



RURAL COUNTY REPRESENTATIVES
OF CALIFORNIA

May 7, 2015

Mr. Matthias St. John, Executive Director
North Coast Regional Water Quality Control Board
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

RE: Order No. 2015-0023: Draft Waiver of Waste Discharge Requirements for Discharges of Waste Resulting from Marijuana Cultivation and Associated Activities

Dear Mr. St. John:

The Rural County Representatives of California (RCRC) represents thirty-four rural counties across California, eight of which are included in the purview of the North Coast Regional Water Quality Control Board (Regional Board). RCRC member counties take their enforcement role of local water quality objectives very seriously, particularly since RCRC member counties are the stewards of much of the State's water supply. In the last several years, Northern California's rural counties have seen a dramatic proliferation of marijuana cultivation and a continual expansion of the scale and volume of individual grow sites. The immediate threat to water quality posed by marijuana cultivation is of paramount importance to RCRC's member counties, many of which are currently grappling with how to effectively address the resulting environmental impacts.

In light of our environmental concerns, RCRC applauds the Regional Board for the proposed Waste Discharge Requirements (WDR) for marijuana cultivation and associated activities. The WDR is a vital first step in addressing the effects marijuana cultivation has on our State's water quality. While we realize your agency only has authority over quasi-legal grows, we believe the proposed WDR will set the tone for the rest of the State in addressing water quality concerns, and could even serve as a template for other Regional Boards should your program prove successful. We also believe the requirements in the proposal comprise a tenable water quality program for cultivators who want to make sure their operations are not having a negative impact on the State's water, as well as those who have sites in need of environmental cleanup and mitigation.

RCRC also appreciates the proposal's recognition of local governments and their role in environmental crime task forces on marijuana cultivation. The counties under the purview of the Regional Board have been enthusiastic about the work your agency has done on cultivation-related enforcement, and look forward to continuing this collaboration with your staff and other state and federal agencies once the WDR is in place. We encourage you to continue reaching out to county Boards of Supervisors and staff to expand the work already being done on this

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issue, and also to contact RCRC staff if there is any way we can be helpful in your efforts on the WDR.

RCRC supports the proposed imposition of an annual fee as stated under Finding 34 in the draft WDR. As you know, the Waste Discharge Permit Fund (WDPF) is fully supported by discharger fees, many of which have a strong history of compliance with the various permits and WDRs required by the state and regional water boards. It would be unfair for established dischargers to subsidize enforcement and cleanup activities for marijuana cultivation sites, particularly since we anticipate the initial compliance process will require many hours of your staff time and resources to bring dischargers into compliance under this WDR. We appreciate your intent to require a fee and encourage you to include this requirement in the final WDR.

On a final note, we believe that later this year the Legislature and the Governor will enact a statewide medical marijuana licensing scheme – something that is desperately needed. RCRC has been working with the authors of each legislative proposal, and we have stressed the need to construct provisions that address aspects of cultivation. One of the cornerstones of that is the need to have state agencies charged with environmental enforcement activities - including regional water boards - coordinate their efforts with other state agencies and include local governments. We remain hopeful that a licensing scheme will be adequately connected to the WDR and help in the enforcement activities of the Regional Board. As such, we encourage your Regional Board to continue working within the Administration to assist in constructing a viable and workable licensing scheme – particularly for areas of the State where large amounts of cultivation will occur.

For these reasons, RCRC fully supports the proposed WDR for marijuana cultivation activities and would be happy to assist the Regional Board in any way we can. If you should have any questions, please feel free to contact me at (916) 447-4806 or sheaton@rcrcnet.org.

Sincerely,



STACI HEATON
Regulatory Affairs Advocate

cc: The Honorable Mike McGuire, Member of the State Senate
The Honorable Jim Wood, Member of the State Assembly
The Honorable Rob Bonta, Member of the State Assembly
The Honorable Ken Cooley, Member of the State Assembly
Felicia Marcus, Chair, State Water Resources Control Board
Cris Carrigan, Director of Enforcement, State Water Resources Control Board
Charlton Bonham, Director, California Department of Fish and Wildlife
Members of the Board of Supervisors of Del Norte County
Members of the Board of Supervisors of Humboldt County
Members of the Board of Supervisors of Lake County
Members of the Board of Supervisors of Mendocino County
Members of the Board of Supervisors of Trinity County