



PLANNING AND BUILDING DEPARTMENT

PLANNING DIVISION

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South Lake Tahoe, CA 96150

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TO: Planning Commission Agenda of: September 12, 2024
FROM: Evan Mattes, Senior Planner Item No.: 2
DATE: September 6, 2024 Legistar No.: 24-1431
RE: CCUP21-0008/Archon State Agency Process

The purpose of this memorandum is to address Planning Commissioner queries into applicable water/streambed permitting through California Department of Fish and Wildlife (CDFW), California Department of Water Resources (DWR) and California State Water Resources Control Board (SWRCB). Typically, discretionary projects, including but not limited to CCUPs, obtain necessary State approvals after discretionary entitlements are obtained. The subject project has been conditioned (Conditions of Approval 13 and 15) to ensure compliance with State permit requirements prior to issuance of CCOP.

CDFW

The project was distributed to CDFW as part of standard project agency distribution. CDFW provided no comment on the project. As part of State licensing requirements, the applicant has obtained a letter from CDFW (Attachment A) that 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 back 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. A Streambed Alteration Agreement is not required. Please be advised that this letter is not required prior discretionary entitlement approval.

DWR

The project was distributed to DWR as part of standard project agency distribution. DWR provided no comment on the project. As part of State licensing requirements the applicant has provided a copy of the Well Completion Report from DWR (Attachment B). Please be advised that this letter is not required prior to discretionary entitlement approval.

SWRCB

The project was distributed to SWRCB as part of standard project agency distribution. SWRCB provided general comments during the Initial Study comment period (Attachment C). The project is required to enroll under the SWRCB Cannabis General Order WQ 2019-0001-DWQ. One of the requirements is to prepare a Site Management Plan (SMP), which includes identifying potential sources of water quality violations or waste discharge requirements, corrective actions including implementing and monitoring Best Management Practices (BMP), and documenting water usage and timing to ensure the water use is not impacting water quality objecting and beneficial uses. As required by State licensing requirements the applicant has provided a copy of the Notice of Applicability letter (Attachment D) from SWRCB. Please be advised that this letter is not required prior to discretionary entitlement approval.

Attachment A: CDFW Letter

Attachment B: DWR Well Completion Report

Attachment C: SWRCB Comment

Attachment D: Notice of Applicability Letter

\\CDADData\DS-Shared\DISCRETIONARY\CCUP\2021\CCUP21-0008 Archon\Planning Commission



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



2/11/2022

Kevin McCarty
5711 Florin Perkins Road, Suite H
Sacramento, CA 95828
kevin@ccmup.com

Streambed Alteration Agreement Notification Not Required
EPIMS Notification No. ELD-26677-R2
Archon Farms Inc – Cannabis Cultivation

Dear Mr. McCarty:

The California Department of Fish and Wildlife (CDFW) received your Lake or Streambed Alteration (LSA) Notification through the Environmental Permit Information Management System (EPIMS) on January 7, 2022. CDFW has determined the Archon Farms Inc – Cannabis Cultivation (Project) described in your EPIMS Notification No. ELD-26677-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 5600 Omo Ranch Road, Somerset, CA 95684. The entire project consists of a commercial cannabis cultivation operation. Liquid nutrients and other chemicals related to cultivation will be stored in an on-site storage shed. Plants will be watered using drip irrigation with water provided by an existing groundwater well. No work is proposed in or near any river, lake, or stream.

The Project does not include within or adjacent to the property boundaries any: water discharge, surface water diversion, or vegetation trimming or removal, or construction.

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 Department of Cannabis Control (DCC) 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.

Conserving California's Wildlife Since 1870

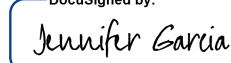
Kevin McCarty
EPIMS Notification No. ELD-26677-R2
Page 2

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 3 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.

Thank you for notifying us of your project. If you have any questions regarding this matter, please contact Michael Shun, Environmental Scientist, at (916) 767-8444 or by email at michael.shun@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B35A7660DD7848B...

Jennifer Garcia
Environmental Program Manager

ec: Michael Shun, Environmental Scientist
michael.shun@wildlife.ca.gov

DEPARTMENT OF WATER RESOURCES

NORTH CENTRAL REGION OFFICE
3500 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691



December 12, 2022

Kevin McCarty
Archon Holdings LLC
5600 Omo Ranch Rd
Somerset, CA 95684

Dear Kevin McCarty:

In response to your request, enclosed is a copy of the Well Completion Report which most closely matches the description for the well for the following location:

5600 Omo Ranch Rd, Somerset, CA; El Dorado County
WCR: #WCR2022-006587

The well was located using the following: APN, address, owner history, driller information, well construction details, year drilled.

If you need additional information or have any questions, please contact Madeleine Blanc at (916) 376-9614 or fax (916) 376-9676.

Sincerely,

Madeleine Blanc

Madeleine Blanc, E.I.T.
Groundwater Supply Assessment and
Special Studies Section

Enclosures

State of California
Well Completion Report
 Form DWR 188 Auto-Completed 8/15/2022
 WCR2022-006587

Owner's Well Number 1 Date Work Began 05/20/2022 Date Work Ended 05/24/2022
 Local Permit Agency Environmental Management Department - Placerville Office
 Secondary Permit Agency _____ Permit Number WP7827 Permit Date 10/11/2021

| Well Owner (must remain confidential pursuant to Water Code 13752) | Planned Use and Activity |
|--|--|
| Name <u>XXXXXXXXXXXXXXXXXXXXXX</u> | Activity <u>New Well</u> |
| Mailing Address <u>XXXXXXXXXXXXXXXXXXXXXX</u> <u>XXXXXXXXXXXXXXXXXXXXXX</u> | Planned Use <u>Water Supply Domestic</u> |
| City <u>XXXXXXXXXXXXXXXXXXXXXX</u> State <u>XX</u> Zip <u>XXXXX</u> | |

| Well Location | |
|--|---------------------------------------|
| Address _____ | APN <u>095-030-036</u> |
| City _____ Zip _____ County <u>El Dorado</u> | Township <u>08 N</u> |
| Latitude <u>38</u> <u>34</u> <u>35.1332</u> N Longitude <u>-120</u> <u>35</u> <u>51.1886</u> W | Range <u>12 E</u> |
| Deg. Min. Sec. Deg. Min. Sec. | Section <u>01</u> |
| Dec. Lat. <u>38.5764259</u> Dec. Long. <u>-120.5975524</u> | Baseline Meridian <u>Mount Diablo</u> |
| Vertical Datum _____ Horizontal Datum <u>WGS84</u> | Ground Surface Elevation _____ |
| Location Accuracy _____ Location Determination Method _____ | Elevation Accuracy _____ |
| | Elevation Determination Method _____ |

| Borehole Information | Water Level and Yield of Completed Well |
|--|---|
| Orientation <u>Vertical</u> Specify _____ | Depth to first water <u>38</u> (Feet below surface) |
| Drilling Method <u>Downhole Hammer</u> Drilling Fluid <u>Water</u> | Depth to Static _____ |
| Total Depth of Boring <u>480</u> Feet | Water Level <u>80</u> (Feet) Date Measured <u>05/24/2022</u> |
| Total Depth of Completed Well <u>480</u> Feet | Estimated Yield* <u>60</u> (GPM) Test Type <u>Air Lift</u> |
| | Test Length <u>4</u> (Hours) Total Drawdown <u>400</u> (feet) |
| | *May not be representative of a well's long term yield. |

| Geologic Log - Free Form | | |
|--------------------------|--------------|-------------------|
| Depth from Surface | Feet to Feet | Description |
| 0 | 7 | FIRM VOLCANICS |
| 7 | 18 | HARD VOLC |
| 18 | 97 | FIRM TO SOFT VOLC |
| 97 | 120 | GREEN CLAY |
| 120 | 123 | TAN / BROWN VOLC |
| 123 | 155 | HARD GRANITE |
| 155 | 160 | FRACT. VOLC |
| 160 | 195 | HARD GRANITE |
| 195 | 205 | FRACT. VOLC |
| 205 | 480 | HARD GRANTE |

Casings

| Casing # | Depth from Surface Feet to Feet | | Casing Type | Material | Casings Specifications | Wall Thickness (inches) | Outside Diameter (inches) | Screen Type | Slot Size if any (inches) | Description |
|----------|---------------------------------|-----|-------------|----------|--|-------------------------|---------------------------|-------------|---------------------------|-------------|
| 1 | 0 | 35 | Blank | PVC | OD: 6.625 in. SDR: 32.5 Thickness: 0.204 in. | 0.204 | 6.625 | | | |
| 1 | 35 | 40 | Screen | PVC | OD: 6.625 in. SDR: 32.5 Thickness: 0.204 in. | 0.204 | 6.625 | Saw Cut | 0.03 | |
| 2 | 0 | 460 | Blank | PVC | OD: 4.500 in. SDR: 32.5 Thickness: 0.138 in. | 0.138 | 4.5 | | | |
| 2 | 460 | 480 | Screen | PVC | OD: 4.500 in. SDR: 32.5 Thickness: 0.138 in. | 0.138 | 4.5 | Saw Cut | 0.03 | |

Annular Material

| Depth from Surface Feet to Feet | | Fill | Fill Type Details | Filter Pack Size | Description |
|---------------------------------|-----|------------|-------------------|------------------|-------------|
| 0 | 25 | Cement | Other Cement | | |
| 25 | 480 | Other Fill | See description. | | OPEN HOLE |

Other Observations:

| Borehole Specifications | | |
|---------------------------------|-----|----------------------------|
| Depth from Surface Feet to Feet | | Borehole Diameter (inches) |
| 0 | 40 | 10.58 |
| 40 | 480 | 6.58 |

Certification Statement

I, the undersigned, certify that this report is complete and accurate to the best of my knowledge and belief

Name RUMSEY / LANG WELL DRILLING & PUMPS INC
 Person, Firm or Corporation

P O BOX 1021 SHINGLE CA 95682
 Address City State Zip

Signed electronic signature received 06/13/2022 936606
 C-57 Licensed Water Well Contractor Date Signed C-57 License Number

DWR Use Only

| CSG # | State Well Number | Site Code | Local Well Number |
|-------|-------------------|-----------|-------------------|
| | | | |

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|---|
| | | | | | | | | | N |
| | | | | | | | | | W |

Latitude Deg/Min/Sec

Longitude Deg/Min/Sec

TRS:

APN:



Central Valley Regional Water Quality Control Board

23 July 2024

Evan Mattes
El Dorado County,
Planning and Building Department
2850 Fairlane Court
Placerville, CA 95667
evan.mattes@edcgov.us

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, ARCHON PROJECT, SCH#2024060865, EL DORADO COUNTY

Pursuant to the State Clearinghouse's 19 June 2024 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Archon Project, located in El Dorado County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by

the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684 or Peter.Minkel2@waterboards.ca.gov.

A handwritten signature in blue ink that reads "Peter G. Minkel".

Peter G, Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento



State Water Resources Control Board

Sent by email. No hard copy to follow.

Effective Date: 2/1/2022

WDID: 5S09CC438065

ARCHON FARMS INC
Attn: Kevin McCarty
Email: kevinwmccarty@pm.me

FACILITY ADDRESS:
5600 Omo Ranch Road
Somerset CA, 95684
El Dorado County

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ

This Notice of Applicability (NOA) provides notice that the requirements of the State Water Resources Control Board (State Water Board) *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and Order WQ 2019-0001-DWQ (General Order), are applicable to the site as described below.

DISCHARGER: ARCHON FARMS INC

| | |
|--------------------------------|--------------------------------|
| WDID: 5S09CC438065 | ORDER: WQ 2019-0001-DWQ |
| Enrollment – Type | Enrollee - WDR |
| Tier and Risk | Tier 1 Low Risk |
| Wastewater Disposal | Not Applicable |
| Disturbed Area (SqFt) | 33496 |
| Cultivation Area (SqFt) | 27640 |

FACILITY APNs:

095-030-036-000

Additional site-specific requirements are contained in this NOA. The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this NOA.

If you have any further question, please contact Central Valley Sacramento Regional Cannabis Unit at centralvalleysacramento@waterboards.ca.gov.

APPROVED BY

Karen Mogus
Deputy Director
Division of Water Quality

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1001 I Street, Sacramento, CA 95814 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov

The *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy) and the *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) are available at <<http://www.waterboards.ca.gov/cannabis>>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, and this Notice of Applicability (NOA). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities (Attachment A of the General Order).

Please direct submittals, discharge notifications, and questions regarding compliance and enforcement to the Central Valley Sacramento Regional Cannabis Unit, at (916) 464-3291 or centralvalleysacramento@waterboards.ca.gov unless otherwise directed in this document.

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8. **TERMINATION OF COVERAGE UNDER THE GENERAL ORDER**
9. **REGION SPECIFIC REQUIREMENTS**

Additional Cannabis Water Quality Resources

The links below are available on the last page of this document

| | |
|--|---|
| Water Boards' Cannabis Cultivation Webpage | Water Quality Fees Webpage |
| Cannabis Policy | Water Quality Annual Fee Invoice Lookup |
| Cannabis General Order | Facility-At-A-Glance Report |
| Rural Roads Handbook | Cultivation Permitting Agency Webinar |

For translation assistance, please contact the following:

Spanish: Para obtener más información en español por favor contáctenos al teléfono (916) 341-5265 o vía email a: OPP-LanguageServices@Waterboards.ca.gov.

Hmong: Rau kev npaub ntxiv ua lus Hmoob, thov txuas lus nrog peb ntwam xov tooj (916)-341-5265 los sis email: OPP-LanguageServices@Waterboards.ca.gov.

1. ENROLLMENT RESPONSIBILITIES

Archon Farms Inc (hereafter “Discharger”) submitted information, or updated enrollment information, for discharges of waste associated with cannabis cultivation at or near 5600 Omo Ranch Road Somerset CA, 95684. The Discharger’s cannabis cultivation activities are in compliance, will be in compliance with, or the Discharger will contact the Regional Board if they cannot be in compliance with the requirements of the State Water Board’s Policy and General Order before the winter period. You are hereby assigned waste discharger identification (WDID) number 5S09CC438065.

The Discharger is responsible for all applicable requirements in the Policy, General Order, and this 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 tier and risk designation; and terminate regulatory coverage. The Discharger may designate a third-party representative/agent to represent them in issues related to the General Order but must do so in writing. The Regional Water Quality Control Board (Regional Water Board) or the State Water Board (collectively Water Boards) will hold the Discharger liable for any noncompliance with the Policy, General Order, or this NOA. Pursuant to the General Order, if the Discharger is not the landowner, the Discharger must have express written permission of the landowner authorizing the cannabis cultivation activities. If the landowner contests this NOA and the Discharger cannot obtain consent, the Discharger will be required to submit a request for termination of coverage under the General Order, as described in Section 5 below.

This NOA does not provide authorization to cultivate cannabis; such authorization is provided through a license from the California Department of Cannabis Control, required permits from your local jurisdiction (city or county), and an agreement or exemption from agreement from the California Department of Fish and Wildlife. The Policy and General Order, and by reference this NOA, require that you obtain all appropriate permits from other agencies prior to cultivating cannabis.

2. FACILITY AND DISCHARGE DESCRIPTION

The information submitted by the Discharger indicates:

1. the disturbed area is less than 1 acre (43,560 square feet)
2. no portion of the disturbed area is within the required riparian setbacks
3. no portion of the disturbed area is located on a slope greater than 30 percent

Therefore, the activities are classified as Tier 1 Low Risk and meet the requirements of the General Order.

If site conditions described above change, you must contact the Central Valley Sacramento Regional Cannabis Unit listed at the top of page 2.

3. PROJECTS AND MAINTANCE OCCURING IN STREAMS AND WETLANDS

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g., a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification by filling out and submitting a separate application for that work. Additional application

and monitoring fees will apply. Please contact the Central Valley Sacramento Regional Cannabis Unit for application forms, fee information, and instructions.

4. GENERAL REQUIREMENTS

The General Order requires that all applicable best practicable treatment or control (BPTC) measures listed in Attachment A of the General Order be implemented before the onset of the winter period November 15 to April 1. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period shall submit to the Regional Water Board a Site Management Plan that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in General Requirement No. 33 in Attachment A of the General Order.

The Discharger shall notify the Regional Water Board in writing of any proposed change in the method of waste disposal for irrigation tailwater, hydroponic wastewater, or other miscellaneous industrial wastewaters. Note the following:

- i. Discharge to a permitted wastewater treatment collection system and facility that accepts cannabis cultivation wastewater is permissible under the General Order. A will-serve letter (or equivalent) from the sewer agency is sufficient to demonstrate that the discharge is in compliance with wastewater system requirements and shall be made available to the Water Boards upon request.
- ii. The Discharger shall retain, for a minimum of five years, appropriate documentation for any industrial wastewater collected to a storage tank for disposal at a permitted wastewater facility that accepts cannabis cultivation wastewater. Documentation shall be made available to the Water Boards upon request.
- iii. The Discharger must obtain separate regulatory authorization (e.g., site-specific Waste Discharge Requirements (WDRs), conditional waiver of WDRs, or other permit mechanism) from the Regional Water Board prior to implementing alternative waste disposal methods, such as onsite wastewater treatment systems, including, but not limited to, a septic/leach field system, evaporation ponds, or onsite landscape irrigation using treated wastewater. Additional monitoring and reporting requirements may be necessary to demonstrate compliance with the General Order and the Regional Water Board's Basin Plan.

During reasonable hours, the Discharger shall allow the Water Boards, California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards, upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- ii. access and copy any records required to be kept under the terms and conditions of the Policy and General Order;
- iii. record audio and video, inspect, and/or photograph any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and

- iv. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of ensuring compliance with the Policy and General Order.

5. TECHNICAL REPORT REQUIREMENTS

The technical reports described below shall be submitted through the Water Boards Cannabis Cultivation Programs Portal by completing a *General Order Technical Reporting* survey. See Section 8 for required reporting before termination of General Order coverage.

A Site Management Plan, due by 4/10/2022, or within 90 days of notifying the Central Valley Sacramento Regional Cannabis Unit of planned material change in activity, character, location, or volume of discharge (i.e. change in cultivation, disturbed area, wastewater disposal method, etc.) as required by General Order Provision C.1.a, Provision C.2.i, and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

6. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted through the Water Boards Cannabis Cultivation Programs Portal by completing a *Online Cannabis Water Quality Monitoring & Reporting Program* survey by March 1 following the year being monitored. The Discharger shall comply with the MRP and any future revisions as specified 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.

7. ANNUAL FEE

If applicable you will receive an invoice annually until coverage under this General Order is formally terminated. Please visit <http://www.waterboards.ca.gov/resources/fees/water_quality/> and click on the latest Water Quality Fee Schedule (for example, for fiscal year 2020-2021, the fee schedule is called 'FY 2020-2021 Water Quality Fee Schedule'). California Code of Regulation Title 23 Division 3 Chapter 9 Article 1 Section 2200.7, 'Annual Fee Schedule for Cannabis Cultivation.' Please note that the Fee Schedule is reviewed annually and future fees may be invoiced at different rates.

Annual fees are assessed on a fiscal year basis (July 1 through June 30). Invoices are sent by the State Water Board roughly midway through each fiscal year, usually in January. Please do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Water Boards Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under the General Order is formally terminated. Instructions for requesting termination of coverage appear in Section 8.

To terminate coverage, the Discharger must submit a Notice of Termination, including a Site Closure Report, at least 90 days prior to termination of activities, and a final Annual Monitoring Report. See Termination of Coverage Under the General Order section below.

8. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER

Dischargers who wish to terminate coverage under the General Order must submit a Notice of Termination and Site Closure Report. The Notice of Termination and Site Closure Report shall be submitted through the Water Boards Cannabis Cultivation Programs Portal

<<https://public2.waterboards.ca.gov/cgo>>by completing a *Cannabis General Order Termination Request Form* survey.

Dischargers enrolled under Waste Discharge Requirements in the General Order (i.e., non-Waiver enrollees) must also submit a final Annual Monitoring Report. The final Annual Monitoring Report shall be submitted by completing an *Online Cannabis Water Quality Monitoring & Reporting Program* survey.

The Regional Water Board reserves the right to inspect the site before approving a request for termination of coverage. Attachment C of the General Order includes the *NOT* form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

9. REGION SPECIFIC REQUIREMENTS

Dischargers shall comply with all applicable federal, state, and local laws, regulations, and permitting requirements. This includes any applicable Regional Water Board Orders or Regional Water Quality Control Plan (Basin Plan) requirements, including prohibitions and/or water quality objectives governing the discharge. In the event of duplicate or conflicting requirements, the most stringent requirement shall apply.

You can access your regions Basin Plan by visiting your local Regional Water Board's website at <<https://www.waterboards.ca.gov/centralvalley/>>.

Individuals Notified of Notice of Applicability Issuance

Cannabis Regulatory Unit
State Water Resources Control Board
dwq.cannabis@waterboards.ca.gov

Cannabis Permitting Team,
Regional Water Quality Control Board Central Valley
Centralvalley.Cannabis@Waterboards.Ca.Gov

Marissa Bosenko, Agpa
Regional Water Quality Control Board Central Valley
Marissa.Bosenko@Waterboards.Ca.Gov

Aaron Mount, Senior Planner
El Dorado County Planning Department
Aaron.Mount@Edcgov.Us

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Additional Cannabis Water Quality Resources

Water Boards' Cannabis Cultivation Webpage:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_outreach.html

Cannabis Policy:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/policy/final_cannabis_policy_with_attach_a.pdf

Cannabis General Order:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

Rural Roads Handbook:

http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

Cultivation Permitting Agency Webinar: <https://youtu.be/kVbIKnFRZy8>

Water Quality Fees Webpage: https://www.waterboards.ca.gov/resources/fees/water_quality/

Water Quality Annual Fee Invoice Lookup:

<http://infofees.waterboards.ca.gov/FeeInfo/DischargerInvoice.aspx>

Facility-At-A-Glance Report:

<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&inCommand=reset>