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## Lahontan Regional Water Quality Control Board

July 29, 2019

Governor's Office of Planning & Research

**JULY 29 2019**

**STATE CLEARINGHOUSE**

Steve Karamitros  
Senior Planner, Planning Department  
168 N Edwards St. PO Drawer "L"  
Independence, CA 93526

### **Comments on the Draft Mitigated Negative Declaration of Environmental Impact and Initial Study for CUP 2019-06, Grow 4 Gold (Cannabis), Inyo County, APN 048-350-38, State Clearinghouse Number 2019079045**

Thank you for providing the California Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) the opportunity to review and comment on Conditional Use Permit (CUP) 2019-06, Grow 4 Gold (Cannabis). Lahontan Water Board staff are commenting on this project as a responsible agency to specify the scope and content of the environmental information needed pursuant to our responsibilities under California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR), title 14, section 15096. We appreciate Inyo County's efforts toward developing the Project with considerations of potential effects on water quality.

#### **PROJECT DESCRIPTION**

The proposed project site is a 164-acre parcel located approximately 26 miles southeast of the community of Charleston View (46 miles southeast of Pahrump, NV). The parcel can be accessed by Nevada SR-160 south, Sandy Valley Road west, Tuskegee Street, and Rose Mary Lane. The parcel is currently operating as a turf farm. The current turf farm operation, regardless of its water intensity, was permitted to operate without any special use permits, as a principle permitted use, under the Inyo County land use designation of Open Space.

The proposed project site would convert 97 acres to commercial cannabis cultivation once licensing for cannabis is complete. This would be after the conversion from the current turf farm to a hemp farm. The cultivation will occur 300 feet back from each property line, per Inyo **County** Code. The entire site is disturbed, as a result of the operation of a turf farm. Existing site disturbance includes utility poles, a well, and

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

unpaved service roads. The cultivation will be outdoor, under rafter houses (shaded canopies that use curtains and cables, without stick built structure). The project will also include a 20,000 square foot processing building.

The project area exhibits primarily level topography and the crops will be irrigated by drip or pivot irrigation. There are no identified wetlands on the project site based on the USFWS National Wetlands Inventory Mapping Tool. The proposed project will not deplete groundwater supplies or interfere with groundwater recharge because the project is located in the Middle Amargosa Valley Groundwater Basin, which has an area of 390,000 acres, with water bearing strata consisting of a roughly 900-foot sequence of younger unconsolidated alluvial deposits and underlying older alluvium. Portable toilets will be used to manage sewage waste and emptied weekly.

### **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](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 Mitigated Negative Declaration and Initial Study and considered in the environmental review. Our comments are organized to correspond to the section numbers/titles of the Environmental Checklist Form provided in the draft Mitigated Negative Declaration for the project.

#### **VI. GEOLOGY AND SOILS (E)**

It is proposed that the processing building will provide toilets for staff use, which will be connected to an onsite septic tank and leach field system adjacent to the building. Please note that any such septic systems will be subject to the State Board On-site Wastewater Treatment Policy and/or an approved local area management plan.

## IX. HYDROLOGY AND WATER QUALITY (A)

The environmental checklist accounts for complying with Water Board NPDES/SWPPP process for this project, but please specify that the project may be subject to any of the below permits. 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 Board or Lahontan Water Board. The required permits may include the following.

### 1. 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) 2019-0001-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.

### 2. 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.

### 3. 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.

### 4. Clean Water Act Certification

Water quality certification or waste discharge requirements may be required in accordance with either the Clean Water Act or the Porter Cologne Water Quality Control Act for any proposed excavation, fill, or dredging activities in surface waters. Examples include, but are not limited to, stream crossings, installation or

replacement of culverts, and stream diversions. Additional information is located at:

[https://www.waterboards.ca.gov/lahontan/water\\_issues/programs/clean\\_water\\_act\\_401](https://www.waterboards.ca.gov/lahontan/water_issues/programs/clean_water_act_401).

#### XVIII. UTILITIES AND SERVICE SYSTEMS (A/E)

Please provide additional information as to how non-domestic wastewater will be treated. Currently, the Lahontan Water Board does not allow for on-site wastewater treatment for any non-domestic waste (e.g., brine waste from reverse osmosis treatment, floor drains from the processing facility, etc.) and it must be hauled or treated by local public sewer system. This is consistent with the regulations in the Statewide Cannabis Cultivation permit.

Thank you for the opportunity to comment on the proposed project. If you have any questions regarding this letter, please contact Carly Nilson at (530) 542-5445 ([carly.nilson@waterboards.ca.gov](mailto:carly.nilson@waterboards.ca.gov)), or me at (530) 542-5434 ([eric.taxer@waterboards.ca.gov](mailto:eric.taxer@waterboards.ca.gov)). Please send all future correspondence regarding the Project to the Lahontan Water Board's email address at [Lahontan@waterboards.ca.gov](mailto:Lahontan@waterboards.ca.gov).



Eric J. Taxer  
Senior Water Resource Control Engineer  
Eastern California Regional Cannabis Unit

EJT:cw

Encl: Notice of Completion and Environmental Document Transmittal Form

cc (w/encl): State Clearinghouse House

cc: Benjamin Hynes, Grow 4 Gold, LLC

2019079045

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Conditional Use Permit 2019-06/Grow 4 Gold (Cannabis)

Lead Agency: Inyo County Contact Person: Steve Karamitros
Mailing Address: 168 N. Edwards St. PO Drawer "L" Phone: 760-878-0268
City: Independence Zip: 93526 County: Inyo

Project Location: County: Inyo City/Nearest Community: Pahump, NV/ Sandy Valley NV
Cross Streets: Long Rd & Ekenberg Rd. Zip Code:
Longitude/Latitude (degrees, minutes and seconds): 35 49 12.9 N / 115 40 37.3 W Total Acres: 163.58
Assessor's Parcel No.: 048-350-38 Section: NW 34 Twp.: 20 North Range: 12 East Base:
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:

CEQA: [ ] NOP [ ] Draft EIR [ ] Supplement/Subsequent EIR
[ ] Early Cons [ ] Neg Dec [ ] Mit Neg Dec
NEPA: [ ] NOP [ ] Draft EIS [ ] Final Document
[ ] Other:
JUL 15 2019

Local Action Type:

[ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other:

Development Type:

[ ] Residential: Units Acres
[ ] Office: Sq.ft. Acres Employees
[ ] Commercial: Sq.ft. Acres Employees
[ ] Industrial: Sq.ft. Acres Employees
[ ] Educational:
[ ] Recreational:
[ ] Water Facilities: Type MGD
[ ] Transportation: Type
[ ] Mining: Mineral
[ ] Power: Type MW
[ ] Waste Treatment: Type MGD
[ ] Hazardous Waste: Type
[ ] Other: Agricultural

Project Issues Discussed in Document:

[x] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [ ] Water Quality
[ ] Air Quality [ ] Forest Land/Fire Hazard [x] Septic Systems [ ] Water Supply/Groundwater
[ ] Archeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[ ] Biological Resources [ ] Minerals [ ] Soil Erosion/Compaction/Grading [ ] Growth Inducement
[ ] Coastal Zone [ ] Noise [ ] Solid Waste [ ] Land Use
[ ] Drainage/Absorption [ ] Population/Housing Balance [ ] Toxic/Hazardous [ ] Cumulative Effects
[ ] Economic/Jobs [ ] Public Services/Facilities [ ] Traffic/Circulation [ ] Other:

Present Land Use/Zoning/General Plan Designation:

Open Space (zoning) / Agricultural (Gen. Plan Designation)

Project Description: (please use a separate page if necessary)
Develop a 97 acre cannabis cultivation project, and construct a 20,000 sq ft. processing building, for the extraction of medicinal oils. Cultivation will occur inside 300' setbacks from all property lines. All Impacts on aesthetics, septic/sewage, pesticide/fertilizer use, and crop odors from the project will be lowered to less than significant effects by including all mitigation measures as Conditions of Approval for the the issuance of the Conditional Use Permit.

State Clearinghouse Contact: (916) 445-0613

State Review Began: 7-15-2019

SCH COMPLIANCE 8-13-2019

Project Sent to the following State Agencies

- X Resources
Boating & Waterways
Central Valley Flood Prot.
Coastal Comm
Colorado Rvr Bd
Conservation
CDFW # 6
Cal Fire
Historic Preservation
X Parks & Rec
Bay Cons & Dev Comm.
X DWR
CalSTA
Aeronautics
CHP
X Caltrans # 9
Trans Planning
Other
Education
X Food & Agriculture
HCD
OES
State/Consumer Svcs
General Services
Cal EPA
ARB: Airport & Freight
ARB: Transportation Projects
ARB: Major Industrial/Energy
Resources, Recycl. & Recovery
SWRCB: Div. of Drinking Water
SWRCB: Div. Drinking Wtr #
SWRCB: Div. Financial Assist.
SWRCB: Wtr Quality
SWRCB: Wtr Rights
X Reg. WQCB # 6
Toxic Sub Ctrl-CTC
Yth/Adlt Corrections
Corrections
Independent Comm
Delta Protection Comm
Delta Stewardship Council
Energy Commission
X NAHC
Public Utilities Comm
Santa Monica Bay Restoration
State Lands Comm
Tahee Rgl Plan Agency
Conservancy
Other:

Please note State Clearinghouse Number (SCH#) on all Comments

SCH#: 2019079045

Please forward late comments directly to the Lead Agency

AQMD/APCD 9

(Resources: 7/20)