

# Central Valley Regional Water Quality Control Board

23 October 2019

Governor's Office of Planning & Research

**OCT 25 2019**

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**STATE CLEARINGHOUSE**

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## **COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, 7POINTS INDUSTRIAL COMPLEX PROJECT, SCH#2019090507, TULARE COUNTY**

Pursuant to the State Clearinghouse's 20 September 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the 7Points Industrial Complex Project, located in Tulare 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

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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/](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\\_201805.pdf](https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.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**

### **Cannabis General Order**

Pursuant to the State Water Resources Control Board's Cannabis Policy, cannabis cultivation operations must enroll for coverage under General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2019-0001-DWQ (the Cannabis General Order).

Page 48 of the Initial Study states "*The Central Valley Regional Water Quality Control Board adopted a General Waste Discharge Requirements Order for Discharges of Waste Associated with Medical Cannabis Cultivation Activities (Order No. R5-2015-0113). The proposed Project's tenants will be in compliance with the rules and requirements set forth in the Discharge Requirements.*"

Please note that cannabis cultivation operations are required to obtain coverage under State Water Resources Control Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities Order No. WQ 2019-0001-DWQ (the statewide Cannabis General Order). The statewide Cannabis General

Order supersedes the Central Valley Regional General Order. The proposed projects tenants must enroll for coverage and comply with the requirements of the statewide Cannabis General Order.

Page 8 of the Initial Study states that "*Once a business is established ...wastewater, including sewer use, will be serviced by on-site septic systems*". The Cannabis General Order requires indoor cannabis cultivation activities that discharge cultivation operation wastewater to on-site wastewater treatment systems (i.e. septic systems) obtain separate Waste Discharge Requirements from the Water Board. Please see comments related to onsite wastewater treatment systems. For more information on waste discharges to land, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_land/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml)

The Water Boards Cannabis Cultivation Programs offer an easy to use online Portal for cultivators to apply for Cannabis General Order coverage at:  
<https://public2.waterboards.ca.gov/CGO>

Additional information about the Cannabis General Order, Cannabis Small Irrigation Use Registration (SIUR) Program, and Portal can be found at:  
[www.waterboards.ca.gov/cannabis](http://www.waterboards.ca.gov/cannabis)

For questions about the Cannabis General Order, please contact the Central Valley Water Board's Cannabis Permitting and Compliance Unit at:  
[centralvalleysacramento@waterboards.ca.gov](mailto:centralvalleysacramento@waterboards.ca.gov) or (916) 464-3291.

#### **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 Activities (Construction General Permit), Construction General Permit Order No. 2009-009-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](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)

#### **Waste Discharge Requirements – Discharges to Land**

Pursuant to the State Board's Onsite Wastewater Treatment Systems Policy (Policy), the regulation of the septic system for the discharge of domestic wastewater may be regulated under the local agency's management program.

The project proposes to use onsite septic systems for the disposal of comingled domestic and process related wastewaters. Please note that the Policy only covers onsite wastewater treatment systems that receive just domestic wastewater. The discharge of high-strength industrial wastewater to onsite wastewater treatment

systems is generally not eligible for coverage under the Policy. Cannabis cultivation can generate other wastewaters such as irrigation runoff, water treatment effluent, cleaning agents, and wash waters. Discharges of these wastewaters to an onsite wastewater system such as a septic tank and leach field must obtain separate regulatory authorization, such as waste discharge requirements (WDRs), a conditional waiver of WDRs, or other permit mechanism, prior to discharge. The application to obtain WDRs or a conditional waiver of WDRs can take over a year to process and requires that you characterize the wastewater chemistry and volume.

Unless technically justified, domestic wastewater and industrial wastewater should be segregated and treated and disposed of separately (as required per section 4.4.12 of the Water Quality Control Plan for the Tulare Lake Basin).

For more information on waste discharges to land, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/waste\\_to\\_land/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_land/index.shtml)

### **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 Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. 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.

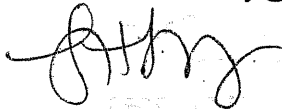
For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

If you have questions regarding these comments, please contact me at (916) 464-4812 or [Jordan.Hensley@waterboards.ca.gov](mailto:Jordan.Hensley@waterboards.ca.gov).



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Environmental Scientist

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