



TRINITY VALLEY CONSULTING ENGINEERS, INC

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Public Comment
Cannabis General Order
Deadline: 9/6/17 by 12 noon

September 6, 2017

State Water Resource Control Board
Comment Letter – Cannabis General Order
Attn: Jeanine Townsend
1001 I Street, 24th Floor
Sacramento, CA 95814



RE: State Water Resource Control Board, Order WQ 2017-00XX-DWQ, Draft General Waste Discharge Requirements of Waste Associated With Cannabis Cultivation Activities

To whom it may concern:

I am writing those involved in drafting the General Waste Discharge Requirements of Waste Associated with Cannabis Cultivation Activities. Understanding the onerous task associated with developing policy for an industry that has been operating for decades outside of the limelight, I applaud you. The first efforts within my region were set by North Coast Regional Water Quality Control Board (NCRWQCB) and were prescribed within Order R1-2015-0023 that has had an impact on regulating an industry that has gone unregulated since the era of the “Back to the Land” movement, which began in the late 1960’s. Through the late 1990’s to present-day, we have had an exponential increase in cannabis cultivation activities within the Emerald Triangle (Humboldt, Trinity, and Mendocino Counties) that has led to environmental degradation of sensitive environments that contain “one-of-a-kind” flora and fauna. Due to the socioeconomic environment of the North Coast, this culture has permeated every facet of the community and everyday life.

Headway has been made by creating accountability through the enrollees of the NCRWQCB order in respects of water storage and use, erosion control, riparian and wetland protection, et cetera, which are outlined within the Standard Conditions of Order R1-2015-0023. We work with all of the designated “third-parties” and have outlined remediation activities/schedules for operatives to be in compliance with the Standard Conditions. Efforts have been made to improve site conditions to become in compliance with existing policy. These activities have cost operatives tens to hundreds of thousands of dollars to make these improvements.

I am concerned with the proposed new riparian setback requirements that have been presented within the draft Cannabis General Order. These setback requirements are considerably different than what is presently existing, where efforts have been made to follow existing required setbacks and landings and ponds have been constructed and greenhouses installed. Below is synopsis of existing and new requirements along with California Forest Practice Rules setbacks:

Common Name	Watercourse Class	Distance (Low Risk)*	Distance (Mod Risk)*	Distance (Order R1-2015-0023)**	CA Forest Practice Rules		
					Slope Class (%) <30	Slope Class (%) 30-50	Slope Class >50
Perennial watercourses, springs or seeps	I	150 ft	200 ft	100 ft	75 ft	100 ft	150 ft
Intermittent watercourses	II	100 ft	150 ft	100 ft	50 ft	75 ft	100 ft
Ephemeral watercourses	III	50 ft	100 ft	50 ft	See CFH	See CFH	See CFH
Man-made watercourses	IV	-	-	50 ft	See CFI	See CFI	See CFI
Other waterbodies (lakes, etc.) and wetlands	-	150 ft	200 ft	50 ft	Based on Field Conditions		

- Table augmented from Cannabis General Order (Appendix A)

* Compliance Schedule: Variance to riparian setbacks is only allowed if consistent with this Policy and a work plan and compliance schedule are approved by the applicable Regional Water Board Executive Officer.

** The Regional Water Board or its Executive Officer may apply additional or alternative conditions on enrollment, including site-specific riparian buffers and other BMPs beyond those identified in water resource protection plans to ensure water quality protection (From Standard Conditions #3 – Order R1-2015-0023)

I attended the July 20th Informational Workshop in Eureka, California and I was led to believe from Water Board staff that these setbacks were to be acknowledged as definite boundaries, where any work that had been completed to meet Order R1-2015-0023 requirements would still have to be removed from within these areas. These stringent requirements subsequent of these improvements that have been prescribed by the existing Order and then carried out by professional consultants may cause distrust between operatives and agencies/consultants.

I suggest that the draft Cannabis General Order include language that is similar to the NCRWQCB order (Pg. 17, footnote):

“Alternative site-specific riparian buffers that are equally protective of water quality may be necessary to accommodate existing permanent structures or other types of structures that cannot be relocated”

Providing the opportunity to be objective between agencies and operatives will be critical in bringing this illicit industry into compliance.

I appreciate the SWRCB to allow this public comment period, many people, both operatives and consultants are on the edge of their seats regarding these new proposed changes. Thank you for your time.

Sincerely,



Christian X. Figueroa
Professional Geologist #9512

