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Lahontan Regional Water Quality Control Board

February 28, 2019

Governor's Office of Planning & Research

FEB 28 2019

STATE CLEARINGHOUSE

Steve Karmitros, Senior Planner
Inyo County Planning Department
Post Office Drawer L
Independence, CA 93528

**Comments on the Draft Initial Study and Mitigated Negative Declaration for Zone Reclassification (ZR 2018-12/Saccullo; GPA 2018-03 Saccullo), Shoshone, Inyo County – Assessor Parcel Number 046-100-03
State Clearinghouse No.: 2019029004**

The Regional Water Quality Control Board, Lahontan Region (Water Board) staff received a draft Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced proposed project (the Project) on February 5, 2019. The Project consists of the proposed reclassification of zoning from Open Space to General Industrial and Extractive (M1) and general plan designation from Rural Protection (RP) to General Industrial (GI) at APN 046-100-03. The reclassification will take place on a 40-acre parcel to make the site consistent with Inyo County's Land Use Element and Cannabis Ordinance in anticipation of future cannabis cultivation, manufacturing, and distribution proposals. Future development includes the construction of a business park consisting of five grow houses, three laboratory buildings, two commercial kitchen buildings, and an office space. The total post-development building footprint is expected to be 1,175,000 square feet (approximately 27 acres), excluding paved areas and other disturbances. The site is located north of Chicago Valley Road, approximately 850 feet east of State Route 178, and six miles east of Shoshone, California.

Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR), title 14, section 15096. Thank you for providing us the opportunity to provide early review and comment on the Project and for taking the initiative to develop the Project with considerations to potential effects on water quality.

PETER C. PUMPHREY, CHAIR | PATTY Z. KOUYOUMDJIAN, EXECUTIVE OFFICER

2501 Lake Tahoe Blvd., So. Lake Tahoe, CA 96150 | 15095 Amargosa Road, Bldg 2, Ste 210, Victorville CA 92394
e-mail Lahontan@waterboards.ca.gov | website www.waterboards.ca.gov/lahontan



WATER BOARD'S AUTHORITY

All groundwater and surface waters are considered waters of the State. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the United States. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the United States.

The *Water Quality Control Plan for the Lahontan Region (Basin Plan)* contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

SPECIFIC COMMENTS

We recommend the following be included as part of the Project and considered in the environmental review.

1. Industrial Wastewater Discharge

Discussion section IX.f of the hydrology and water quality assessment indicates the Project's likely need to construct a septic system permitted by the county under a Local Area Management Plan and the Onsite Water Treatment Systems (OWTS) Policy due to the lack of sewer infrastructure.

While suitable for domestic wastewater, discharges of non-domestic wastewater (such as cannabis cultivation tailwater and greenhouse wash water) to an OWTS must be regulated by individual waste discharge requirements issued by the Water Board. The issuance for individual waste discharge requirements can take more than a year, in addition to requiring individual CEQA documentation. Additionally, domestic and non-domestic waste streams may be required to be kept separate to maintain treatment efficacy.

Alternatively, cultivators within the Project could collect the industrial wastewater in a sealed tank to be hauled and treated off-site using a licensed third-party, while using the OWTS for domestic wastewater discharges.

Request: The final environmental document for the Project should include information specifically addressing how industrial wastewater from cannabis cultivation activities will be treated and appropriately disposed.

2. Stormwater Conveyance

The proposed Project is to be designed, based on a hydrology study, to accept current stormwater flows entering the property and to handle additional stormwater runoff from the developed areas on the site. The Project description indicates the construction of approximately 27 acres of impervious surfaces consisting of the building footprints. Additional impervious areas are anticipated for access routes and other disturbances. Because increased runoff from developed areas is a key variable driving many other adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation.

Request: The final environmental document for the Project should include an adequate description of proposed drainage facilities, including specific mitigation measures to reduce potential impacts to a less than significant level and to maintain the pre-development hydrograph. The Project description, and hydrology study it will be based on, should include the storm capacity used to determine the specific stormwater control measures including existing features such as the drainage basin on the northeast corner of the site.

PERMITTING REQUIREMENTS FOR INDIVIDUAL PROJECTS

Based on the size of the proposed project area, the Project may be subject to one or more permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include the following.

3. Cannabis Cultivation

Cannabis cultivation activities are regulated by the State Water Board's Cannabis Regulatory Program. Anyone seeking to divert water or discharge waste associated with cannabis cultivation activities must apply for coverage under the Cannabis General Permit, Water Quality Order (WQO) 2017-0023-DWQ, applied for through the State Water Board and applicability is issued by the Lahontan Water Board.

Commercial cannabis cultivation activities that occur within a structure with a permanent roof, a permanent relatively impermeable floor (e.g., concrete or asphalt paved), and that discharge all industrial wastewaters generated to a community sewer system consistent with the sewer system requirements or are hauled off-site from a sealed tank system, are classified as conditionally exempt. To obtain documentation of the conditionally exempt status to obtain a CDFA commercial cannabis cultivation license, conditionally exempt commercial cannabis cultivators are required to obtain coverage under the Waiver.

4. Land Disturbance

Land disturbance of more than 1 acre may require a CWA, section 402(p) storm water permit, including a *National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit*, Water Quality Order (WQO) 2009-0009-DWQ, obtained from the State Water Board, or individual storm water permit obtained from the Lahontan Water Board.

5. Industrial Stormwater Permit

Depending on the Standard Industrial Classification (SIC) code for industrial-type activities at a specific site, individual projects may require an *NPDES General Industrial Storm Water Permit*, WQO-2014-0057-DWQ, obtained from the State Water Board, or individual Storm Water Permit obtained from the Lahontan Water Board.

We request that the Project applicant recognize the potential required permits for the Project, as outlined above, and identify the specific activities triggering these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application forms, can be downloaded from our web site at <http://www.waterboards.ca.gov/lahontan/>. We recommend early consultation with Lahontan Water Board staff regarding potential permitting.

Thank you for the opportunity to comment on the IS/MND. If you have any questions regarding this letter, please contact Alex Spencer at (530) 542-5488 (alex.spencer@waterboards.ca.gov) or me at (530) 542-5434 (eric.taxer@waterboards.ca.gov). Please send all future correspondence regarding the Project to the Water Board's email address at Lahontan@waterboards.ca.gov.



Eric J. Taxer
Senior Water Resource Control Engineer
Cannabis Unit

Enclosure: State Clearinghouse Notice of Completion & Environmental Document Transmittal form

cc: David Saccullo, Choice Enterprise Real Estate and Investment Co.

cc (w/encl): State Clearinghouse