



PLANNING AND BUILDING DEPARTMENT

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TO: Planning Commission

Agenda of: October 10, 2024

FROM: Evan Mattes, Senior Planner

Item No.: 6

DATE: October 3, 2024

RE: CCUP21-0003/Kilzer

Legistar No.: 24-1708

The purpose of this memorandum is to provide the attached Notice of Applicability (NOA) letter from the California State Water Resources Control Board (SWRCB) and the Lake or Streambed Alteration Notification Not Required letter from the California Department of Fish and Wildlife (CDFW).



Central Valley Regional Water Quality Control Board

6 November 2019

WDID: 5S09CC417057

Graham Kilzer
5840 Stephanie Court
Somerset, CA 95684

Susan Kilzer
20016 Bragg
Chapel Hill, NC 27517

Adam Collins
1743 L Street, Apt 108
Fresno, CA 93721

NOTICE OF APPLICABILITY; WATER QUALITY ORDER WQ-2019-0001-DWQ; SOMERSET RIDGE, LLC; APN 041-900-003-000; EL DORADO COUNTY

Graham Kilzer (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) Cannabis Cultivation Program online portal on 10 June 2019 to enroll for coverage under the State Water Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order WQ-2019-0001-DWQ (General Order). The Discharger self-certified the cannabis cultivation activities are consistent with the requirements of the State Water Board Cannabis Cultivation Policy - Principles and Guidelines for Cannabis Cultivation (Policy) and comply with the General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below.

The Central Valley Water Board issued the original Notice of Applicability (NOA) for Graham Kilzer on 12 September 2019. This amended NOA supersedes the previously issued NOA and reflects the correct name for the cultivation site. The waste discharge identification (WDID) number for the facility is the same as originally assigned, 5S09CC417057.

The Discharger is responsible for all applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA), including submittal of all required reports. The Discharger is the sole person with legal authority to, among other things, change information submitted to obtain regulatory coverage under the General Order; request changes to enrollment status, including risk designation; and terminate regulatory coverage. The Central Valley Water Board will hold the Discharger liable for any noncompliance with the Policy, General Order, and this NOA. The property owner for this project is Susan Kilzer and Adam Collins (hereafter "Landowners"). Pursuant to the General Order and Policy, the Landowners are ultimately responsible for any water quality degradation that occurs on or emanates from their property and for water diversions that are not in compliance with the Policy. Accordingly, both the Discharger and Landowner will be held responsible for correcting noncompliance.

1. FACILITY AND DISCHARGE DESCRIPTION

The cultivation site is identified by the Discharger as the Somerset Ridge, LLC facility located at 5840 Stephanie Court in Somerset, on property owned by Susan Kilzer and Adam Collins. Information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet), no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than 1 acre.

KARL E. LONGLEY, SCD, P.E., CHAIR | PATRICK PULLER, ESCO, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley



Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as **Tier 1, Low Risk**.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities. Discharger shall ensure that all site operating personnel know, understand, and comply with applicable requirements.

As required by the General Order, Provision C.2.i., the Discharger shall notify Central Valley Water Board regarding any significant changes in the cannabis cultivation operation, such as change in operator or property owner, an increase in cultivation area, or a material change in the activity, character, location, or volume of discharge.

3. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the *Monitoring and Reporting Program* (MRP) as specified in Attachment B of the General Order. No changes to the MRP shall be implemented by the Discharger unless a revised MRP is issued by the Regional Water Board Executive Officer, the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

Discharger shall prepare an **Annual Report** in accordance with the reporting requirements for **Tier 1, Low Risk** facilities. Attachment B of the General Order provides guidance on the preparation of the annual report and the information required. A transmittal letter containing the penalty of perjury statement required in Reporting Section A, of Attachment B, and signed by an authorized agent must accompany the report. Annual Reports shall be submitted to the Central Valley Regional Water Board Sacramento office by March 1 following the year being monitored.

4. TECHNICAL REPORT REQUIREMENTS

Discharger shall submit the following technical reports to the Central Valley Water Board Sacramento Office as described below. Reports should be submitted electronically via email to centralvalleysacramento@waterboards.ca.gov.

- 1) A **Site Management Plan (SMP)**, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5, shall be submitted by **12 December 2019**. Attachment D of the General Order provides guidance on the contents of the *Site Management Plan*.
- 2) A **Site Closure Report** consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5, must be submitted 90 days prior to permanently ending cannabis cultivation activities and terminating coverage under the General Order. Guidance regarding the contents of the *Site Closure Report* can be found in General Order, Attachment D.

5. ANNUAL FEE AND TERMINATION OF COVERAGE

According to the information submitted, the discharge is classified as **Tier 1, Low Risk**. Fees are reassessed on a yearly basis and are subject to change. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. Dischargers that propose to terminate coverage must submit a Notice of Termination (NOT) form, along with a *Site Closure Report* (see

Technical Report Requirements above), and final monitoring report at least 90 days prior to permanently ending cultivation operations. The Central Valley Water Board reserves the right to inspect the site before approving a NOT.

6. CENTRAL VALLEY WATER BOARD CONTACT INFORMATION

If the Discharger cannot comply with the General Order or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify Water Board staff by telephone at (916) 464-3291, and subsequently submit a Site Management Plan detailing the BPTC measures that will be implemented at the site and a timeline for completion of the work.

For information regarding requirements of the General Order specific to this site, please contact Nicole Damin at (916) 464-4785, or by email at Nicole.Damin@Waterboards.ca.gov. All monitoring reports, submittals, discharge notifications, and questions regarding compliance and enforcement should be directed to centralvalleysacramento@waterboards.ca.gov, or (916) 464-3291.



(for) Patrick Pulupa
Executive Officer

cc via email: Kevin Porzio, State Water Resources Control Board, Sacramento
El Dorado County Planning Department



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
(916) 358-2900
www.wildlife.ca.gov

GAVIN NEWSOM, GOVERNOR
CHARLTON H. BONHAM, Director



10/13/2020

Date

Graham Kilzer
5840 Stephanie Court
Somerset, CA 95684
grahamk4646@gmail.com

Lake or Streambed Alteration Notification Not Required
Notification No. EPIMS-ELD-13209-R2
Cannabis Cultivation – Somerset Ridge LLC

Dear Mr. Kilzer:

The California Department of Fish and Wildlife (CDFW) received your Lake or Streambed Alteration (LSA) Notification (Notification) through the Environmental Permit Information Management System (EPIMS) on August 28, 2020. CDFW has determined the cannabis cultivation project (Project) described in your LSA Notification No. EPIMS-ELD-13209-R2 is not subject to the notification requirement in Fish and Game Code section 1602 and your fee will be refunded.

As described in the Notification, the Project is located at 5840 Stephanie Court, Somerset, CA 95684. The Project includes cultivation of cannabis with water provided by an existing well. The Project does not include within or adjacent to the property boundaries any: water discharge, surface water diversion, or riparian vegetation trimming or removal, or construction in or near any river, lake, or stream.

CDFW finds the Project will not substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit or dispose of debris, waste, or other material where it may pass into any river, stream, or lake.

This letter may be submitted to the California Department of Food and Agriculture (CDFA) to satisfy Business and Professions Code section 26060.1 (b)(3) as written verification that a Lake or Streambed Alteration Agreement is not required for the activities specifically described in your Notification. You are responsible for complying with all applicable local, State, and federal laws in completing your work. A copy of this letter and your Notification with all attachments should be available at all times at the Project site.

Graham Kilzer
Notification No. EPIMS-ELD-13209-R2
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Please note, any material or changes otherwise made to your Project description in the Notification, will require submittal of a new Notification and corresponding fee to CDFW.

Your refund may take from six to eight weeks to process. You will receive an email from R2Cannabis@wildlife.ca.gov with instructions on how to initiate the refund process within three business days of receipt of this letter. Please contact the North Central Region Cannabis Program at R2Cannabis@wildlife.ca.gov with any questions you have regarding the refund process.

If you have any questions regarding this matter, please contact Kyle Stoner, Senior Environmental Scientist (Specialist) at (916) 767-8178 or by email at kyle.stoner@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kursten Sheridan
3052529B61FC469...

Kursten Sheridan
Senior Environmental Scientist (Supervisor)

ec: Kyle Stoner, Senior Environmental Scientist (Specialist)
kyle.stoner@wildlife.ca.gov