



**CALIFORNIA
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In coalition with:

Humboldt County Growers Alliance

Mendocino County Growers Alliance

September 4, 2017

Chair Felicia Marcus and Board Members
c/o Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814



Sent via electronic mail to: commentletters@waterboards.ca.gov

RE: Comment Letter — Order WQ 2017-00XX-DQW Draft General Waste Discharge Requirements For Discharges of Waste Associated with Cannabis Cultivation Activities & Draft Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation

Dear Chair Marcus and Board Members:

We are writing today on behalf of more than 600 members in the North Coast Region to provide comment on the Draft Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Policy), Draft Cannabis Cultivation Policy Staff Report (Staff Report) and Draft General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (General Order).

Our comments are based on our experience working directly with North Coast cannabis cultivators, engineering consultants, and with an understanding of the on-the-ground realities facing the community on the region.

These comments are based on Order WQ 2017-00XX-DQW and the Draft Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation.

Our organizations are not for profit trade associations. Collectively we represent the interests of thousands of cannabis cultivators who are seeking to become legal and compliant businesses within the State of California. Our organizations work together in strategic partnership with one another to advance a collaborative and solution oriented culture of advocacy.



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Our primary concern today is simple. Early Adopters of the North Coast Regional Water Board Order will be disproportionately effected over those who choose to wait or not enroll at all.

For more than 40 years, the North Coast of California has been the epicenter of cannabis cultivation in California. There are at least 20,000 existing cultivation sites within the region. The environmental impacts to water quality and wildlife are well documented.

Since 2015, the goal and intent of the discourse surrounding the development of a regulatory structure for cannabis cultivation has been to bring as many existing cannabis cultivators “out of the shadows and into the light” of a well-regulated industry—one that protects and restores its environment, and benefits society through taxation and increases public safety.

Since the release of Order R1-2015-0023 in August 2015, significant outreach was conducted by the North Coast Regional Board to build trust with the cultivation community and draw people into the regulatory fold. Approximately 3,500 cultivators chose to become “Early Adopters.” They enrolled under the Order, and have begun developing Water Resource Protection Plans (WRPP), which are site-specific best management practices designed to bring a property into compliance with standard conditions to protect water quality.

Cultivators thought they were signing up for one thing and now the Draft Order presents a very different structure that doesn’t fit with the Early Adopter’s plans and investments for their businesses. **We are concerned that this will cause significant hardship for these businesses—the very same cultivators who are leading the way into the regulated future.**

We do not believe it is the intent of the State Water Board Staff to have a disproportionate effect on these early adopters, however we are gravely concerned about the impact of this unintended consequence and we write today to request a remedy to this problem. We have identified three potential solutions, presented below in ranked order of our preference:

1. The State Water Board should allow for (provide an exemption or waiver) those cultivators, the Early Adopters, who have enrolled with the North Coast Regional Water Board Order R1-2015-0023 (filled out a Notice of Intent prior to July 1, 2017) to continue with the existing regulatory process, and build on that process to develop equivalent measures approved by the Regional Board and Department of Fish and Wildlife that meet the objectives and intent of the law.
2. If the Draft Order is adopted as is, cultivators who have enrolled under Order R1-2015-0023 need to be given additional time to adapt their WRPPs, compliance schedules and implementation timelines to reflect the reality of what is and is not possible on the ground, and be afforded time to integrate landscape level compliance (road maintenance and remediating industrial logging legacy impacts) into their multi-year business plans.



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3. Develop a clear process to allow for the regional board to make site specific and/or programmatic exceptions and variances where appropriate to accommodate site and regional specific considerations and conditions, specifically as a means of bridging any gaps that may exist as growers work to transition from the regional program to the state program.

Given the scope of the challenge and the expeditious timeline, it is no surprise that the State Water Board developed a one-size-fits-all series of specific prescriptive standards for the entire state of California. However, without consideration for the time, money and emotions invested, this one size fits all approach will have real and lasting negative impacts on the relationship between regulated and regulator. The end result will not be improved conditions to water resources. We implore you: please do not punish early adopters.

Sincerely,

Hezekiah D. Allen, Executive Director, California Growers Association

Terra Carver, Executive Director, Humboldt County Growers Alliance

Casey O'Neill, Chair, Mendocino County Growers Association