

# Attachment D

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**Draft Response to Comments**  
**North Monterey County Cannabis Facilities Projects**

Revisions were incorporated into the Final IS shown in underline and strikeout to address some of the comments received during review of the North County cannabis facilities Initial Study/Negative Declaration (IS/ND). Some comments were considered but did not result in changes to the IS/ND. Responses to comments considered but not reflected in changes in the IS/ND are listed below:

**DCC Letter**

**Response to Comment 3:**

Each of the project descriptions on the pages identified in the comment include a description of wastewater disposal. Revisions to the Draft IS are not required.

**Response to Comment 4:**

The project description for 12/12 Genetics includes the information requested in Comment 4. In addition, Sections 6, 9, 17, and 19 (Energy, Hazards and Hazardous Materials, Transportation/Traffic, and Utilities and Service Systems, respectively) provide additional project information and analysis related to the information requested.

**Response to Comment 7:**

As described on page 59 of the Draft IS, the air quality analysis used the thresholds of significance established by the Monterey Bay Air Resources District (MBARD) for the regulated state and federal criteria pollutants (Table 4 on page 60 of the Draft IS). The criteria pollutant emissions associated with the proposed projects were calculated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2. The model estimated the construction and operation emissions based on the square footage of the cultivation sites, including cultivation, processing, distribution, and manufacturing facilities. As a result, all potential emissions of criteria pollutants associated with the proposed projects were estimated and evaluated. Ethanol, used for extractions, is not a state or federal criteria pollutant, and, therefore, there are no thresholds of significance established by MBARD. The use of ethanol associated with the proposed projects would be very limited and conducted with professional, permitted equipment. Significant air quality impacts would not result from the use of ethanol at the project sites.

**Response to Comment 8:**

As stated on page 61 of the Draft IS, all of the proposed projects are applying for permits to conduct cultivation in greenhouses using mixed-light; none include indoor cannabis cultivation exclusively using artificial lighting. Therefore, compliance with County renewable energy regulations for indoor facilities is not required.

**Response to Comment 9:**

Comparable to Response to Comment 7, ethanol is not a greenhouse gas and, therefore, was not included in the greenhouse gas emissions analysis.

Response to Comment 10:

Beginning on page 96 of the Draft IS, there is a discussion and analysis of potential impacts of hazardous waste, including ethanol. As described in the analysis, there will be no hazardous byproduct from hazardous materials during the cultivation and manufacturing process, and, therefore, no hazardous waste would be produced. Hazardous materials stored at each project site would include synthetic and natural fertilizers, pesticides, CO<sub>2</sub>, ethanol, and household cleaning agents.

If not already registered and if required, each project site will be registered with the County Environmental Health Bureau (EHB) Hazardous Materials Management Services. Cannabis Management Service will work with the applicants to register each location as needed in the California Environmental Reporting System (CERS) database to meet Hazardous Materials Business Plan Electronic Reporting Requirements. In addition, facilities that generate hazardous waste shall register electronically for an EPA ID number through the Electronic Verification Questionnaire process with the Department of Toxic Substances Control (DTSC) and shall meet all annual reporting requirements for storage, transportation, and disposal of hazardous waste.

The proposed projects would be required to comply with existing federal, state, and local laws regulating the transport, use, and disposal of any hazardous materials. Hazardous materials would be stored properly, in accordance with BMPs and applicable regulations. Runoff controls would be implemented to prevent water quality impacts, and a spill plan would be developed to address any accidental spills. DCC regulations 15011(a)(12), 16304(a)(5), 16307, 16309, and 16310 require the preparation of a pest management plan and outline pesticide use requirements. Additionally, the transportation of hazardous materials is subject to the Hazardous Material Transportation Act of 1975, which provides procedures and policies, material designations, packaging requirements, and operational rules for the transportation of hazardous materials.

**CDFW Letter**

As described in Section 4, Biological Resources, of the Draft IS (page 68), a biological analysis was conducted for each of the proposed project sites. As stated on page 70, the projects sites are currently developed and it was determined through the methodology described in the Draft IS that the sites do not contain suitable habitat for sensitive species (including bank swallow) and do not contain any sensitive habitats. If any of the proposed projects are approved, the County will require as a standard condition of approval pre-construction surveys for nesting birds if construction is planned during the nesting season.

As described on page 69 of the Draft IS, each project applicant must provide a copy of any final Lake or Streambed Alteration Agreement (LSAA) issued by the CDFW, or written verification from the DCC that a LSAA is not required.

In response to comments regarding potential lighting impacts to fish and wildlife, as described on page 70 of the Draft IS, in accordance with DCC regulation 16304(a), all outdoor lighting used for safety or security purposes shall be shielded and downward facings and lights used for indoor or mixed-light cultivation are shielded from sunset to sunrise to avoid nighttime glare. Therefore, potential lighting impacts to fish and wildlife would be less-than-significant. In response to

potential hazards materials associated with lighting, please see DCC Letter, Response to Comment 10.

In response to CDFW's recommendation that the Draft IS address the impacts to groundwater and surface water that may occur from project activities, please refer to Sections 10 and 19 of the Draft IS for these analyses.

All other comments regarding pesticides, fertilizers/imported soils, vegetation clearing, construction in floodplains, noise, etc. have been addressed within the applicable sections of the Draft IS.

**Juana Alanis Letter:**

Disposal of cannabis is required to comply with County Code and state law. Violations can be reported to Monterey County Code Enforcement. This issue will be addressed in the individual permitting for this site.

**Del Piero Letter:**

The Draft IS acknowledges that the proposed cultivation activities have the potential to create objectionable odors at certain points during the cultivation process. As noted in the Draft IS, the proposed cultivation sites must comply with Section 7.90.100.A.8 of the Monterey Code, which requires the installation of odor prevention techniques to minimize and reduce cannabis odors. The Code's mandatory odor control requirements will be incorporated as a standard condition of approval for each administrative permit that may be issued for these projects.

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