

Item 4 – Update on Cannabis Cultivation Waste Discharge Regulatory Program Activities in the North Coast Region

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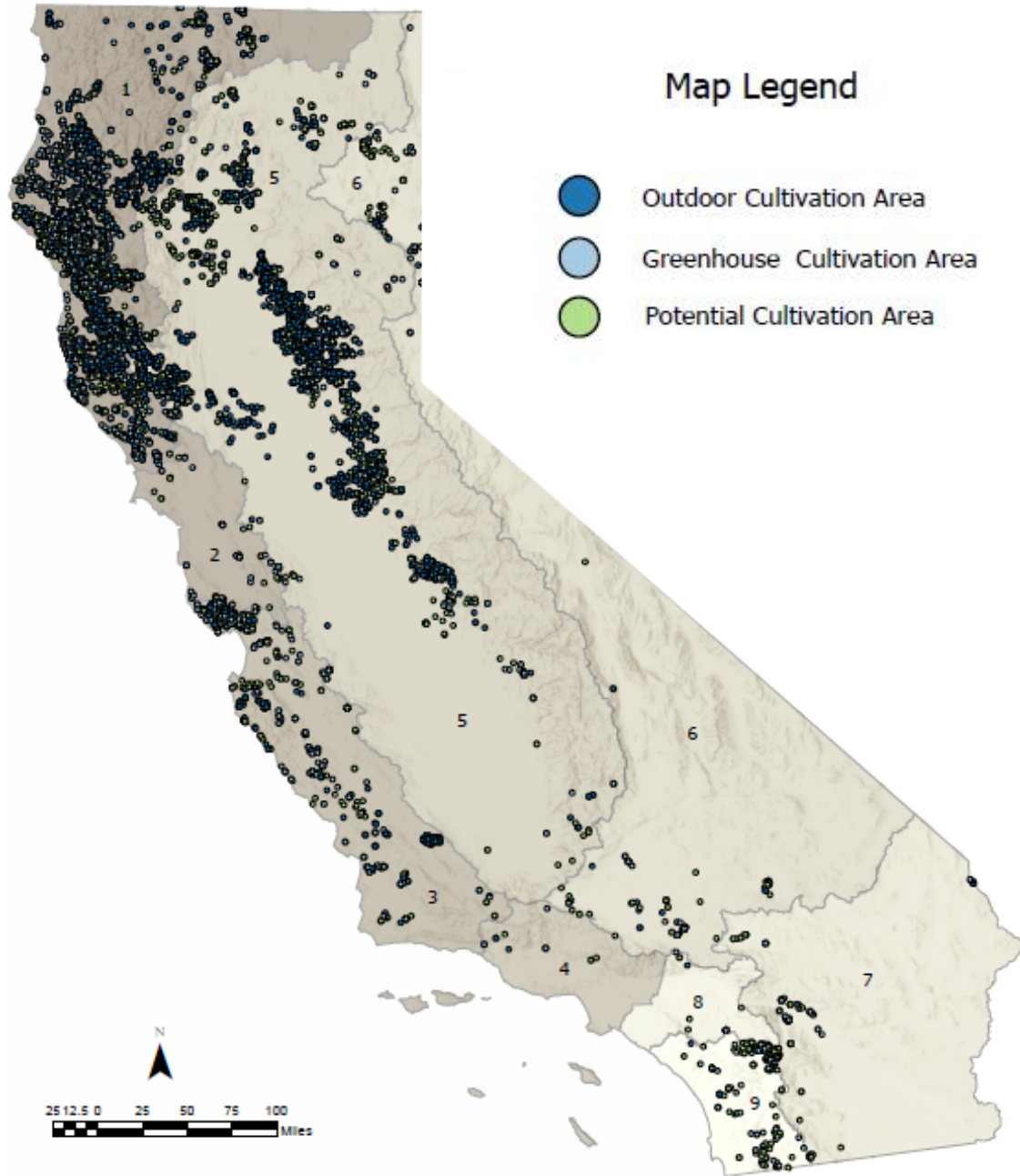


October 15, 2020

Presentation Outline

- I. Scale of cannabis cultivation in CA and North Coast
- II. Water quality threats from cannabis cultivation
- III. Statewide Cannabis Program updates
 - Funding shortfalls + staffing reductions
 - Executive guidance and planning efforts
- IV. North Coast Cannabis Program updates
 - Performance report FYs 18/19 + 19/20
 - Work plan revisions FY 20/21

Cannabis Identification and Prioritization System (CIPS)

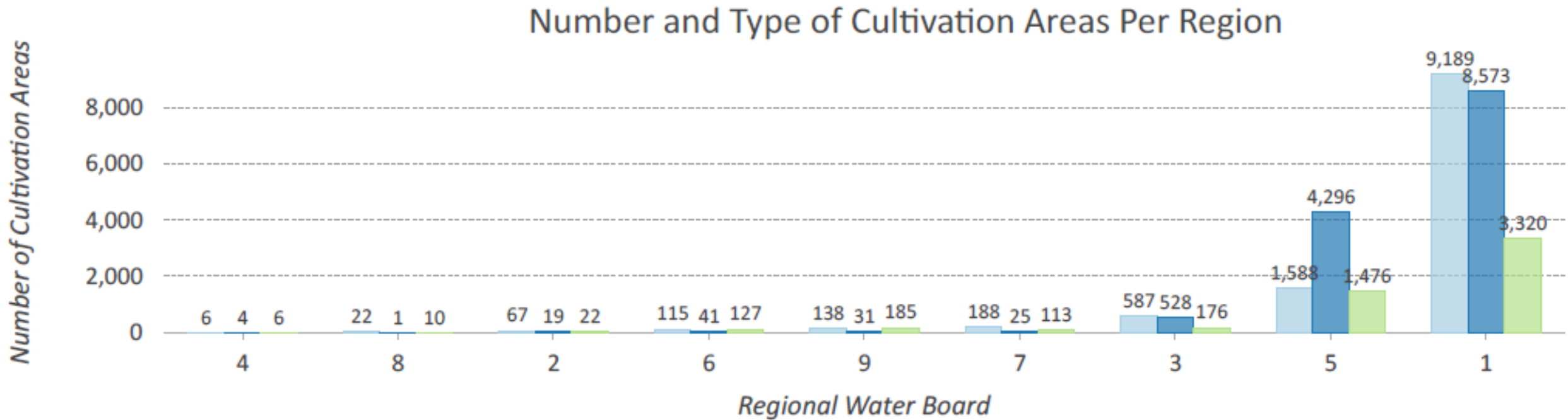


Cannabis Cultivation Summary Statistics

Regional Board	Total Identified Cultivation Areas	Total Identified Cultivation Acres
1	20,082	2,012.7
2	108	8.8
3	1,291	124.1
4	16	2.9
5	7,360	923.7
6	283	57.9
7	326	57.2
8	33	4.1
9	354	51.4
Total	29,853	3,243

Cannabis Identification and Prioritization System (CIPS)

- Outdoor Cultivation Area
- Greenhouse Cultivation Area
- Potential Cultivation Area

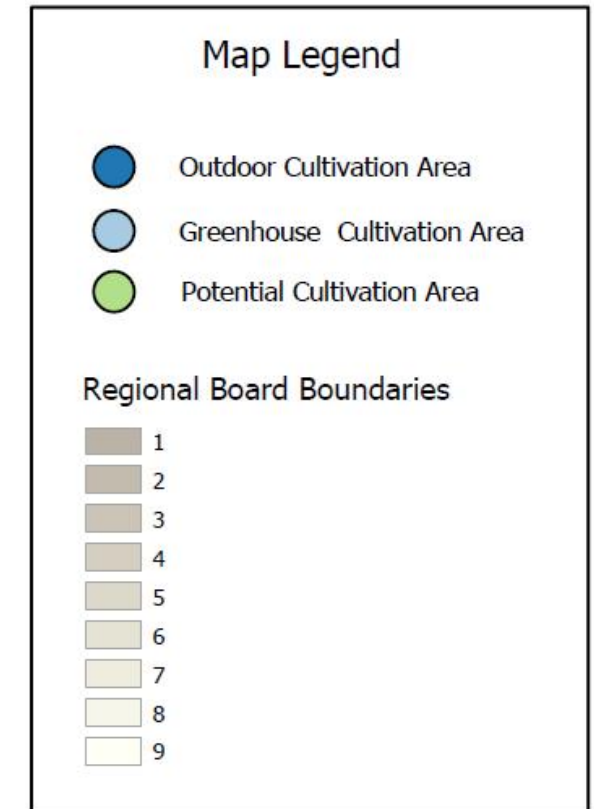
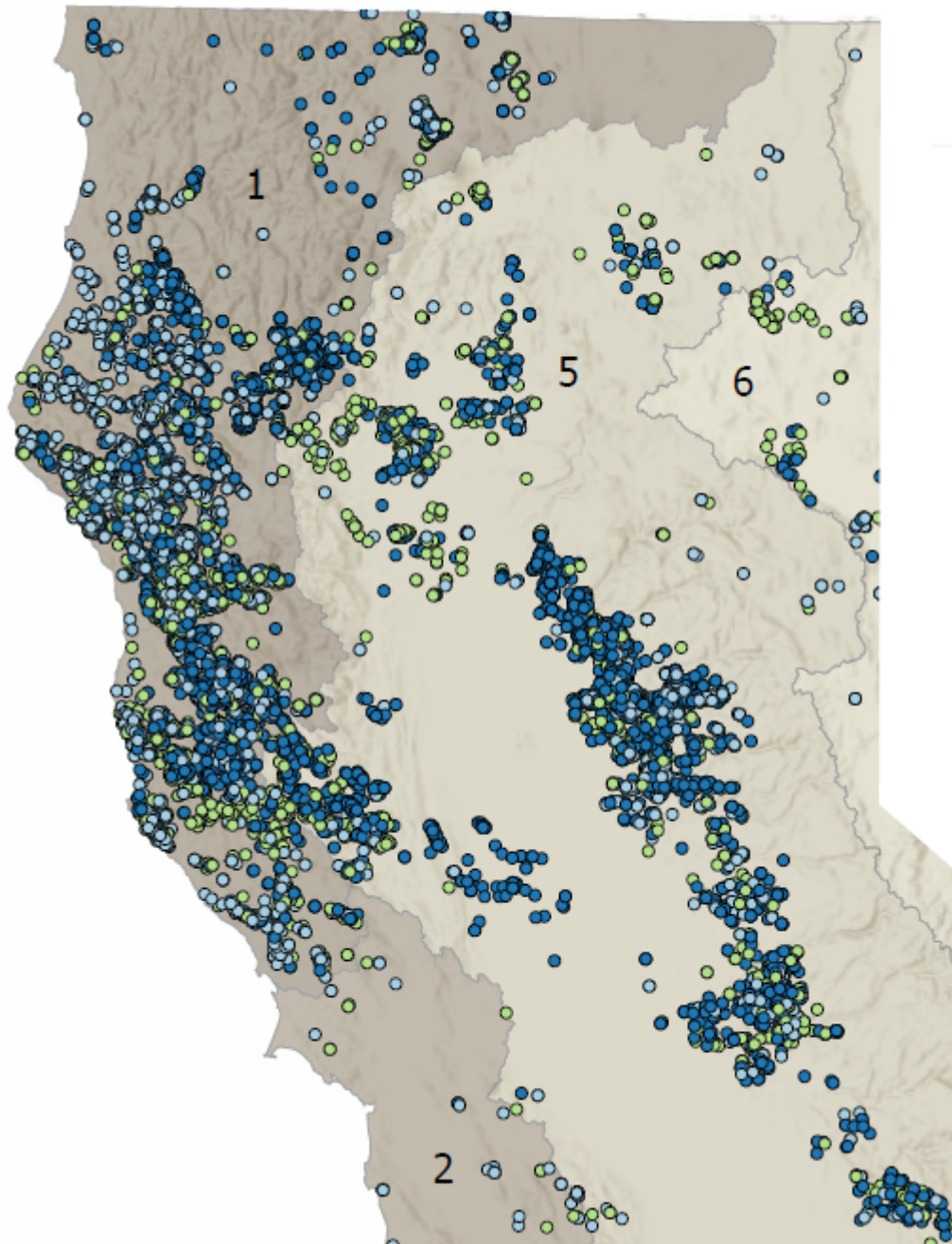


Cannabis Identification and Prioritization System (CIPS)

Region 1 (North Coast):

Total Sites = 20,082

Total Acres = 2,013



Water Quality Concerns

- Sediment Discharges
- Fertilizers, Pesticides, Fuels
- Poor Housekeeping and Refuse Disposal
- Improper Human Waste Management
- Loss of Riparian Function and Habitat
- Reduced Stream Flows

Poor Site Development



Poorly Installed Stream Crossings



Unstable Onstream Pond Development



Poor Chemical Storage



Hazardous Chemicals



Improper Waste Disposal



Human Waste



Proximity to Streams and Riparian Areas



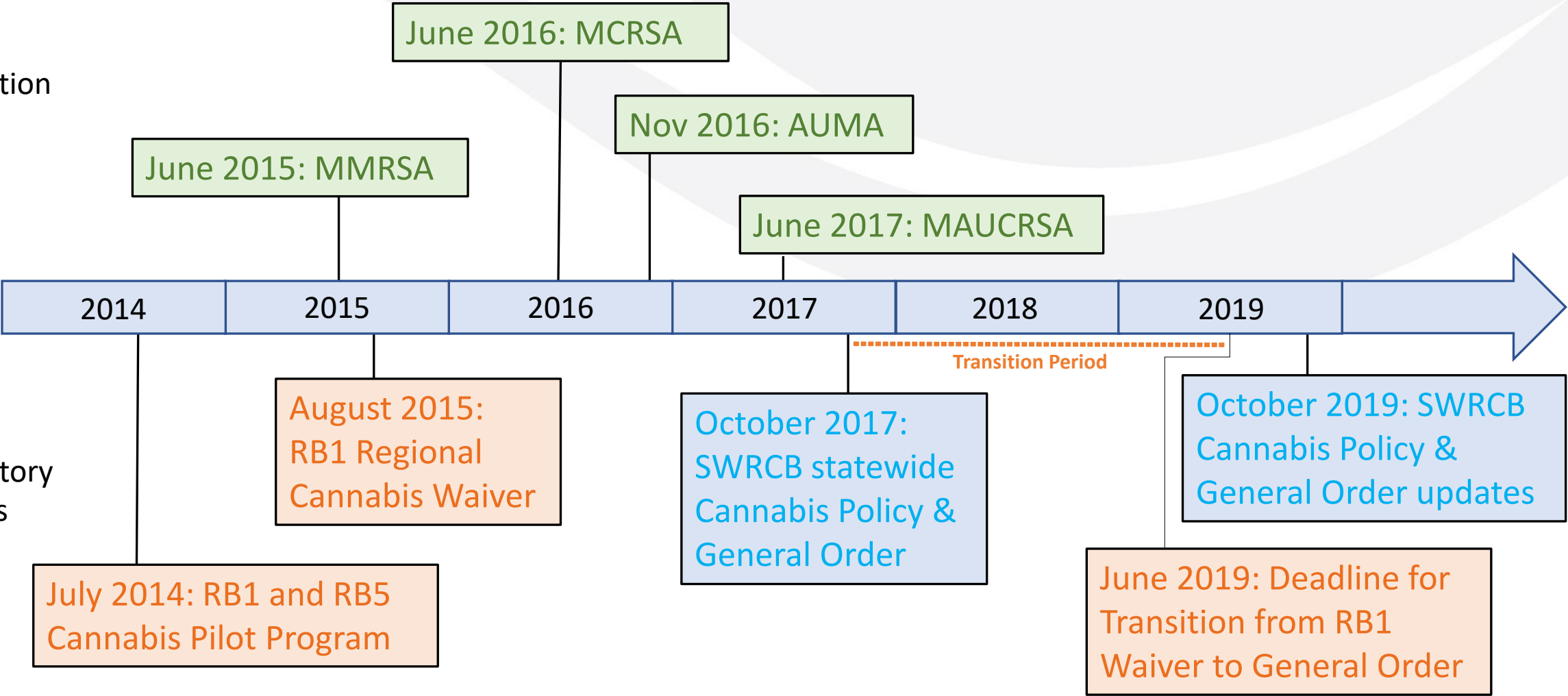
Water Diversion and Storage



Cannabis Legislative + Regulatory Milestones

Legislation Passed

Regulatory Actions




Statewide Cannabis Program Update

Jonathan Bishop
Chief Deputy Director
State Water Board





Program Update Overview

- Background
 - Program Challenges
 - Recent Program Reductions
 - Program Changes
- 



Background

- July 2014, pilot program initiated
- FY 2017-18, budget allocated additional positions & statewide program established
- FY 2020-2021, budget shortfalls require substantial reduction in program staff



Ongoing Program Challenges

- ▶ Low Cultivator Participation
 - ▶ Local jurisdictions ban or severely limit cultivation
 - ▶ Uncertainty in regulatory landscape further discourages growers from enrolling in Water Boards' program.
- ▶ Impacts fee revenue and cannabis tax revenue, both of which fund the Water Boards' Cannabis Program.
- ▶ Significant additional cannabis licensing fees and taxes impacting Water Boards ability to raise fees



Program Funding

- ▶ Limited tax allocation and fees shortfall
 - ▶ Resulted in a significant reduction (50%) in the Program's Water Quality staff statewide.
 - ▶ Division of Water Rights also required to hold positions vacant for extended time & small reduction in staff

Program Reductions

Water Quality Allocated Cannabis Positions			
Organization	Previously Allocated Cannabis Postions	Currently Funded Cannabis Positions	Reduction
Reg 1	17	9	8
Reg 2	5	1	4
Reg 3	8	3	5
Reg 5	16	9	7
Reg 6/7	6	2	4
Reg 4/8/9	7	2	5
DAS	3	2	1
DWQ	5	3	2
OE	11	8	3
Totals	78	39	39
Program Totals	120	77	43



Program Changes

Reduce Program Scope - Enforcement

- Illegal Cultivation is Priority
- More Restricted Targeted Priority Watershed Approach
- Limit Enforcement Outside Targeted Priority Watersheds
 - Limited to sites with one or more elevating factors



Program Changes

Reduce Program Scope - Regulatory Activity

- ▶ Deprioritize Enforcement for Permitted Grows
- ▶ Deprioritize Compliance Assessment and Inspection of Enrolled Sites
- ▶ Limit Enrollment Application Review
- ▶ Centralize processing of Notices of Applicability at State Water Board



Next Steps



- Identify and Track Program Metrics
- Develop Program Goals for 2020/2021 FY
 - Focused on enrollments & illegal cultivation enforcement
- Develop Work Plan to Obtain Program Goals

North Coast Cannabis Program Performance Report

- Cannabis General Order Enrollments
- Water Quality Certifications
- Site Inspections
- Enforcement Actions
- Annual Monitoring Reports



Cannabis General Order Enrollments

Fiscal Year	Region 1 Enrollments	Statewide Enrollments
2018/2019	1,132	2,843
2019/2020	2,955	5,076
Current	3,179	5,412

Water Quality Certifications

Fiscal Year	WQ Certs Issued
2018/2019	10
2019/2020	35
Current	34

Cannabis Site Inspections

Fiscal Year	Inspections Conducted
2018/2019	198
2019/2020	129
Current	9

Cannabis Enforcement Actions

Fiscal Year	NOVs	CAOs	Penalties Under Consideration
2018/2019	7	1	
2019/2020	68	3	1
Current	7	1	5

Annual Monitoring Reports

Reporting Year	Reports Required	Reports Received	Compliance Rate
2017	2,715	2,110	78%
2018	3,224	2,191	68%
2019	2,643	1,339	51%
2020	3,179	-	-

Regional Staffing Reductions

C&E Division

Sup. WRCE – Occupied (½)

ES Specialist – Vacant/Frozen

Administration Unit

AGPA - Occupied

Northern Cannabis Unit

Senior WRCE – Occupied

WRCE – Occupied

EG – Occupied

EG – Occupied

ES – Vacant/Frozen

Southern Cannabis Unit

Senior WRCE – Occupied

WRCE – Vacant/Frozen

WRCE – Vacant/Frozen

WRCE (0.6) – Vacant/Frozen

ES – Vacant/Frozen

ES – Abolished

Enforcement Unit

Senior WRCE – Occupied (½)

WRCE – Occupied

EG – Occupied

EG – Vacant/Frozen

FY 20/21:

Occupied Positions = 9

Frozen / Abolished = 8

Total Positions = 17

Updates to the Cannabis & Enforcement Division Work Plan

- Permitting / Compliance Activities
- Enforcement Activities
- Operational Changes



Staffing for the Cannabis & Enforcement Division Work Plan

	Permitting / Compliance	Enforcement
Managers	1.30 PY	1.40 PY
Technical Staff	2.75 PY	2.65 PY
Total	4.05 PY	4.05 PY

Permitting / Compliance Activities

- Cannabis General Order Enrollments and Terminations
- Water Quality Certifications for Instream Work
- Plans for Moderate & High-Risk Sites
 - Erosion and Sediment Control Plans
 - Disturbed Area Stabilization Plans
- Compliance Assistance / Customer Service
- Requests for Individual WDRs
- Compliance Extension Requests (4.05 PY)

Enforcement Activities

- Enrollment Enforcement
 - Focus on Priority Watersheds
- Enforcement on Illegal Sites
 - Interagency Cannabis Enforcement Program
 - CDFW Watershed Enforcement Teams
 - County Task Forces
- Enforcement on Enrolled Sites
 - Resolve Open Enforcement Cases
 - New Cases Only if Egregious



(4.05 PY)

Operational Changes

- Transition to specialist-based work assignments
- Utilize central point of contact for customer service
- Assign technical work to managers
- Leverage the resources of agency partners
- Increase reliance on ministerial processes, self-certification, self-reporting, remote sensing
- Conduct reviews / assess conditions at larger spatial scales

Highlights + Takeaways

- Cannabis cultivators in CA remain very active.
- The Statewide and North Coast Cannabis Programs are facing some challenges.
- Staffing levels are down by 50%.
- Tough choices are required.
- Statewide priorities are clear.
- Our work to protect water quality work continues!

Questions?

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