

**To:** Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

**From:** State Water Resources Control Board  
(Public Agency) 1001 I Street  
Sacramento, CA 95814

**Project Title:** General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities

**Project Applicant:** Not applicable

**Project Location – Specific:** Statewide

**Project Location – City:** Statewide      **Project Location – County:** Statewide

**Description of Nature, Purpose, and Beneficiaries of Project:**

On February 5, 2019, the State Water Resources Control Board (State Water Board) adopted amendments to the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (General Order).

The General Order addresses waste discharges associated with legal cannabis cultivation activities and implements the amendments to the *Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation* (Cannabis Policy), which was also adopted by the State Water Board on February 5, 2019. The General Order provides authorization to discharge waste generated by cannabis cultivation and associated activities. Cultivation activities may occur indoor or outdoor. Requirements to protect water quality are provided in the Cannabis Policy and General Order. Compliance with the Cannabis Policy and General Order is required for a cannabis cultivator to obtain a cannabis cultivation license from the California Department of Food and Agriculture. A cannabis cultivation license is required for a cultivator to participate in the legal cannabis marketplace (medical or recreational).

**Name of Public Agency Approving Project:** State Water Resources Control Board

**Name of Person or Agency Carrying Out Project:** State Water Resources Control Board

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption. State type and section number: California Code of Regulations, title 14, section 15301 (ongoing or existing projects)
- California Code of Regulations, title 14, section 15308 (regulatory actions for environmental protection)
- Statutory Exemptions. State code number: California Water Code section 13149

**Reasons why project is exempt:**

The adoption of the General Order is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, title 14, section 15301 (ongoing or existing projects). Water Code section 13149 required the State Water Board to adopt principles and guidelines addressing water diversion and water quality issues associated with cannabis cultivation. The principles and guidelines contain substantive criteria for enrollment, water quality protection, and protective measures addressing biological and cultural resources. Water Code section 13149 (b)(1) provides that these actions of the State Water Board are deemed to be within California Code of Regulations, title 14, section 15308 (regulatory actions for environmental protection) if stream flow

Notice of Exemption

Appendix E

standards are not relaxed. The principles and guidelines described in the Cannabis Policy and as implemented in the General Order do not relax stream flow standards and are therefore exempt from further CEQA evaluation. Adoption of this General Order is a ministerial action under CEQA because it is a requirement of the Cannabis Policy. The General Order contains no substantive requirements that are not already required by the Policy, so there is no possibility that the General Order itself will have any significant effects on the environment. Because the General Order only implements requirements under the already-adopted Cannabis Policy, it falls within CEQA's general rule that CEQA does not apply if it can be "seen with certainty" that the project will not have any significant environmental impacts. (Cal. Code of Regs., tit. 14, section 15270, subd. (b)(3).)

Lead Agency Contact Person: Kevin Porzio

Area Code / Telephone / Extension: (916) 341-6914

If filed by applicant: Not applicable

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [ ] Yes [ ] No

Signature: Karen Mogus Date: 2/21/19 Title: Deputy Director

[x] Signed by Lead Agency [ ] Signed by Applicant

Governor's Office of Planning & Research

Authority cited: Sections 21083 and 21110, Public Resources Code. Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: FEB 26 2019

STATE CLEARINGHOUSE