
Central Coast Regional Water Quality Control Board

Cannabis Regulatory Program Application Process Frequently Asked Questions

November 25, 2020

- **Who can be listed as a cultivator/ diverter?**

The legal name of the cultivator/diverter should be a business registered with the California Secretary of State or a private individual. Fictitious business names and DBAs can be accepted if appropriate documentation is provided.

- **Who should be listed as the cultivator contact person?**

When the cultivator is a private individual, the contact person listed should be the cultivator themselves. When the cultivator is a business, the contact person should be a representative of the listed business. The contact person should not be a third-party consultant.

- **Who should be listed as the landowner?**

The legal name of the landowner should be the name of the person or legal entity that owns the relevant parcel(s) as listed on the county assessor's data.

- **Who should be listed as the landowner contact person?**

The contact person listed should be the landowner themselves or an authorized representative.

- **Are e-mail addresses required for contact people?**

While e-mail addresses are not required, e-mail is Water Board staff's preferred method of communication for sending out Notices of Applicability. If an e-mail address is not provided, you may be contacted by a staff person requesting one, and your Notice of Applicability may be delayed.

Additionally, Water Board staff sends email reminders regarding upcoming compliance and reporting deadlines. Providing an email address will ensure you receive these timely reminders to help you stay in compliance with the permit.

- **I'm cultivating on two separate parcels. Do I need two applications?**

If the parcels are contiguous, then you can submit one application. If the parcels are not contiguous, you need a separate application for each parcel.

- **Multiple cannabis cultivation operations are located on one parcel. Do we need to apply separately?**

You have the option of applying separately or together. If you apply separately, each operation is liable for violations caused by their operation. If you apply together, the entity listed as the cultivator/diverter is liable for all violations occurring on the parcel.

- **Is my cultivation area considered indoor or outdoor?**

- Cannabis cultivation activities are considered indoor and conditionally exempt if they...
 - Occur within a structure with a permanent roof and a permanent, relatively impermeable floor (i.e., concrete or asphalt paved)

AND

- Discharge all industrial wastewater to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater or collect and store all industrial wastewater to be hauled and disposed of at such a facility.
- Discharge of industrial wastewaters to an on-site wastewater treatment system, land, or surface water must be authorized under separate regulatory action. If such authorization is obtained, dischargers are classified as conditionally exempt.
- If cultivation occurs in a greenhouse that does NOT have a permanent, relatively impermeable floor (i.e., gravel, weed cloth, dirt, etc.) or hoopouses, the cultivation area is considered outdoor.

- **What is the difference between cultivation area and disturbed area?**

- Cannabis **cultivation area** is defined as the following:
 - For in-ground plants – the perimeter of the area planted, including any immediately adjacent surrounding access pathways.
 - For plants grown outdoors in containers – the perimeter of the area that contains the containers, including any immediately adjacent surrounding access pathways.
 - For plants grown indoors that do not qualify for the conditional exemption – the entire area contained in the structure where cultivation occurs, excluding any area used solely for activities that are not cultivation activities.
- Cannabis **disturbed area** is all land area where natural conditions have been modified for the purpose of cannabis cultivation. This includes the entire cultivation area, as well as all areas where activities associated with cannabis cultivation occur. Disturbed area includes storage areas for fertilizer, soil, water, and waste. Therefore, disturbed area is usually greater than cultivation area.

Access roads that are designed, constructed, and maintained in compliance with

the *Handbook for Forest, Ranch, and Rural Roads*¹ and have properly implemented erosion prevention and soil stabilization measures contained in Attachment A of the Cannabis General Order² are not considered disturbed area.

**For questions regarding tier and risk determination, refer to the “Cannabis General Order Fact Sheet” in the Resources section of the Central Coast Water Board Cannabis Program webpage.*³

¹ *Handbook for Forest, Ranch, and Rural Roads*, published by Pacific Watershed Associates, can be found online at <http://www.pacificwatershed.com/PWA-publications-library>.

² *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2019-0001-DWQ (Cannabis General Order) can be found online at https://www.waterboards.ca.gov/centralcoast/water_issues/programs/cannabis_cultivation/docs/wqo2019_0001_dwq_with_attachment_a.pdf

³ The Central Coast Water Board Cannabis Program webpage can be found at this address: https://www.waterboards.ca.gov/centralcoast/water_issues/programs/cannabis_cultivation/index.html.