

Lahontan Regional Water Quality Control Board

August 26, 2019

Governor's Office of Planning & Research

AUG 26 2019

STATE CLEARINGHOUSE

Steve Karamitros
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Comments on the Draft Mitigated Negative Declaration of Environmental Impact and Initial Study for CUP 2019-10, Nanofarms Group Inc., Inyo County, APN 048-350-15, State Clearinghouse Form No. 2019089024

Thank you for providing the Lahontan Regional Water Quality Control Board, (Lahontan Water Board) the opportunity to review and comment on Conditional Use Permit (CUP) 2019-10, Nanofarms Group Inc. 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 160-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 includes 95 acres of outdoor cannabis cultivation and a 50,000 square foot processing building. The anticipated use for the property will begin with hemp cultivation (CUP 2019-07/ Eco Holdings), to be followed by cannabis cultivation (CUP 2019-10 / Nanofarms). Each use requires separate land use entitlements (CUPs) per Inyo County Code. 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, the existing utility poles, a well, and unpaved service roads.

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

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

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.

IX. HYDROLOGY AND WATER QUALITY (A)

The environmental checklist accounts for complying with 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 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.

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.

3. 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.

XVIII. UTILITIES AND SERVICE SYSTEMS (A)

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 and indoor cultivation areas, etc.). The wastewater must be hauled to an appropriate facility 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, Environmental Scientist, at (530) 542-5445 (carly.nilson@waterboards.ca.gov) or me at (530) 542-5434 (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.



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

Enclosure: Notice of Completion and Environmental Document Transmittal Form

cc with encl: State Clearinghouse
Nanofarms Group Inc.
Carly Nilson, Lahontan Water Board

Notice of Completion & Environmental Document Transmittal

2019089024

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 2019-10/Nanofarms

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: Pahrump, NV/ Sandy Valley NV
Cross Streets: Two Hawks Ranch Rd & Rosemary Ln Zip Code:
Longitude/Latitude (degrees, minutes and seconds): 35 ° 49 ' 38.7 " N / 115 ° 42 ' 45.2 " W Total Acres: 160
Assessor's Parcel No.: 048-350-15 Section: 30, 29 Twp.: 20 North Range: 12 East Base:
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 [] EA [] Final Document
[] Neg Dec (Prior SCH No.) [] Draft EIS [] Other:
[] Mit Neg Dec Other: FONSIS Governor's Office of Planning & Research

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 STATE CLEARINGHOUSE [] Environmental Permit
[] Community Plan [] Site Plan [] Land Division (Subdivision, etc.) [] Other:
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Development Type:

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

Project Issues Discussed in Document:

[x] Aesthetic/Visual [] Fiscal [] Recreation/Parks [] Vegetation
[] Agricultural Land [] Flood Plain/Flooding [] Schools/Universities [] Water Quality
[x] 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 95 acre cannabis cultivation project. Cultivation will occur inside 300' setbacks from all property lines. All impacts on aesthetics, septic/sewage, and odor 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: [Signature] (916) 445-0613

State Review Began: 8 - 7 - 2019

SCH COMPLIANCE 9 - 5 - 2019

Project Sent to the following State Agencies

[x] Resources [x] Cal EPA
Boating & Waterways [x] ARB: Airport & Freight
Central Valley Flood Prot. [x] ARB: Transportation Projects
Coastal Comm [x] ARB: Major Industrial/Energy
Colorado Rvr Bd Resources, Recycl. & Recovery
[x] Conservation SWRCB: Div. of Drinking Water
[x] CDFW # 61/M SWRCB: Div. Drinking Wtr #
Cal Fire SWRCB: Div. Financial Assist.
Historic Preservation [x] SWRCB: Wtr Quality
[x] Parks & Rec SWRCB: Wtr Rights
Bay Cons & Dev Comm. [x] Reg. WQCB # 6 v
[x] DWR [x] Toxic Sub Ctrl-CTC

CalSTA

[] Aeronautics
[] CHP
[x] Caltrans # 9
[] Trans Planning
Other
[x] Education
[x] Food & Agriculture
[] HCD
[] OES
[] State/Consumer Svcs
[] General Services

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
[] Tahoe Rgl Plan Agency
[] Conservancy

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

2019089024

SCH#:
Please forward late comments directly to the Lead Agency

AQMD/APCD 9

(Resources: 1/10)

RECEIVED AUG 14 2019 BY: [Signature] 8/14/19

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