



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7

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ORIGINATING SECTION: GROUNDWATER SECTION

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AGENDA DATE: January 16, 2019

ITEM NO. 16d

SUBJECT: Commercial Cannabis Cultivation in Eastern Alameda County

BACKGROUND:

Alameda County has been developing a program to regulate commercial cannabis cultivation, retail and delivery since 2015. As part of this process, the Board of Supervisors adopted a commercial cannabis Ordinance in September 2017 and has since amended that Ordinance in 2017 and 2018. The current status as it relates to Zone 7 is that (1) Alameda County will allow 10 cultivation sites in agricultural-zone areas in Eastern Alameda County, (2) require that new cultivation sites undergo a normal Conditional Use Permit (CUP) process including public hearings and CEQA, and (3) ensure that no harmful discharges be made into any public sewer, private sewer disposal system or stream, or into the ground. This staff report documents Zone 7's involvement in the process to date and how Zone 7 will participate in the CUP and CEQA processes to protect water supply and water quality.

DISCUSSION:

Zone 7 last reported on this subject to the Board at the January 18, 2017, Board meeting as the Ordinance was being developed. At that time, staff reported that they had participated in the process through the County's Agricultural Advisory and Transportation/Planning Committees, and commented on groundwater issues and development impact mitigation. Since that time, there have been approximately 22 public meetings, generally of the Alameda County Transportation/Planning Committee and the Board of Supervisors. These meetings have mainly focused on dispensary sites, permitting and potential amendments to the Ordinance. Zone 7 staff has kept abreast of these subsequent issues through review of meeting agenda and minutes posted on the County's website, but to-date, has not identified any additional concerns for Zone 7.

The County's permitting process is a two-step process. A cannabis project must first be submitted to the County as a proposal. Proposals approved by the Board of Supervisors will receive a "permit" to move forward with the CUP process phase. Zone 7 will then participate in the CUP step of the process. To date, the board of Supervisors has approved ten proposals projects: one in Sunol, three in South Livermore, three in North Livermore, one near Mountain House, and two to be determined later. Of these ten projects, only the Sunol project has submitted a completed CUP application at this time.

Zone 7 will participate in "pre-application" meetings with the project proponents to discuss the project and to provide information on Zone 7's roles and responsibilities. As part of the CUP and CEQA process, Zone 7 will review, analyze and comment on water supply and water quality issues. While it is anticipated that commercial cannabis cultivation will use less water than other

area agricultural uses, Zone 7 will review the project's estimated water demands and proposed sources. Zone 7 will also review wastewater disposal to ensure that irrigation water containing excessive salinity or nutrients is captured, contained and disposed of offsite to protect groundwater quality. If any of the proposed projects will discharge onsite to an onsite wastewater treatment system (OWTS) such as a septic tank or leach field, or to land surface of to surface water, the discharger must obtain a waste discharge requirement permit or similar permit from the Regional Water Quality Control Board (RWQCB). Zone 7 routinely works with the RWQCB to review these permits by assessing existing groundwater, conditions, identifying local groundwater users and uses, providing conceptual groundwater models and recommending and permitting monitoring well systems.

As with other projects, Zone 7 will also review the onsite disposal of domestic-site sewage generated by the workforce, patrons and others. As with other projects, the application will be required to obtain Zone 7 Board authority for non-residential use of an OWTS which requires meeting Nutrient Management Plan standards that have been designed to protect groundwater quality. The project will have to adhere to Alameda County Environmental Health (ACEH) regulations in both design and operation of their OWTS. Like the RWQCB, ACEH will require an annual report that documents the performance of the project's OWTS. Zone 7 will be copied on these reports. The groundwater protection measures taken by Zone 7 staff, and the resulting groundwater quality conditions, will be documented in Zone 7's Annual Groundwater Sustainability Report, which will be transmitted to ACEH and the RWQCB, as well as the Zone 7 Board.

In summary, Zone 7 has monitored the Ordinance development proposal and has provided input on water supply and water quality issues, and has processes in place to participate in the CUP and CEQA processes to protect and maintain water supply and water quality.