



**PACIFIC WATERSHED ASSOCIATES INC.**

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September 5, 2017

State Water Resources Control Board  
Sacramento, CA  
[commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

**Re: Comments on Cannabis General Order WQ2017-00XX-DWQ, Draft General WDR for Discharges of Waste Associated with Cannabis Cultivation Activities, Revised Draft, July 7, 2017**

Dear Board Members and Staff,

Pacific Watershed Associates is pleased to provide our limited comments on the Draft Order WQ2017-00XX-DWQ related to Cannabis Cultivation in California. Because of limited time and especially busy work requirements during the summer season, our comments only address a few of the logistical elements of the Draft Order.

Pacific Watershed Associates, Inc. was one of the first Third Party Programs approved by the North Coast Regional Water Quality Board's Order No. 2015-0023, Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Marijuana Cultivation and Associated Activities. We have been working with landowners and cultivator's to make that Order work for them in their operations, and for them to become compliant with the NCRWQCB's Order and requirements for water quality protection related to their operations.

We have identified several problematic logistical elements contained in the State's Draft Order, and which may make compliance with the Order difficult or infeasible. Some measures or provisions should be included or considered to make it possible to better transition from the NCRWQCB Order to the new State Order.

- 1) There should be considerably more effort made to integrate and address all the NCRWQCB's requirements and actions already in place and identified within Water Resource Protection Plans (WRPP) that have been developed under the Regional Board's Waiver of Waste Discharge program. Landowners and operators want to specifically know how that transition will work and if the work they have already done is for naught, or if the elements they agreed to in their WRPPs are still required, applicable and mandated under the new program.
- 2) Setbacks in the proposed State Order are different and generally more restrictive than for the Regional Board's Order. Landowners have in many cases, spent considerable time and expense moving facilities to meet the Regional Board's Order requirements. There should be some provision for allowing  
Geologic and Geomorphic Studies • Wildland Hydrology • Erosion Control Planning • Septic Evaluation • Environmental Engineering

additional time to again make modifications for moving facilities to meet the new requirements. The proposed time line is too short for this to occur.

3) Provisions – Item #1, page 17: Technical Reports in many cases need to be prepared by licensed and experienced professionals. The Erosion and Sediment Control Plan, Disturbed area Stabilization plan and others may be needed on many hundreds or thousands of Project Sites. Because there are likely to be literally thousands of such Project Sites, applicants, and required plans, it is highly unlikely that there are enough qualified individuals and consultants available to meet the 90 day time-line requirements listed in the Draft Order. This will make it impossible for some landowners and operators to comply with the letter of the Order's requirements.

Pacific Watershed Associates has many small landowner clients we work with to implement many of the elements and conservation techniques you are proposing in the Draft Order. Most of the small landowners who have contacted PWA and with whom we work, are interested in “doing the right thing” when it comes to land stewardship and water quality and fisheries protection. A fewer number have come to us in response to needing to correct permitting deficiencies or resource impacts they have encountered or created.

It is clear to us that most growers and small land owners are interested in protecting their properties and their watersheds, while being able to make a living, but often do not know what to do to achieve those goals. They are also interested in being compliant with laws to protect water quality and fisheries, as well as land development and management. Typically, these landowners need technical guidance and assistance to achieve these objectives, and we have been able to help them. They also need to believe that what they are now required to do will not markedly change again, and leave them without a solid basis for planning their operations and committing their financial resources.

The Draft Order appears to be a positive step to help landowners meet these same standards and objectives. We find that most landowners, once they have been made aware of the short-comings in their management activities, want to protect water resources in their watersheds. It is important to make sure there is a positive incentive for small landowners to comply with the proposed Order. Most of them do not have a lot of money, but are still interested in working to improve watershed conditions. At present, in the Draft Order, the primary landowner incentive is the threat of enforcement. We suggest other incentives be put in place to help small landowners meet these objectives, including how-to workshops, funding for rainwater harvesting and various water conservation programs and techniques, and/or funding to help defray the costs of working with qualified, approved professionals who will prepare their plans and documents.

At the same time it is important that the final Order contain realistic, achievable objectives, measures and time lines. If the standards are too strict or require comparatively large expenditures or efforts in a short period of time, and are largely unenforceable, landowners will have little chance of achieving compliance and little incentive to work hard to do so. Likewise, if the final Order is too inclusive for all the very small landowners, it is doubtful you and your staff will have the capability or capacity to be responsive to the large number of landowners residing in our north coast watersheds.

Please let us know if you have any questions regarding our comments. We'd be happy to assist you in whatever manner we can. We would have liked to provided detailed technical comments on the details

of the Cannabis Cultivation Requirements (e.g., Attachment A) but there was insufficient time during the busy summer season to do so.

Sincerely,

**PACIFIC WATERSHED ASSOCIATES INC.**

A handwritten signature in black ink that reads "W Weaver". The signature is written in a cursive, flowing style.

William Weaver, PhD, Principal  
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