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## Lahontan Regional Water Quality Control Board

November 4, 2019

Governor's Office of Planning & Research

**NOV 04 2019**

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

### STATE CLEARINGHOUSE

### COMMENTS ON THE DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INITIAL STUDY FOR CUP 2019-03, INYO FARMS, INYO COUNTY, APN 033-450-10

### STATE CLEARINGHOUSE NO. 2019109073

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) 2019-03 Inyo Farms. 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 includes development of 5 acres on a 33-acre private parcel that is approximately 5.5 miles south of the community of Olancho, and approximately 30 miles from the community of Lone Pine. The parcel can be accessed by US-395. The parcel is currently undeveloped except for powerlines and access roads for powerline maintenance.

The applicant proposes to construct two metal buildings for cannabis cultivation (19,500 ft<sup>2</sup> and 24,000 ft<sup>2</sup>), one metal building for cannabis processing (4000 ft<sup>2</sup>), and an on-site residence (1500 ft<sup>2</sup>). The project also includes a 625 ft<sup>2</sup> fenced composting area. The site has a preexisting groundwater well that will supply both the domestic and agricultural water.

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

## **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.

### **IV. BIOLOGICAL RESOURCES**

(b) (c) The environmental checklist states that there are no identified wetlands or riparian habitat on the project site or in close proximity, based on the USFWS National Wetlands Inventory Mapping Tool. Upon review, there is an intermittent stream crossing the north portion of the parcel. (See figure 1). The project applicant should consider the location of the proposed facilities in relation to the stream to minimize potential impacts.

### **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 (including ephemeral washes). 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).

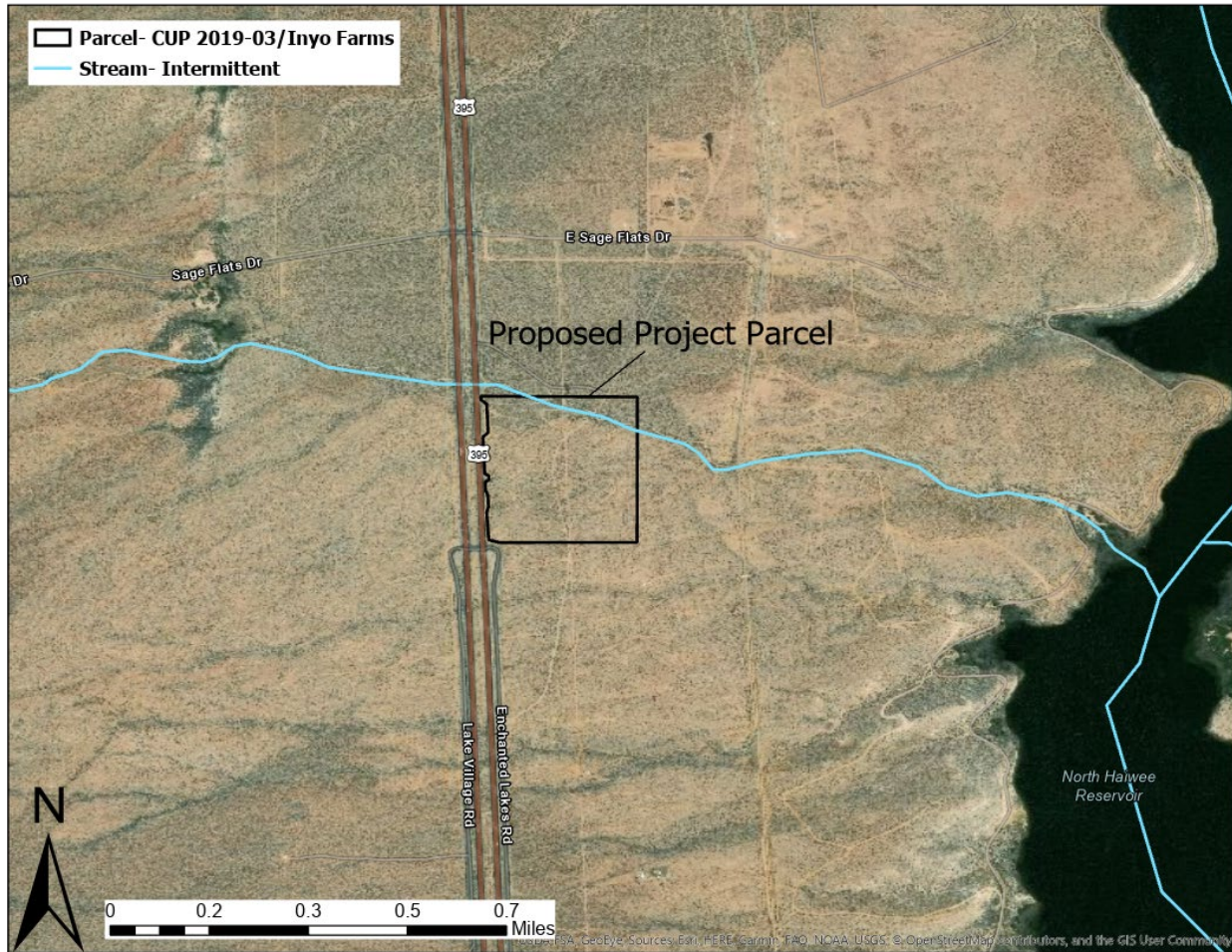


Figure 1 Map of proposed project site, showing intermittent stream located on parcel

## IX. HYDROLOGY AND WATER QUALITY

(a) The environmental checklist accounts for complying with the Water Board’s NPDES Stormwater Construction Permit for this project (which includes developing and implementing a Storm Water Pollution Prevention Plan), but please specify that the project may be subject to additional permits described below.

### 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 (and any subsequent amendments).

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 cannabis-related industrial wastewaters 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. Conditionally exempt commercial cannabis cultivators are also required to obtain coverage under the Waiver of the Cannabis General Permit.

## 2. 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.

(d) The Checklist states that “any water that may runoff of the project site would end up in Haiwee Reservoir.” All stormwater runoff generated from the development of the site must comply with the provisions of the provisions of the *NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, Order No. 2009-0009-DWQ.

## XVIII. UTILITIES AND SERVICE SYSTEMS

(a) The checklist states “the proposed project will not generate any nondomestic water.” However, the project also proposes hydroponic planting in a soilless medium. Generally, to maintain suitable growing conditions, wastewater is discharged from hydroponic systems when the irrigation water contains excessive salinity or nutrients. Irrigation tail water is generated when excess water drains from the growth media. Irrigation tail water or hydroponic wastewater may contain nutrients (e.g., phosphate or nitrate), salinity constituents (e.g., sodium, chloride, potassium, calcium, sulfate, magnesium), and other constituents (e.g., iron, manganese, zinc, molybdenum, boron, and silver). Other sanitation-based wastewaters may also be generated at indoor commercial cannabis cultivation sites. These miscellaneous industrial wastewaters may contain biocides, bleach mixtures, or other chemical waste streams. The checklist also states that a septic tank will be required for the site. Domestic wastewater from toilets, kitchens, etc., generated onsite may use this disposal method. However, nondomestic wastewater from cannabis activities is prohibited from discharge to a septic tank or to land/landscaping. Please provide additional information describing how nondomestic wastewater will be treated and disposed of.

Thank you for the opportunity to comment on the proposed project. If you have any questions regarding this letter, please contact Kathleen Bindl at (530) 542-5487 ([Kathleen.bindl@waterboards.ca.gov](mailto:Kathleen.bindl@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).

A handwritten signature in black ink, appearing to read "Eric J. Taxer". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

Encl: Notice of Completion and Environmental Document Transmittal Form

cc (w/encl):

State Clearinghouse  
Cathreen Richards, Planning Director, Inyo County  
Edith Martinez, SR Environmental Scientist Specialist, CA Dept of Fish & Wildlife  
Marissa Caringella, SR Environmental Scientist Specialist, CA Dept of Fish & Wildlife  
Jeff Brandt, SR Environmental Scientist Supervisor, CA Department of Fish & Wildlife



2019109073

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: CUP 2019-03/Inyo Farms

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

Project Location: County: Inyo City/Nearest Community: Lone Pine
Cross Streets: US 395 & Enchanted Lakes Road Zip Code: 93549
Longitude/Latitude (degrees, minutes and seconds): ... Total Acres: 33
Assessor's Parcel No.: 033-450-10 Section: 9 Twp.: 20 S Range: 37 E Base:
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:

- CEQA: [ ] NOP [ ] Draft EIR [ ] Early Cons [ ] Supplement/Subsequent EIR [ ] Neg Dec (Prior SCH No.) [ ] Mit Neg Dec
NEPA: [ ] NOI [ ] EA [ ] Draft EIS FONSI
Other: [ ] Joint Document [ ] Final Document [ ] Other:

Governor's Office of Planning & Research

OCT 25 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:

STATE CLEARINGHOUSE

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 (cannabis)

Project Issues Discussed in Document:

- [x] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [ ] Vegetation
[ ] Agricultural Land [ ] Flood Plain/Flooding [ ] Schools/Universities [x] Water Quality
[x] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [ ] Water Supply/Groundwater
[ ] Archeological/Historical [ ] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[x] Biological Resources [ ] Minerals [x] 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:

vacant/Open Space/Open Space & Recreation

Project Description: (please use a separate page if necessary)

The applicant proposes to develop 5 acres of a 33 acre privately owned property for the cultivation

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

**Reviewing Agencies Checklist**

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

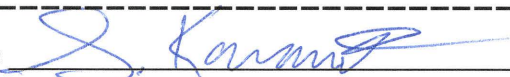
- |  |  |
|--|--|
| <input type="checkbox"/> Air Resources Board                         | <input type="checkbox"/> Office of Historic Preservation                     |
| <input type="checkbox"/> Boating & Waterways, Department of          | <input type="checkbox"/> Office of Public School Construction                |
| <input type="checkbox"/> California Emergency Management Agency      | <input type="checkbox"/> Parks & Recreation, Department of                   |
| <input type="checkbox"/> California Highway Patrol                   | <input type="checkbox"/> Pesticide Regulation, Department of                 |
| <input type="checkbox"/> Caltrans District # _____                   | <input type="checkbox"/> Public Utilities Commission                         |
| <input type="checkbox"/> Caltrans Division of Aeronautics            | <input checked="" type="checkbox"/> Regional WQCB # _____                    |
| <input type="checkbox"/> Caltrans Planning                           | <input type="checkbox"/> Resources Agency                                    |
| <input type="checkbox"/> Central Valley Flood Protection Board       | <input type="checkbox"/> Resources Recycling and Recovery, Department of     |
| <input type="checkbox"/> Coachella Valley Mtns. Conservancy          | <input type="checkbox"/> S.F. Bay Conservation & Development Comm.           |
| <input type="checkbox"/> Coastal Commission                          | <input type="checkbox"/> San Gabriel & Lower L.A. Rivers & Mtns. Conservancy |
| <input type="checkbox"/> Colorado River Board                        | <input type="checkbox"/> San Joaquin River Conservancy                       |
| <input type="checkbox"/> Conservation, Department of                 | <input type="checkbox"/> Santa Monica Mtns. Conservancy                      |
| <input type="checkbox"/> Corrections, Department of                  | <input type="checkbox"/> State Lands Commission                              |
| <input type="checkbox"/> Delta Protection Commission                 | <input type="checkbox"/> SWRCB: Clean Water Grants                           |
| <input type="checkbox"/> Education, Department of                    | <input type="checkbox"/> SWRCB: Water Quality                                |
| <input type="checkbox"/> Energy Commission                           | <input type="checkbox"/> SWRCB: Water Rights                                 |
| <input checked="" type="checkbox"/> Fish & Game Region # _____       | <input type="checkbox"/> Tahoe Regional Planning Agency                      |
| <input type="checkbox"/> Food & Agriculture, Department of           | <input type="checkbox"/> Toxic Substances Control, Department of             |
| <input type="checkbox"/> Forestry and Fire Protection, Department of | <input type="checkbox"/> Water Resources, Department of                      |
| <input type="checkbox"/> General Services, Department of             |  |
| <input type="checkbox"/> Health Services, Department of              | Other: _____   |
| <input type="checkbox"/> Housing & Community Development             | Other: _____   |
| <input type="checkbox"/> Native American Heritage Commission         |  |

**Local Public Review Period (to be filled in by lead agency)**

Starting Date 10/28/2019 Ending Date 11/26/2019

**Lead Agency (Complete if applicable):**

Consulting Firm: <u>Circle Mountain Biological Consultants, In</u>	Applicant: <u>Inyo Farms, Inc.</u>
Address: <u>PO Box 3197</u>	Address: <u>5900 Enchanted Lakes Rd</u>
City/State/Zip: <u>Wrightwood, CA 92397</u>	City/State/Zip: <u>Olancha, CA 93549</u>
Contact: <u>Ed LaRue</u>	Phone: <u>951-850-2738</u>
Phone: <u>760-249-4948</u>	

Signature of Lead Agency Representative:  Date: 10-24-2019

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.