2	All	Site Closure Report

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CERTIFICATION

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this General Order with all attachments is a full, true, and correct copy of a General Order adopted by the State Water Board, on February 5, 2019.

AYE: Chair Felicia Marcus
Board Member Dorene D'Adamo
Board Member E. Joaquin Esquivel
Board Member Sean Maguire

NAY: None

ABSENT: Board Member Tam M. Doduc

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

Attachments:

Attachment A. Cannabis Policy Attachment A: Requirements for Cannabis Cultivation

Attachment B. Monitoring and Reporting Program

Attachment C. Notice of Termination

Attachment D. Technical Report Guidance

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¹ City of Littleton – City of Englewood Pretreatment Pipeline. Third Quarter 2011.
“Medical Marijuana – an Exploding New Industry.”
<<http://www.lewwtp.org/home/showdocument?id=5674>>. Accessed 17 January 2017.

² At a minimum, applicable Attachment A Requirements include: Section 1 – General Requirements and Prohibitions (Numbers 4, 15, 17, 24, 26, and 36); Section 2 – Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation (Numbers 23, 63, 64, 66, 69 through 92, 94, and 96 through 101); Section 3 – Numeric and Narrative Instream Flow Requirements (Including Gaging) (Narrative Instream Flow Requirements 1 – 7 and Gage Installation, Maintenance, and Operation Requirements); and Section 4 – Watershed Compliance Gage Assignments (All).

(A) ATTACHMENT A: CANNABIS POLICY ATTACHMENT A
REQUIREMENTS FOR CANNABIS CULTIVATION
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The *Cannabis Policy Attachment A Requirements for Cannabis Cultivation* contains surface water diversion and waste discharge requirements for cannabis cultivation related activities. The Discharger shall comply with all requirements in the Cannabis Policy and applicable federal, state, and local laws, regulations, and permitting requirements. If requirements conflict, the most protective requirements shall apply. There are five main categories of cannabis cultivation requirements to protect water quality and instream flows, which are located in the following sections:

- Section 1. General Requirements and Prohibitions
- Section 2. Requirements Related to Diversion of Water and Discharge of Waste for Cannabis Cultivation
- Section 3. Numeric and Narrative Flow Requirements (including Gaging)
- Section 4. Watershed Compliance Gage Assignments
- Section 5. Planning and Reporting

As referenced in this General Order, best practicable treatment or control (BPTC) measures associated with diversion of water and discharge of waste are contained within Attachment A.

(B) ATTACHMENT B: MONITORING AND REPORTING PROGRAM

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WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE
ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES**

This monitoring and reporting program (MRP) describes requirements for monitoring a cannabis cultivation site and its associated facilities. This MRP is issued pursuant to Water Code section 13267. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Quality Control Board (Regional Water Board) Executive Officer, State Water Resources Control Board (State Water Board) Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

The State Water Resources Control Board and Regional Water Boards are transitioning to the paperless office system. In some regions, Dischargers will be directed to submit reports (both technical and monitoring reports) to the State Water Board's GeoTracker database over the Internet in portable document format (pdf). If so directed, analytical data shall be uploaded to the GeoTracker database under a site-specific global identification number. Information on the GeoTracker database is provided on the Internet at:

<http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml>.

Water Code section 13267 states, in part:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

Water Code section 13268 states, in part:

"(a) Any person failing or refusing to furnish technical or monitoring program reports as required by subdivision (b) of section 13267, or failing or refusing to furnish a statement of compliance as required by subdivision (b) of section 13399.2, or falsifying any information provided therein, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

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(b)(1) Civil liability may be administratively imposed by a regional board in accordance with article 2.5 (commencing with section 13323) of chapter 5 for a violation of subdivision (a) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs.”

The Discharger owns or engages in cannabis cultivation activities that are subject to the Notice of Applicability (NOA) of Water Quality Order 2019-0001-DWQ. The reports are necessary to ensure that the discharger complies with the NOA and General Order. Pursuant to California Water Code section 13267, the discharger shall implement this MRP and shall submit the monitoring reports described herein.

All samples shall be representative of the volume and nature of the discharge or matrix of material sampled. The name of the sampler, sample type (grab or composite), time, date, location, bottle type, and any preservative used for each sample shall be recorded on the sample chain of custody form. The chain of custody form must contain all custody information including date, time, and to whom samples were relinquished. If composite samples are collected, the basis for sampling (time or flow weighted) shall be approved by Regional Water Board staff.

Field test instruments (such as those used to test pH, dissolved oxygen, and electrical conductivity) may be used provided that they are used by a California Environmental Laboratory Program certified laboratory or:

1. The user is trained in proper use and maintenance of the instruments;
2. The instruments are field calibrated prior to monitoring events at the frequency recommended by the manufacturer;
3. Instruments are serviced by the manufacturer or authorized representative at the recommended frequency; and
4. Field calibration reports are maintained and available for at least three years.

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FACILITY STATUS

Dischargers that are classified as Tier 1 or Tier 2 facilities shall report the following as shown in Table B1:

Table B1: Monitoring Requirements

Monitoring Requirement	Description
Winterization Measures Implemented	Report winterization procedures implemented, any outstanding measures, and the schedule for completion.
Tier Status Confirmation	Report any change in the tier status. (Stabilization of disturbed areas may change the tier status of a facility. Contact the Regional Water Board if a change in status is appropriate.)
Third Party Identification	Report any change in third party status as appropriate.
Nitrogen Application (if cultivation area or aggregate of cultivation areas exceeds one acre)	Report monthly and annual total nitrogen use for bulk, solid, and liquid forms of nitrogen. Provide the data as pounds per canopy acre per time (month or year) as described in Attachment D, <i>Nitrogen Management Plan</i> . If plant tissue was collected to determine limited nitrogen availability, the results shall be submitted.

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SITE MAINTENANCE STATUS

Dischargers that are classified as Tier 1 or Tier 2, and are characterized as a moderate or high risk, shall perform the following additional monitoring as shown in Table B2.

Table B2: Moderate or High-Risk Monitoring Requirements

Observations	Description	Monitoring Frequency
Surface Water Runoff	Report any conditions of surface water runoff, including location, duration, source of runoff (irrigation water, storm water, etc.).	Monthly
Soil Erosion Control	Report any indications of soil erosion (e.g., gully, gully, turbid water discharge, landslide, etc.).	Monthly
Sediment Capture	Report the status of sediment capture measures (e.g., silt fence, fiber rolls, settling basin, etc.).	Monthly
Erosion/Sediment Capture Maintenance	Report maintenance activities to maintain the effectiveness of erosion control and sediment capture measures (e.g., reinstallation of straw mulch, hydroseeding, tarp placement, removal or stabilization of sediment captured, removal of settled sediment in a basin, etc.).	Monthly
Stabilization of Disturbed Areas	Dischargers characterized as high risk (with any portion of the disturbed area within the setbacks), shall provide a status report describing activities performed to stabilize the disturbed area within the setback.	Monthly
Material(s) Storage Erosion/Spills Prevention	Report materials delivered or stored at the site that could degrade water quality if discharged off-site (e.g., potting soil, manure, chemical fertilizer, gasoline, herbicides, pesticides, etc.).	Monthly
Holding Tank, Septic Tank, or Chemical Toilet Servicing	Report the dates, activity, and name of the servicing company for servicing holding tanks or chemical toilets.	Monthly

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STORM WATER RUNOFF MONITORING

Dischargers that are classified as Tier 1 or Tier 2, and are characterized as a moderate or high risk, shall perform the following monitoring as described in Table B3. Note the following information relating to Table B3:

1. Constituents shall be monitored with a calibrated instrument.
2. Samples shall be representative of storm water discharging from the disturbed area. Additional samples may be required to adequately characterize the discharge from all areas.
3. Monitoring shall be performed during all months in which activity is occurring at the site until winterization is complete. Monitoring is not required after winterization is complete for unoccupied sites during winter months.

Table B3: Stormwater Runoff Monitoring Requirements

Constituent	Frequency	Monitoring Frequency
Turbidity	Once per calendar month when precipitation exceeds 0.25 inch per day or when storm water runoff from the site is generated.	All months until winterization procedures are completed.
pH	Once per calendar month when precipitation amount is forecast to exceed 0.25 inch per day.	All months until winterization procedures are completed.

REPORTING

In reporting monitoring data, the Discharger shall arrange the data in tabular form so that the date, monitoring parameter, and reported results are readily discernible. The data shall be summarized to clearly illustrate compliance status as applicable. The results of any monitoring done more frequently than required at the locations specified in the MRP shall be reported in the next regularly scheduled monitoring report and shall be included in calculations as appropriate.

The State Water Board or Regional Water Board may require the Discharger to electronically submit monitoring reports using the State Water Board's California Integrated Water Quality System (CIWQS) program Internet web site or alternative database. Electronic submittal procedures will be provided when directed to begin electronic

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submittals. Until directed to electronically submit monitoring reports, the Discharger shall submit hard copy monitoring reports.

Annual Report

Annual Reports shall be submitted to the Regional Water Board by **March 1 following the year being monitored**. For example, the monitoring report for activities conducted in the year 2018 is due on March 1, 2019. The Annual Report shall include the following:

1. Facility Status, Site Maintenance Status, and Storm Water Runoff Monitoring.
2. The name and contact information for the person responsible for operation, maintenance, and monitoring.

A letter transmitting the annual report shall accompany each report. The letter shall summarize the numbers and severity of violations found during the reporting period, and actions taken or planned to correct the violations and prevent future violations. The transmittal letter shall contain the following penalty of perjury statement and shall be signed by the Discharger or the Discharger's authorized agent:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

The Discharger shall implement the above monitoring program.

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REGIONAL WATER BOARD CONTACT INFORMATION

The Discharger shall submit notices, technical reports, and annual reports to appropriate Regional Water Board where the permitted activity is taking place. The appropriate Regional Water Board office and e-mail information is provided on the application receipt (e.g., notice of exemption, Notice of Receipt, Notice of Applicability, etc.). The information in Table B4 is also available by entering the location address in the web tool located at: http://www.waterboards.ca.gov/waterboards_map.shtml.

Table B4: Regional Water Board Cannabis Office Contact Information

Regional Water Board	Mailing Address	Cannabis Program Mailbox Email Address
North Coast	5550 Skylane Blvd., Suite A Santa Rosa, CA 95403	Northcoast.cannabis@waterboards.ca.gov
San Francisco Bay	1515 Clay Street, Suite 1400 Oakland, CA 94612	Sanfranciscobay.cannabis@waterboards.ca.gov
Central Coast	895 Aerovista Place, Suite 101 San Luis Obispo, CA 93401	Centralcoast.cannabis@waterboards.ca.gov
Los Angeles	320 W. 4th Street, Suite 200 Los Angeles, CA 90013	Losangeles.cannabis@waterboards.ca.gov
Central Valley Redding Office	364 Knollcrest Dr., Suite 205 Redding, CA 96002	Centralvalleyredding@waterboards.ca.gov
Central Valley Sacramento Office	11020 Sun Center Dr., Suite 200 Rancho Cordova, CA 95670	Centralvalleysacramento@waterboards.ca.gov

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Regional Water Board	Mailing Address	Cannabis Program Mailbox Email Address
Central Valley Fresno Office	1685 E Street Fresno, CA 93706	Centralvalleysacramento@waterboards.ca.gov
Lahontan South Lake Tahoe Office	2501 Lake Tahoe Blvd. South Lake Tahoe, CA 96150	Lahontan.cannabis@waterboards.ca.gov
Lahontan Victorville Office	15095 Amargosa Road Bldg 2, Suite 210 Victorville, CA 92394	Lahontan.cannabis@waterboards.ca.gov
Colorado River Basin	73-720 Fred Waring Dr., Suite 100 Palm Desert, CA 92260	Lahontan.cannabis@waterboards.ca.gov
Santa Ana	3737 Main Street, Suite 500 Riverside, CA 92501	Santaana.cannabis@waterboards.ca.gov
San Diego	2375 Northside Dr., Suite 100 San Diego, CA 92108	Sandiego.cannabis@waterboards.ca.gov

(C) ATTACHMENT C: NOTICE OF TERMINATION

**ORDER WQ 2019-0001-DWQ
GENERAL WASTE DISCHARGE REQUIREMENTS AND
WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE
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Submittal of this Notice of Termination (NOT) to the Regional Water Quality Control Board (Regional Water Board) constitutes notice that a Discharger, identified in Section I of this form, requests termination of coverage under *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Order WQ 2019-0001-DWQ). Completed forms must be signed and post mailed or emailed to the Regional Water Board, attention: Cannabis Regulatory Program, 2019-0001-DWQ Notice of Termination. Refer to the monitoring and reporting program attached to the General Order for the email/ mailing address or contact the Regional Water Board. The Discharger shall attach a *Site Closure Report* and a final monitoring and reporting program report with the NOT.

Submittal of this NOT does not relieve the Discharger and/or the property owner of responsibility to control waste discharges related to the cultivation or related activities. The Regional Water Board may inspect the condition of the site or determine that the final monitoring report is incomplete prior to terminating coverage under the General Order.

SECTION I. DISCHARGER INFORMATION

Role (check all applicable)	☐ Cultivator
☐ Land/Property Owner	☐ Third Party Representative
Name	Contact person (leave blank if same as above)
Address where legal notice may be served (cannot be a P.O. Box)	City
State	ZIP Code
Email	Phone

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Note the following regarding SECTION II. CANNABIS CULTIVATION SITE
INFORMATION:

1. Waste Discharge Identification (WDID) number is a number assigned to each Discharger enrolled under Tier 1 or Tier 2. Dischargers covered under the "Conditionally Exempt" tier should leave this field blank. WDID number can also be obtained from an annual invoice mailed by the State Water Board. If a Discharger does not know his/her WDID number, please contact the Regional Water Board and request the information prior to submittal of the Notice of Termination.
2. Dischargers covered under "Conditionally Exempt" tier should leave the risk fields blank.

SECTION II. CANNABIS CULTIVATION SITE INFORMATION

Assessor Parcel Number(s)	WDID (if applicable)
Address	County
City	State
ZIP Code	Contact Person (Leave blank if same as Section I)
Latitude (if address is not available)	Longitude (if address is not available)
Cultivation Site Enrollment Classification	(Check all Tier and Risk boxes applicable)
☐ Conditionally Exempt	☐ Tier 1
☐ Tier 2	☐ Low risk
☐ Moderate Risk	☐ High Risk
Email (Leave blank if same as Section I)	Phone (Leave blank if same as Section I)

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SECTION III. CERTIFICATION

I certify that:

- 1) I am a Discharger listed under Section I **or** a duly authorized representative of the Discharger listed in Section I of this form,
- 2) cultivation activities are ceased,
- 3) the cultivation site is stabilized,
- 4) there is no potential for waste discharges from the disturbed area in violation of Regional Water Board's Basin Plan or the General Order,
- 5) the *Site Closure Report* is attached to this NOT, and
- 6) earthen material and waste have been consolidated at the site and stabilized or disposed of properly.

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Printed Name of Discharger/Duly Authorized Representative

Signature

Date

(D) ATTACHMENT D: TECHNICAL REPORT GUIDANCE

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GENERAL WASTE DISCHARGE REQUIREMENTS AND WAIVER OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF WASTE ASSOCIATED WITH CANNABIS CULTIVATION ACTIVITIES

This Technical Report Guidance provides guidance for preparation of the technical reports described in the Provisions section under this General Order. All technical reports shall be submitted to the appropriate Regional Water Quality Control Board (Regional Water Board) by transmitting the report in portable document format (PDF) to the e-mail address provided in the notice of receipt. Refer to Provisions section for technical report requirements.

SITE MANAGEMENT PLAN

Tier 1 and Tier 2 Dischargers shall submit and implement a *Site Management Plan* (Plan) that describes how the Discharger is implementing the best practical treatment or control (BPTC) measures listed in Attachment A. The Plan may include a schedule to achieve compliance, but all work must be completed by the onsets of winter period each year. (The due date does not relieve a Discharger from implementing the interim soil stabilization BPTC measures described in Attachment A.)

The Plan outline presented below is intended to provide general guidance for the Discharger and consultants. This sample format will help the Discharger include information needed to demonstrate that all applicable BPTC measures are implemented and properly maintained. In addition, Dischargers in the North Coast Regional Water Board's jurisdiction (Region 1) are required to address legacy waste discharge issues, including those that are not related to cannabis cultivation.

1. Sediment Discharge BPTC Measures

1.1. Site Characteristics

- 1.1.1. Provide a map showing access roads, vehicle parking areas, streams, stream crossings, cultivation site(s), disturbed areas, buildings, and other relevant site features.
- 1.1.2. Describe the access road conditions including estimating vehicle traffic, road surface (e.g., paved, rocked, or bare ground), and maintenance activities. Describe how storm water is drained from the access road (e.g., crowned, out slope, armored ditch, culverts, rolling dips, etc.).
- 1.1.3. Describe any vehicle stream crossing including the type of crossing (e.g., bridge, culvert, low water, etc.).
 - 1.1.3.1. For Region 1 Dischargers, identify, discuss, and locate on the site map any legacy waste discharge issues that exist on the property.

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- 1.2. Sediment Erosion Prevention and Sediment Capture (Moderate risk Tier 1 or Tier 2 Dischargers are required to submit a *Site Erosion and Sediment Control Plan*. Those Dischargers may refer to that plan rather than repeat it here).

1.2.1. Erosion Prevention BPTC Measures

- 1.2.1.1. Describe the BPTC measures that have been, or will be implemented to prevent or limit erosion. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the erosion prevention BPTC measures on a site map.

- 1.2.1.1.1. The description shall address physical BPTC measures, (e.g., placement of straw mulch, plastic covers, slope stabilization, soil binders, culvert outfall armoring, etc.) and biological BPTC measures (vegetation preservation/replacement, hydro seeding, etc.).

1.2.2. Sediment Control BPTC Measures

- 1.2.2.1. Describe the BPTC measures that have been, or will be implemented to capture sediment that has been eroded. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the sediment control BPTC measures on a site map.

- 1.2.2.1.1. The description shall address physical BPTC measures, (e.g., placement of silt fences, fiber rolls, or settling ponds/areas, etc.) and biological BPTC measures (vegetated outfalls, hydro seeding, etc.).

1.2.3. Maintenance Activities - Erosion Prevention and Sediment Control

- 1.2.3.1. Describe how the erosion prevention and sediment control BPTC measures will be monitored and maintained to protect water quality.

- 1.2.3.2. Describe how any captured sediment will be either stabilized in place, excavated and stabilized on-site, or removed from the site.

- 1.2.4. Erosion control BPTC measures: Describe the interim soil stabilization, if applicable and long-term BPTC measures implemented to prevent sediment transport at each identified disturbed area(s) and improperly constructed features.

2. Fertilizer, Pesticide, Herbicide, and Rodenticide BPTC Measures

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- 2.1. Provide a summary table that identifies the products used at the site, when they are delivered to the site, how they are stored, and used at the site. If products are not consumed during the growing season, describe how they are removed from the site or stored to prevent discharge over the winter season.
- 2.2. Provide a site map that locates storage locations.
- 2.3. Describe how bulk fertilizers and chemical concentrates are stored, mixed, applied, and how empty containers are disposed.
- 2.4. Describe procedures for spill prevention and cleanup.
3. Petroleum Product BPTC Measures
 - 3.1. Provide a summary table that identifies the products used at the site, when they are delivered to the site, how they are stored, and used at the site. If products are not consumed during the growing season, describe how they are removed from the site or stored to prevent discharge over the winter season.
 - 3.2. Provide a site map that locates storage locations.
 - 3.3. Describe how fuels, lubricants, and other petroleum products are stored, mixed, applied, and empty containers are disposed.
 - 3.4. Describe procedures for spill prevention and cleanup.
4. Trash/Refuse, and Domestic Wastewater BPTC Measures
 - 4.1. Describe the types of trash/refuse that will be generated at the site. Describe how the material is contained and properly disposed of.
 - 4.1.1. Provide a site map that locates the trash/refuse storage locations.
 - 4.2. Describe the number of employees, visitors, or residents at the site.
 - 4.2.1. Describe the types of domestic wastewater generated at the site (e.g., household generated wastewater or chemical toilet).
 - 4.2.2. Describe how the domestic wastewater is disposed.
 - 4.2.2.1. Permitted onsite wastewater treatment system (e.g., septic tank and leach lines).

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4.2.2.2. Chemical toilets or holding tank. If so, provide the name of the servicing company and the frequency of service.

4.2.2.3. Outhouse, pit privy, or similar. Use of this alternative requires approval from the Regional Water Board Executive Officer; include the approval from the Executive Officer and any conditions imposed for use of this alternative.

4.2.2.3.1. Provide a site map that locates any domestic wastewater treatment, storage, or disposal area.

5. Winterization BPTC Measures

5.1. Describe activities that will be performed to winterize the site and prevent discharges of waste. The description should address all the issues listed above.

5.2. Describe maintenance of all drainage or sediment capture features (e.g., drainage culverts, drainage trenches, settling ponds, etc.) to remove debris, soil blockages, and ensure adequate capacity exists.

5.3. Describe any revegetation activities that will occur either at the beginning or end of the precipitation season.

5.4. If any BPTC measure cannot be completed before the onset of winter period, contact the Regional Water Board to establish a compliance schedule.

5.5. For Region 1 Dischargers, describe any activities that will be performed to address legacy waste discharge issues. Region 6 Dischargers should consult with Regional Water Board staff to confirm if any other activities in addition to BPTCs are necessary to address legacy waste discharge issues.

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SITE EROSION AND SEDIMENT CONTROL PLAN

Tier 1 or Tier 2 Dischargers classified as moderate risk shall submit and implement a *Site Erosion and Sediment Control Plan* (Plan). The Plan shall be prepared under the supervision of a qualified professional as described in the Provisions section of the General Order. The report shall be approved by the Regional Water Board Executive Officer prior to implementation.

The Plan shall describe how best practical treatment or control (BPTC) measures listed in Attachment A will be implemented to achieve the goal of minimizing the discharge of sediment off-site. Site specific factors (e.g., percent slope, precipitation amounts, soil type, vegetation status, etc.) shall be considered in determining the appropriate level of water quality protection. The Plan shall include an analysis of slope stability and an implementation schedule; if the work cannot be completed by the onset of winter period each year, the Discharger shall contact the Regional Water Board to establish a compliance schedule. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. Interim soil stabilization BPTC measures shall be performed as soon as practicable. Interim measures are those that can be implemented immediately following site development.

At a minimum, the Plan shall address the following:

1. Site Description

1.1. Describe the site (e.g., topography, vegetation, elevation, historic precipitation patterns, soil types, surface waterbodies, etc.).

1.2. Site Disturbances – Provide a site map that shows the location of all of the applicable following items. For each mapped item, provide a description of the item.

1.2.1. Historic (Existing) Disturbances (e.g., access/site roads, buildings, stream crossings, disturbed areas, graded areas, cultivation areas, vehicle parking areas, disturbed vegetation areas, etc.).

1.2.2. Recent or Planned Disturbances (e.g., access/site roads, buildings, disturbed areas, graded areas, cultivation areas, vehicle parking areas, vegetation removal areas, etc.).

1.2.3. Areas of Special Concern (e.g., describe any existing or planned stream or wetland crossing, any culverts, any slope that shows evidence of past failure, or

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evidence of instability (e.g., cracks in retaining walls, surface cracks in soil, bulging soil, groundwater discharge areas, sunken road beds, downslope leaning trees or utility poles, etc.).

1.2.4. Describe and show on the site map, the storm water runoff sampling locations.

1.3. Erosion Prevention BPTC Measures

1.3.1. Describe the BPTC measures that have been, or will be implemented to prevent or limit erosion. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the erosion prevention BPTC measures on a site map.

1.3.1.1. The description shall address physical BPTC measures, (e.g., placement of straw mulch, plastic covers, slope stabilization, soil binders, culvert outfall armoring, etc.) and biological BPTC measures (vegetation preservation/replacement, hydro seeding, etc.).

1.4. Sediment Control BPTC Measures

1.4.1. Describe the BPTC measures that have been, or will be implemented to capture sediment that has been eroded. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the sediment control BPTC measures on a site map.

1.4.1.1. The description shall address physical BPTC measures, (e.g., placement of silt fences, fiber rolls, or settling ponds/areas, etc.) and biological BPTC measures (vegetated outfalls, hydro seeding, etc.).

1.5. Maintenance Activities - Erosion Prevention and Sediment Control

1.5.1. Describe how the erosion prevention and sediment control BPTC measures will be monitored and maintained to protect water quality.

1.5.2. Describe how any captured sediment will be either stabilized in place, excavated and stabilized on-site, or removed from the site.

2. Winterization

2.1. Prevention

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- 2.1.1. Describe the BPTC measures that will be implemented before winter precipitation occurs to prevent erosion of disturbed areas, including the cultivation area.
- 2.1.2. Describe maintenance of all drainage or sediment capture features (e.g., drainage culverts, drainage trenches, settling ponds, etc.) to remove debris, soil blockages, and ensure adequate capacity exists.
- 2.1.3. Describe any revegetation activities that will occur either at the beginning or end of the precipitation season.

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NITROGEN MANAGEMENT PLAN

Tier 2 Dischargers with a cannabis cultivation area, or aggregate of cultivation areas, greater than one acre are required to submit a *Nitrogen Management Plan* (NMP). The NMP shall describe how nitrogen is stored, used, and applied to crops in a way that is protective of water quality. At a minimum, an NMP shall address the following:

1. Facility Description

1.1. Location and Configuration

1.1.1. Provide a description of the site, the method of growing cannabis (e.g., in ground, raised beds, grow bags, etc.).

1.1.2. Describe the canopy area acreage (at plant maturity).

1.1.3. Site Location Map (Provide a United States Geological Survey topographic map or similar map that shows the location, nearby water bodies, public and access roads, etc.).

1.1.4. Facility Plan (Provide a scaled drawing that shows the facility, disturbed areas, cultivation areas, buildings, access roads, greenhouses, material storage areas, source of irrigation water, water storage, etc.).

2. Sources of Nitrogen

2.1. Bulk Materials (Materials either used as growing medium or as amendments to the growing medium (e.g., potting soil, manure, biosolids, etc.)).

2.2. Dry Fertilizers (Materials added to a growing medium or mixed with irrigation water that provide nitrogen to the crop (e.g., bone meal, feather meal, pelletized manure or biosolids, pelletized chemical fertilizer, etc.)).

2.3. Liquid Fertilizers (Materials added to irrigation water, or that are applied directly to the crop (e.g., fish emulsion, chemical fertilizers, etc.)).

3. Nitrogen Storage, Use, and Disposal Practices

3.1. Describe when nitrogen containing materials will be delivered to the site (e.g., as needed or at the beginning of growing season).

3.2. Describe how bulk, dry, and liquid fertilizers will be stored.

3.3. Describe any mixing or processing area(s) of nitrogen containing materials.

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- 3.4. If applicable, describe how “spent” growing medium is either removed from the site or incorporated into site soils.
- 3.5. If “spent” growing medium is not removed from the site, describe how amendments are added to the existing medium to improve the nitrogen content. Describe when that process occurs.
4. Nitrogen Application Rate
 - 4.1. Monthly Applied Nitrogen – Provide a nitrogen management worksheet that calculates the nitrogen applied per canopy acre (see attached). Note that monthly nitrogen uptake rates generally are consistent with the evapotranspiration rate.
 - 4.2. Limited Nitrogen Availability – Due to natural processes, some crops may be nitrogen limited despite applying 1.4 times the crop uptake rate. (See the *Fertilizers, Pesticides, Petroleum Products and Other Chemicals* section of the Cannabis Policy Staff Report.) Additional nitrogen may be applied if the need is demonstrated based on a plant tissue sample analysis as described in the General Order. Provide the name of the analytical or agricultural laboratory that will provide plant tissue analysis.

EXAMPLE NITROGEN REPORTING WORKSHEET

The General Order monitoring and reporting program (MRP) requires annual submittal of nitrogen data when a Discharger is required to submit an NMP. The application rate shall be reported as pounds of nitrogen applied per canopy acre. (Typically the cultivation area acreage will be larger than the canopy acreage. Use the anticipated canopy acreage at plant maturity for calculation purposes.) Methods to calculate the pounds of nitrogen applied from bulk, dry, or liquid fertilizer are presented below.

Note that the nitrogen applied shall only be calculated for the month in which it is applied, and all the nitrogen applied shall be calculated. For example, use of slow release fertilizers or materials in chemical forms that are not immediately available for plant uptake shall be included in the calculation for the month applied rather than spreading the value over two or more months. Use of potting soil is likely to show an over application of nitrogen compared to crop uptake in early months, the application rate will approximate the crop uptake over the growing season.

Fertilizer Labeling

Fertilizer labels always list three nutrients: nitrogen (N), phosphorus (P), and potassium (K). The three numbers represent the percentage of each nutrient in the fertilizer source.

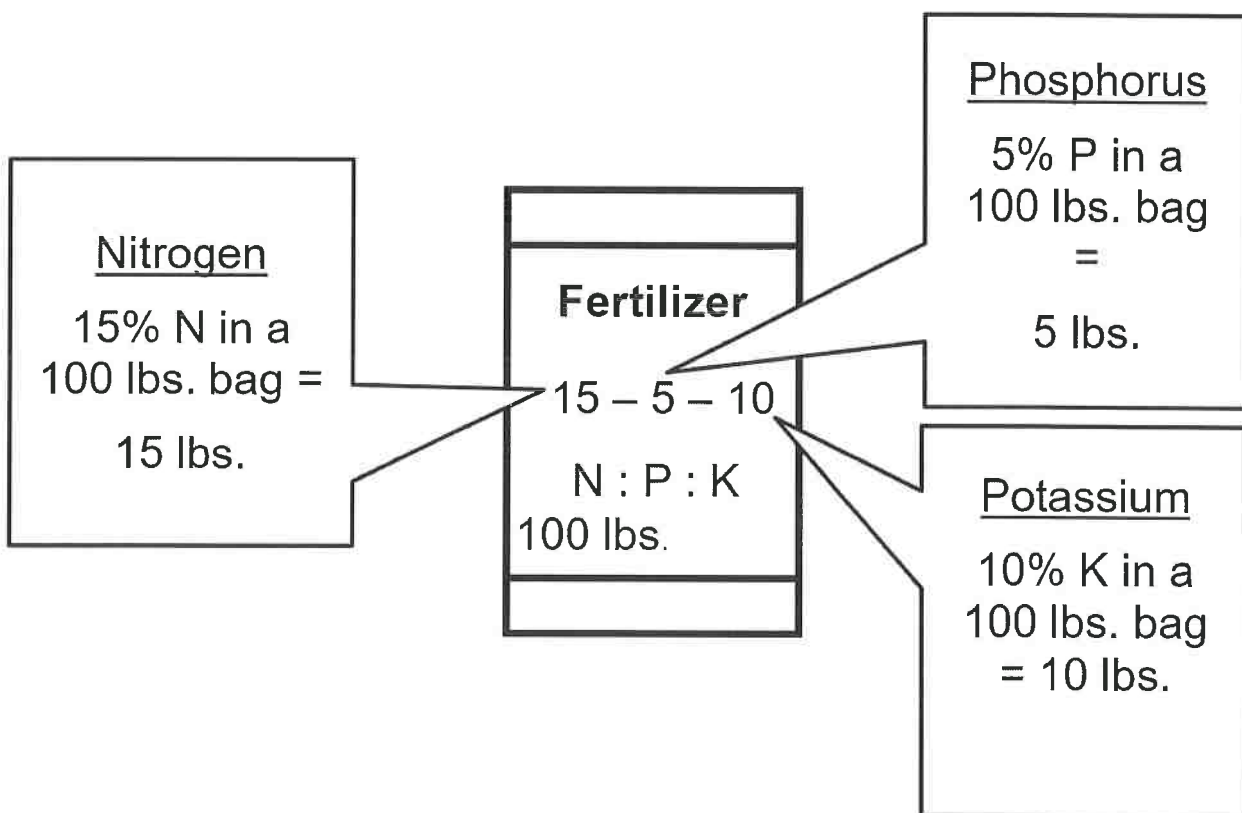
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For bulk materials such as potting soil, the seller can provide a list of the nutrient content. To calculate the nitrogen contained in liquid fertilizers, the density is needed. Liquid fertilizers list the volume and weight of the product, which can be used to calculate the density of the liquid fertilizer (if density is not listed on the product information label).

EXAMPLE NITROGEN REPORTING FORM



Bulk Materials

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{fertilizer weight applied (lbs.)}$$

Dry Fertilizers

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{fertilizer weight applied (lbs.)}$$

Liquid Fertilizers

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$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{density} \left(\frac{\text{lbs.}}{\text{gal.}} \right) \times \text{gallons of product}$$

Or,

$$\text{Nitrogen (lbs.)} = \frac{\%N}{100} \times \text{density} \left(\frac{\text{lbs.}}{\text{oz.}} \right) \times \text{ounces of product}$$

$$\text{Density} = \frac{\text{weight of product (lbs.)}}{\text{volume of product (gal. or oz.)}}$$

Report monthly bulk, dry, liquid fertilizers individually

$$\text{Rate Applied} = \frac{\text{Nitrogen Applied (lbs.)}}{\text{canopy acre}}$$

The nitrogen reporting form below shows the monthly and annual nitrogen application rates in pounds of nitrogen per canopy acre.

In April two bags of bulk fertilizer weight 100 pounds each were used at a 0.50 acre cultivation site. The quantity of nitrogen from the bulk soil applied in April is 30 pounds.

$$\frac{15\%}{100} \times 200 \text{ lbs.} = 30 \text{ lbs. of Nitrogen}$$

The amount of nitrogen applied per canopy acre is then calculated as:

$$(30 \text{ lbs. N}) / (0.50 \text{ canopy acre}) = (60 \text{ lbs. N}) / (\text{canopy acre})$$

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Table D1: Nitrogen Reporting Example, Pounds per Canopy Acre

Month	Bulk	Dry	Liquid	Rate Applied
January	0	0	0	0
February	0	0	0	0
March	0	0	0	0
April	60	20	8	88
May	0	0	24	24
June	0	0	24	24
July	0	8	24	32
August	0	10	30	40
September	0	20	40	60
October	0	0	0	0
November	0	0	0	0
December	0	0	0	0
Total nitrogen applied (pounds per canopy acre)	60	58	150	268

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DISTURBED AREA STABILIZATION PLAN

Tier 1 or Tier 2 Dischargers classified as high risk shall submit and implement a *Disturbed Area Stabilization Plan* (Plan). (Note that high risk site classification is a temporary condition that exists until the Discharger stabilizes the disturbed area located within the setbacks. Once the area is stabilized and the Regional Water Board approves the work, the Discharger can petition the Regional Water Board to reclassify the site as either low or moderate risk, depending upon the site conditions.) The Plan shall be prepared under the supervision of a qualified professional as described in the Provisions section of the General Order. The report shall be approved by the Regional Water Board Executive Officer prior to implementation.

The Plan shall describe how best practical treatment and control (BPTC) measures listed in Attachment A will be implemented to achieve the goal of stabilizing the disturbed area to minimize the discharge of sediment off-site and complying with the setback requirements. Site specific factors (e.g., percent slope, precipitation amounts, soil type, vegetation status, etc.) shall be considered in determining the appropriate level of water quality protection. The Plan shall include an implementation schedule; if the work cannot be completed by the onset of winter period (refer to Attachment A for definition of "winter period"), the Discharger shall contact the Regional Water Board to establish a compliance schedule. Interim soil stabilization BPTC measures shall be performed as soon as practicable. Interim measures are those that can be implemented immediately following site development.

Certain activities within the setbacks that are authorized by a California Department of Fish and Wildlife Lake or Streambed Alteration Agreement, a United States Army Corps section 404 permit, a Regional Water Board section 401 water quality certification, or waste discharge requirements issued by a Regional Water Board or the State Water Board may be performed within the setbacks contained in the General Order and do not trigger a high risk Discharger classification.

At a minimum, the Plan shall address the following:

1. Site Description

- 1.1. Describe the site (e.g., topography, vegetation, elevation, historic precipitation patterns, soil types, surface waterbodies, etc.).
- 1.2. Provide a site map that shows the location of all water bodies, the applicable setback(s), all disturbed areas within the setback(s), and the storm water runoff sampling locations.

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1.3. Describe how the area was disturbed (e.g., previously existing condition, timber harvest, grading activities, etc.) and the level of disturbance.

1.4. Describe the native vegetation that typically exists in the disturbed area.

2. Erosion Prevention BPTC Measures

2.1. Describe the BPTC measures that have been, or will be implemented to prevent or limit erosion. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the erosion prevention BPTC measures on a site map.

2.1.1. The description shall address physical BPTC measures, (e.g., placement of straw mulch, plastic covers, slope stabilization, soil binders, culvert outfall armoring, etc.) and biological BPTC measures (vegetation preservation/replacement, hydro seeding, etc.).

3. Sediment Control BPTC Measures

3.1. Describe the BPTC measures that have been, or will be, implemented to capture sediment that has been eroded. Provide an implementation schedule for BPTC measures that have not yet been implemented. Identify the sediment control BPTC measures on a site map.

3.1.1. The description shall address physical BPTC measures, (e.g., placement of silt fences, fiber rolls, or settling ponds/areas, etc.) and biological BPTC measures (vegetated outfalls, hydro seeding, etc.).

4. Maintenance Activities - Erosion Prevention and Sediment Control

4.1. Describe how the erosion prevention and sediment control BPTC measures will be monitored and maintained to protect water quality.

4.2. Describe how any captured sediment will be either stabilized in place, excavated and stabilized on-site, or removed from the site.

5. Long Term Stabilization Measures

5.1. Describe any revegetation activities designed to provide long term stabilization, that will occur either at the beginning or end of the precipitation season

6. Compliance with General Order Schedule Limits

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- 6.1. If the Discharger will not be able to achieve compliance by the onset of the next winter period (e.g., stabilization work will continue into the winter period or will continue the following year), the Discharger shall include a compliance schedule and scope of work for approval by the Regional Water Quality Control Board Executive Officer and for use in preparing an enforcement order.

SITE CLOSURE REPORT

A *Site Closure Report* (SCR) is required when cultivation activities at the site cease. The SCR shall be submitted in accordance with Provision C.1.e and is required for Dischargers that are covered by the Waiver (conditionally exempt) or enrolled as Tier 1 or Tier 2 Dischargers. The SCR shall be submitted with a completed Notice of Termination form (Attachment C) and shall, at a minimum, include the following components:

1. The date cultivation activities at the site will cease.
2. A description of measures that will be implemented at the cannabis cultivation site, including all areas associated with cannabis cultivation activities, to prevent sediment discharges to surface water bodies that will result in water quality degradation.
3. If construction activities are proposed as part of the closure activities, the SCR shall include a project implementation schedule.
 - 3.1. Construction and grading activities shall comply with Attachment A: Best Practices and Treatment Control Manual of the General Order.
4. For Dischargers that are classified as Tier 1 or Tier 2, a final Monitoring and Reporting Program report that includes monitoring conducted year-to-date.
5. Certification of the following items: (1) the cultivation activities will cease by the date noted in the SCR; (2) disturbed areas have or will be stabilized and the potential for waste discharges from the disturbed areas are minimized and (2) earthen material and waste have been consolidated at the site and stabilized or disposed of properly.