



State Water Resources Control Board

Sent by email. No hard copy to follow.

Effective Date: 9/21/2021

WDID: 1_12CC436372

Island Mountain Farms LLC
Attn: Bridget Carlson
Email: islandmtnfarms@gmail.com

FACILITY ADDRESS:
926 South Face Lane
Garberville CA,
Humboldt County

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ

This Notice of Applicability (NOA) provides notice that the requirements of the State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and Order WQ 2019-0001-DWQ (General Order), are applicable to the site as described below.

DISCHARGER: ISLAND MOUNTAIN FARMS LLC

WDID: 1_12CC436372	ORDER: WQ 2019-0001-DWQ
Enrollment – Type	Enrollee - WDR
Tier and Risk	Tier 2 Low Risk
Wastewater Disposal	Not Applicable
Disturbed Area (SqFt)	165000
Cultivation Area (SqFt)	63560

FACILITY APNs:

218-101-002-000, 218-091-006-000

Additional site-specific requirements are contained in this NOA. The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this NOA.

If you have any further question, please contact North Coast Regional Cannabis Unit at northcoast.cannabis@waterboards.ca.gov.

APPROVED BY

Karen Mogus
Deputy Director
Division of Water Quality

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

The *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) are available at <<http://www.waterboards.ca.gov/cannabis>>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, and this Notice of Applicability (NOA). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities (Attachment A of the General Order).

Please direct submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Cannabis Unit, at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov unless otherwise directed in this document.

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Additional Cannabis Water Quality Resources

The links below are available on the last page of this document

Water Boards' Cannabis Cultivation Webpage	Water Quality Fees Webpage
Cannabis Policy	Water Quality Annual Fee Invoice Lookup
Cannabis General Order	Facility-At-A-Glance Report
Rural Roads Handbook	Cultivation Permitting Agency Webinar

For translation assistance, please contact the following:

Spanish: Para obtener más información en español por favor contáctenos al teléfono (916) 341-5265 o vía email a: OPP-LanguageServices@Waterboards.ca.gov.

Hmong: Rau kev npaub ntxiv ua lus Hmoob, thov txuas lus nrog peb ntawm xov tooj (916)-341-5265 los sis email: OPP-LanguageServices@Waterboards.ca.gov.

1. ENROLLMENT RESPONSIBILITIES

Island Mountain Farms Llc (hereafter “Discharger”) submitted information, or updated enrollment information, for discharges of waste associated with cannabis cultivation at or near 926 South Face Lane Garberville CA,. The Discharger’s cannabis cultivation activities are in compliance, will be in compliance with, or the Discharger will contact the Regional Board if they cannot be in compliance with the requirements of the State Water Board’s Policy and General Order before the winter period. You are hereby assigned waste discharger identification (WDID) number 1_12CC436372.

The Discharger is responsible for all applicable requirements in the Policy, General Order, and this NOA, including submittal of all required reports. The Discharger is the sole person with legal authority to, among other things, change information submitted to obtain regulatory coverage under the General Order; request changes to enrollment status, including tier and risk designation; and terminate regulatory coverage. The Discharger may designate a third-party representative/agent to represent them in issues related to the General Order but must do so in writing. The Regional Water Quality Control Board (Regional Water Board) or the State Water Board (collectively Water Boards) will hold the Discharger liable for any noncompliance with the Policy, General Order, or this NOA. Pursuant to the General Order, if the Discharger is not the landowner, the Discharger must have express written permission of the landowner authorizing the cannabis cultivation activities. If the landowner contests this NOA and the Discharger cannot obtain consent, the Discharger will be required to submit a request for termination of coverage under the General Order, as described in Section 5 below.

This NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Cannabis Control, required permits from your local jurisdiction (city or county), and an agreement or exemption from agreement from the California Department of Fish and Wildlife. The Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from other agencies prior to cultivating cannabis.

2. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger indicates:

1. the disturbed area is greater than or equal to 1 acre (43,560 square feet)
2. no portion of the disturbed area is within the required riparian setbacks
3. no portion of the disturbed area is located on a slope greater than 30 percent

Therefore, the activities are classified as Tier 2 Low Risk and meet the requirements of the General Order.

If site conditions described above change, you must contact the North Coast Regional Cannabis Unit listed at the top of page 2.

3. PROJECTS AND MAINTANCE OCCURING IN STREAMS AND WETLANDS

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 by filling out and submitting a separate application for that work. Additional application

and monitoring fees will apply. Please contact the North Coast Regional Cannabis Unit for application forms, fee information, and instructions.

4. GENERAL REQUIREMENTS

The General Order requires that all applicable best practicable treatment or control (BPTC) measures listed in Attachment A of the General Order be implemented before the onset of the winter period November 15 to April 1. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period shall submit to the 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 General Requirement No. 33 in Attachment A of the General Order.

The Discharger shall notify the Regional Water Board in writing of any proposed change in the method of waste disposal for irrigation tailwater, hydroponic wastewater, or other miscellaneous industrial wastewaters. Note the following:

- i. Discharge to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater is permissible under the General Order. A will-serve letter (or equivalent) from the sewer agency is sufficient to demonstrate that the discharge is in compliance with wastewater system requirements and shall be made available to the Water Boards upon request.
- ii. The Discharger shall retain, for a minimum of five years, appropriate documentation for any industrial wastewater collected to a storage tank for disposal at a permitted wastewater facility that accepts cannabis cultivation wastewater. Documentation shall be made available to the Water Boards upon request.
- iii. The Discharger must obtain separate regulatory authorization (e.g., site-specific Waste Discharge Requirements (WDRs), conditional waiver of WDRs, or other permit mechanism) from the Regional Water Board prior to implementing alternative waste disposal methods, such as onsite wastewater treatment systems, including, but not limited to, a septic/leach field system, evaporation ponds, or onsite landscape irrigation using treated wastewater. Additional monitoring and reporting requirements may be necessary to demonstrate compliance with the General Order and the Regional Water Board's Basin Plan.

During reasonable hours, the Discharger shall allow the 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;
- ii. access and copy any records required to be kept under the terms and conditions of the Policy and General Order;
- iii. record audio and video, inspect, and/or photograph 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

- iv. 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 ensuring compliance with the Policy and General Order.

5. TECHNICAL REPORT REQUIREMENTS

The technical reports described below shall be submitted through the Water Boards Cannabis Cultivation Programs Portal by completing a *General Order Technical Reporting* survey. See Section 8 for required reporting before termination of General Order coverage.

A Site Management Plan, due by 10/18/2021, or within 90 days of notifying the North Coast Regional Cannabis Unit of planned material change in activity, character, location, or volume of discharge (i.e. change in cultivation, disturbed area, wastewater disposal method, etc.) as required by General Order Provision C.1.a, Provision C.2.i, and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A Nitrogen Management Plan, due by 10/18/2021, or within 90 days of notifying the North Coast Regional Cannabis Unit of planned change in cultivation area as required by General Order Provision C.1.d, Provision C.2.i, and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Nitrogen Management Plan.

6. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted through the Water Boards Cannabis Cultivation Programs Portal by completing a *Online Cannabis Water Quality Monitoring & Reporting Program* survey by March 1 following the year being monitored. The Discharger shall comply with the MRP and any future revisions as specified by the Regional Water Board Executive Officer, the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

7. ANNUAL FEE

If applicable you will receive an invoice annually until coverage under this General Order is formally terminated. Please visit <http://www.waterboards.ca.gov/resources/fees/water_quality/> and click on the latest Water Quality Fee Schedule (for example, for fiscal year 2020-2021, the fee schedule is called 'FY 2020-2021 Water Quality Fee Schedule'). California Code of Regulation Title 23 Division 3 Chapter 9 Article 1 Section 2200.7, 'Annual Fee Schedule for Cannabis Cultivation.' Please note that the Fee Schedule is reviewed annually and future fees may be invoiced at different rates.

Annual fees are assessed on a fiscal year basis (July 1 through June 30). Invoices are sent by the State Water Board roughly midway through each fiscal year, usually in January. Please do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Water Boards Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under the General Order is formally terminated. Instructions for requesting termination of coverage appear in Section 8.

To terminate coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report, at least 90 days prior to termination of activities, and a final Annual Monitoring Report. See Termination of Coverage Under the General Order section below.

8. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER

Dischargers who wish to terminate coverage under the General Order must submit a Notice of Termination and Site Closure Report. The Notice of Termination and Site Closure Report shall be submitted through the Water Boards Cannabis Cultivation Programs Portal <https://public2.waterboards.ca.gov/cgo> by completing a *Cannabis General Order Termination Request Form* survey.

Dischargers enrolled under Waste Discharge Requirements in the General Order (i.e., non-Waiver enrollees) must also submit a final Annual Monitoring Report. The final Annual Monitoring Report shall be submitted by completing an *Online Cannabis Water Quality Monitoring & Reporting Program* survey.

The Regional Water Board reserves the right to inspect the site before approving a request for termination of coverage. Attachment C of the General Order includes the *NOT* form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

9. REGION SPECIFIC REQUIREMENTS

Dischargers shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements. This includes any applicable Regional Water Board Orders or Regional Water Quality Control Plan (Basin Plan) requirements, including prohibitions and/or water quality objectives governing the discharge. In the event of duplicate or conflicting requirements, the most stringent requirement shall apply.

You can access your regions Basin Plan by visiting your local Regional Water Board's website at <https://www.waterboards.ca.gov/northcoast/>.

The Discharger shall also comply with the provisions of the North Coast Regional Water Board's Supplement to the General Order Annual Monitoring and Reporting Program (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. The information required by Order No. R1-2019-0023 will be submitted while completing the *Online Cannabis Water Quality Monitoring & Reporting Program* survey

Individuals Notified of Notice of Applicability Issuance

Cannabis Regulatory Unit
State Water Resources Control Board
dwq.cannabis@waterboards.ca.gov

North Coast Water Quality Control Board
Northcoast.Cannabis@Waterboards.Ca.Gov

Cliff Johnson, Senior Planner
Humboldt County
Cjohnson@Co.Humboldt.Ca.Us

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Additional Cannabis Water Quality Resources

Water Boards' Cannabis Cultivation Webpage:

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

Cannabis Policy:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

Cannabis General Order:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

Rural Roads Handbook:

http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

Cultivation Permitting Agency Webinar: <https://youtu.be/kVbIKnFRZy8>

Water Quality Fees Webpage: https://www.waterboards.ca.gov/resources/fees/water_quality/

Water Quality Annual Fee Invoice Lookup:

<http://infofees.waterboards.ca.gov/FeeInfo/DischargerInvoice.aspx>

Facility-At-A-Glance Report:

<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset>