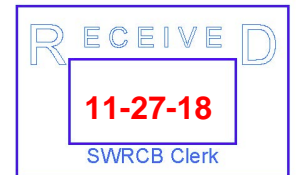


November 27, 2018



Daniel Grace
Dark Heart Nursery
717 Kevin Ct
Oakland, CA 94621
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State Water Resources Control Board
Clerk to the Board
PO Box 100
Sacramento CA, 95812-0100



Dear Sir or Madam,

Regarding the upcoming proposed rules for cannabis cultivation. We submit the following comments.

The Board is seeking to exempt indoor cultivation operations from riparian setbacks and other regulations. We believe this proposal is reasonable as it creates a pathway to licensure for many sites throughout the state which could not otherwise meet the riparian setback requirements. This includes a great many greenhouse facilities which are actively in productive use for other agricultural commodities.

However, the proposed rules do not create enough clarity as to which structures can qualify as "indoor." As a result, we are already seeing that regional waterboards are interpreting the rules differently creating tremendous uncertainty for operators throughout the state. In order to clarify and reduce this uncertainty, we request that the Board provide additional definition and/or examples for the terms "permanent roof" and "permanent relatively impermeable floor."

The term "permanent roof" has especially come under scrutiny as some regional boards have interpreted polyethylene film roofs as not qualifying as permanent. Single or double polyethylene roofs are commonly used throughout the state as a cost-effective component in permanent greenhouse construction. Properly maintained and affixed to a permanent greenhouse structure, these roofs commonly last 5 to 10 years, or more. We request that the Board clarify that these roofs qualify as permanent, Either by providing a list of example roofing materials (such as: polyethylene film, polycarbonate panel, fiber glass, glass, etc) or by stating an engineering criteria (for example: permanent roofs are those which have been engineered with an expected life exceeding 4 years). Should the Board be concerned with good upkeep of these structures, we think it is reasonable that permit approval is conditioned on faithful maintenance of the roofing system, just as it might be conditioned on the upkeep of other building systems.

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Regarding the term “permanent relatively impermeable flooring,” we ask that the Board expand its list of example flooring materials. Such a list might include engineered earthen systems (such as clay barrier), impermeable membrane systems, or any other systems certified by a qualified engineer as being likely to prevent groundwater intrusion.



Sincerely,

A handwritten signature in blue ink that reads "Daniel Grace". The signature is written in a cursive style. In the background, there is a large, faint, light pink decorative graphic consisting of a heart shape with intricate, swirling floral patterns extending from its base.

Daniel Grace, President

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