



Lahontan Regional Water Quality Control Board

March 18, 2019

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County's Office of Planning & Research

MAR 18 2019

STATE CLEARINGHOUSE

**Comments on the Draft Initial Study and Mitigated Negative Declaration for Zone Reclassification (ZR 2018-09/Saccullo; GPA 2018-03/Saccullo), Shoshone, Inyo County – Assessor Parcel Number 048-690-09
State Clearinghouse No.: 2019039029**

The Regional Water Quality Control Board, Lahontan Region (Lahontan Water Board) staff received a draft Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced proposed project (the Project) on March 7, 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 048-690-09. The reclassification will take place on a 156-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 10 two-story grow houses, nine laboratory buildings, three rest areas, four two-story commerce buildings, one two-story testing office, one fulfillment depot, and one receiving depot. The total post-development building footprint is expected to be 1,179,800 square feet (approximately 27 acres), excluding paved areas and other disturbances. The Project is expected to encompass 82 acres upon completion. The site is located in unincorporated Inyo county, north of Old Spanish Trail Highway, approximately 1.8 miles west of the California-Nevada state line, and 17 miles directly southeast of Pahrump, Nevada.

Lahontan 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

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

taking the initiative to develop the Project with considerations to potential effects on water quality.

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. Domestic and Industrial Onsite Wastewater Discharge

The Geology and Soils and the Hydrology and Water Quality discussions (sections VI.e and IX.f) indicate the Project's likely need to construct a septic system due to the lack of sewer infrastructure. The septic system would be permitted by the county under a Local Area Management Plan and Tier 1 of the State Water Resources Control Board's (State Water Board) Onsite Water Treatment Systems (OWTS) Policy. OWTS Policy Tier 1 is applicable to projects with an average daily discharge of 10,000 gallons per day or less. If the Project is projected to discharge more than 10,000 gallons per day of domestic wastewater, the Project may be required to seek coverage under the *Small Domestic Systems Order, Water Quality Order (WQO) 2014-0153-DWQ*.

While suitable for domestic wastewater, discharges of non-domestic wastewater (industrial wastewater, such as cannabis cultivation tailwater, greenhouse wash water, floor drains, etc.) to an OWTS must be regulated by individual waste discharge requirements issued by the Lahontan Water Board. The issuance of individual waste discharge requirements can take more than a year, in addition

to requiring individual CEQA documentation. Additionally, domestic and nondomestic waste streams may be required to be kept separate to maintain treatment efficacy.

Alternatively, the industrial wastewater may be collected 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 domestic and 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, as indicated by the discussion in sections IX.d and IX.e. The Project description indicates the construction of approximately 27 acres of impervious surfaces consisting of the building footprints, and up to 82 acres of development upon completion. 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 associated hydrologic study, 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:

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*, 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.

2. Land Disturbance

Land disturbance of more than 1 acre may require coverage under the State Water Board's *National Pollutant Discharge Elimination System (NPDES) General Construction Storm Water Permit*, WQO 2009-0009-DWQ, obtained from the State 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.

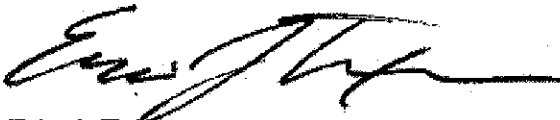
We request that the Project applicant recognize the potential required permits for the Project, as outlined above, and identify the specific activities triggering these permitting actions in the appropriate sections of the environmental document. Information regarding these permits, including application 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.

4. Composting Operations

Based on separate conversations with the Project's applicant on March 8, 2019, the Project might include onsite composting activities. Composting activities typically occur on open and uncovered land, exposed to precipitation. While providing an environmental benefit by recycling nutrients and diverting material to landfills, composting material may contain nutrients, metals, salts, pathogens, and oxygen-reducing compounds that may degrade water quality. Green and agricultural materials from cannabis cultivation may be regulated by the State Water Board's *Composting Operations General Order*, WQO 2015-0121-DWQ, subject to the total volume of material processed and hydrogeologic site considerations. Operations that receive, process, and store

a total amount of material less than 500 cubic yards at any given time are exempt from the *Composting Operations General Order*.

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
Eastern California Regional Cannabis Unit

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

cc (w/encl): State Clearinghouse

cc: David Saccullo, Choice Enterprise Real Estate and Investment Co.
Tom Platz, THA
Edith Martinez, California Department of Fish and Wildlife

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

2019039029

Project Title: Zone Reclassification 2018-09/Saccullo; General Plan Amendment 2018-03/Saccullo
Lead Agency: Inyo County
Contact Person: Steve Karamilroa
Mailing Address: 188 N, Edwards St.
Phone: 760-878-0268
City: Independence Zip: 93526 County: Inyo
Project Location: County: Inyo City/Nearest Community: Shoshone, GA
Cross Streets: Old Spanish Trail Hwy, 1.4 miles west of CA/NV border Zip Code: 92384
Longitude/Latitude (degrees, minutes and seconds): "N/ "W Total Acres: 198
Assessor's Parcel No.: 048-690-09 Section: 27 Twp.: T.22N. Range: R.10E. Base: S.B.B.
Within 2 Miles: State Hwy #: Waterways:
Airports: Railways: Schools:

Document Type:
CEQA: [] NOP [] Draft EIR NEPA: [] NOI Other: [] Joint Document
[] Early Cons [] Supplement/Subsequent EIR [] BA [] Final Document
[] Neg Dec (Pior SCH No.) [] Other:
[] Mit Neg Dec Other:

Local Action Type:
[] General Plan Update [] Specific Plan [] Annexation
[] General Plan Amendment [] Master Plan [] 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 Employees
[] Office: Sq.ft. Acres Employees
[] Commercial: Sq.ft. Acres Employees
[] Industrial: Sq.ft. Acres 80 Employees
[] Educational:
[] Recreational:
[] Water Facilities: Type MGD
[] Transportation: Type
[] Mining: Mineral
[] Power: Type MW
[] Waste Treatment: Type MGD
[] Hazardous Waste: Type
[] Other: cannabis cultivation industrial park

Project Issues Discussed in Document:
[] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[] Air Quality [] Forest Land/Tire Hazard [] 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/Job [] Public Services/Facilities [] Traffic/Circulation [] Other:

Present Land Use/Zoning/General Plan Designation:
privately owned vacant land/Open Space - 40acre min/Open Space-Recreation (OSR)
Project Description: (please use a separate page if necessary)
The applicant is applying for a zone reclassification and general plan amendment, to make their site consistent with Inyo County's Land Use Element and Cannabis Ordinance, in anticipation of future project proposals, specifically commercial cannabis cultivation. The project will change the General Plan designation for the site from Open Space-Recreation (OSR) to General Industrial (GI) and the zoning from Open Space (40 acre minimum) to General Industrial and Extractive (M1).

State Clearinghouse Contact: (916) 445-0613
State Review Began: 3-4-2019
SCH COMPLIANCE 4-2-2019

- Project Sent to the following State Agencies
[X] Resources Cal EPA
Boating & Waterways ARB: Airport & Freight
Central Valley Flood Prot. ARB: Transportation Projects
Coastal Comm X ARB: Major Industrial/Energy Resources, Recycl. & Recovery
Colorado Rvr Bd X SWRCB: Div. of Drinking Water
Conservation X SWRCB: Div. Drinking Wtr #
CDFW # 6 T/M SWRCB: Div. Financial Assist.
Cal Fire SWRCB: Wtr Quality
Historic Preservation SWRCB: Wtr Rights
X Parks & Rec SWRCB: Wtr Right
Bay Cons & Dev Comm. X Reg. WQCB # CA
DWR X Toxic Sub Ctr-GTC
Yth/Adult Corrections
Corrections
Independent Comm

Please note State Clearinghouse Number (SCH#) on all comments
2019039029
SCH#:
Please forward late comments directly to the Lead Agency

- CalSTA
Aeronautics
CHP
X Caltrans# 9
Trans Planning
Other
Education
X Food & Agriculture
HCD
OES
State/Consumer Svcs
General Services
Delta Protection Comm
Delta Stewardship Council
Energy Commission
X NAHC
Public Utilities Comm
Santa Monica Bay Restoration
State Lands Comm
Tahoe Rgl Plan Agency
Conservancy
X Other: DTRC - Pest/Adapt.

AQMD/APCD 9
(Resources: 3, 9)