



04 September 2017

State Water Resources Control Board
Clerk to the Board
Attn: Jeanine Townsend
PO Box 100
Sacramento, CA 95812-0100

Subject: **COMMENT LETTER – CANNABIS GENERAL ORDER**

SWRCB Members:

The incredible fast pace of the drafting of the General WDR for Discharges of Waste Associated with Cannabis Cultivation Activities has left very little time for review of the draft documents prior to the adoption hearing scheduled for October 17, 2017. Compared to the extraordinary stakeholder involvement during the drafting of the latest State-wide Industrial General Permit and the time between the adoption date and the effective date, make this permit adoption seem like an 'overnight' exercise. The draft permit is rife with problems. It is too much too fast for a newly emergent industry. There needs to be training and perhaps certifications such as with the CGP and IGP – the Discharges will struggle with compliance and that should be the number one priority. Additionally, more local jurisdictional cooperation should be sought. Nevertheless, the I present these comments and suggestions from my limited and time-constrained review of the documents.

1. I did not see where the time term of the General Order was stated, which is usually five years.
2. This General Permit does not appear to be a layman's document. It can be compared to the Industrial General Permit or the Construction General Permit, where specific certification programs, permit-specific were developed due to the complexity and comprehensiveness of the permit and ability to comply. This is a very complex document and it be evaluated on how easily a Discharger will be able to comply.
3. Cannabis cultivator and Discharger seem to refer to the same entity, but are used throughout the document apparently interchangeably.
4. The cannabis cultivator is expected to comply with all Water Board water quality control plans and policies. Professionals are challenged to assist Dischargers with these requirements. Yet, this Order will require the Discharger to attend to these requirements. It is always the Dischargers responsibility, but the path to compliance for this permit is very difficult.
5. Requirement 7, page 10, requires daily weather forecast monitoring, yet many areas of California do not have internet or cell phone coverage.
6. Requirement 17 and 18, Pages 11 and 12, is buried in the requirements is a setback of 600 feet from Tribal lands and Tribal Cultural Resources. All setbacks should be listed together.
7. The presentation of the Draft General Order uses a Table format where the columns are identified with No. and Term. This works for definitions (terms), but not for requirements



and prohibitions. Some pages do not have column headings. The numbers are confusing. For example, Section 2 No. 7. Has numbered sub-points. I would prefer if each subsection and sub-subsection has its own numbering system and started on a new page to make it more user-friendly. Terms in Attachment appear to end on Page 7 with No. 29, Winter Period. In Section 1, Page 8, General Requirements and Prohibitions, terms do not seem correct. Additionally, the Table format and requirements list is not intuitive. These requirements should be listed by subject matter similarly as is done in Section 2.

8. On the Acronyms and Abbreviation page, CDFW is listed twice; e.g. seems unnecessary and SIC is Standard Industrial Classification. Also, the list is much longer in the Staff Report. Need to add SIUR,
9. There are several areas within the Draft General Order where professional, qualified professionals or others are listed (Term 15, Page 5; Requirement 6, Licensed Timber Operator; Requirement 8, page 10 – qualified biologist; Requirement 19, page 12 – Native American Archaeologist; Page 69, which is the most comprehensive, but page 70 adds an additional one and Page 71 repeats Page 70 list)
10. Requirement 31, page 15 seems to refer to enrollees currently under existing Cannabis General Orders. It does not state that.
11. Due to Requirement 35, page 15, the land or property owner should be required to sign the initial enrollment document or NOI.
12. Requirement 36, page 16, Other waterbodies are listed immediately after Watercourse Classes I, II and III, yet omit Class IV. It is a bit confusing when compared with Term 26, Pages 6 and 7) Other watercourses. The point here is that watercourses and waterbodies are listed on the Table, but omit Class IV watercourses. On first look, I thought Class IV had minimum setbacks, but then do not.
13. A Qualified Storm Water Pollution Prevention Plan Practitioner or QSP is a specialized certification for the State-wide Construction General Permit. The QSP is certified to perform field inspections for a project with a SWPPP written by a QSD or Qualified Storm Water Pollution Prevention Plan Developer. The QSD writes the CGP SWPPP, not the QSP. The QSP and QSD would only be applicable certifications for the CGP. Other prerequisite certifications might be more applicable such CPESC, CPSWQ, CPISM. This might be an appropriate place for a certified wildlife biologist.
14. Section 2, Requirement 2, Page 19. More emphasis should be placed on local jurisdictional restrictions for development on slopes. Some counties have restrictions as low as 15% and if exceeding, but obtain a grading permit.
15. Section 3, Requirement 35, when evaluating trees or conducting tree work, mention of licensed arborist is needed.
16. Section 2, Requirement 66, Page 30, although reference to DWR Bulletins 74-90 and 74-81 is provided, no mention of a C-57 licensed well driller is mentioned.
17. Section 2, Requirement 75, Page 31 seems to state only use fuel powered diversion pumps. But, it is referring to the location of these type of pumps. No mention of battery powered or solar powered pumps.
18. The order in which water bladders are discussed should be changed. First identify them and then state the secondary containment requirements. Pages 33 and 34.
19. Requirement 97, page 34 should have a local jurisdictional comment as permission to use hauled water varies in different counties. Sonoma for emergency use only and if approved by the PRMD Director, for example.
20. Was there a mention of recycled water usage?



21. Attachment B, Page B-4. It appears that monthly hardcopy monitoring reports are required to be mailed.
22. MRP does not state where storm water samples must be collected. Does not state how the monitoring points must established. Recent history with the IGP indicates that Waterboards have difficulty collating, filing and evaluating hard copy reports.
23. MRP does not provide any guidance on the turbidity or pH calibrated device.
24. Attachment C NOT form is provided, but not a NOI form – seems the NOI form is most important.
25. Attachment D does not have guidance on developing a site drainage plan that would include monitoring points, discussion or run-on and other critical aspects of sampling.

Please do not hesitate to contact me (707-322-2015 or aedeicke@epsh2o.com)

Sincerely,

A handwritten signature in blue ink that reads "A. Deicke". The signature is written in a cursive style and is positioned above a horizontal line.

Arthur Deicke
Owner
Environmental Pollution Solutions, LLC
Santa Rosa, California