

Alternative B for Water Service

Make the following revisions to the following sections:

Revise Section 88-28.402(c)(2) to read:

(2) No more than ten (10) permits for commercial cultivation under Section 88-28.414 will be in effect at any one time, and no more than two (2) of those permits will allow the use of groundwater as a water source under in accordance with Section 88-28.414(d)(3).

Revise Section 88-28.402(c)(4) to read:

(4) A permit issued for a vertically-integrated business that authorizes both (A) a retailer under Section 88-28.412, and (B) commercial cultivation under Section 88-38.414, is not subject to the limitations in subsection (c)(2) of this section. Except as specifically provided in the preceding sentence or elsewhere in this Section 88-28.402(c), a permit issued for a vertically-integrated business counts toward the permit limit for each commercial cannabis activity involved in the vertically-integrated business.

Revise Section 88-28.414(d):

(d) Water.

(1) To the maximum extent feasible, water conservation measures, water recapture systems, drip irrigation, raised beds, or grey water systems must be incorporated in cannabis cultivation operations in order to minimize use of water.

(2) Except as specified in subsection (d)(3) of this section, water service for a commercial cultivation business must be provided by a retail water supplier.

(3) If Aa land use permit for a commercial cultivation business authorizes the business to may satisfy some or all of its water demand by pumping groundwater from a groundwater production well, the business must meet if all of the following criteria are met:

(A) If the business is within the service area of, and receives retail water service from, a retail water supplier, groundwater is used to satisfy water demand of the business only during periods when the retail water supplier does not provide retail water service to the business.

(B) The use of groundwater by the business will not substantially deplete groundwater supplies, and will not substantially interfere with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level.

(C) The business uses groundwater in accordance with any applicable groundwater sustainability plan adopted by a groundwater sustainability agency within which the business is located.

(A) The retail water supplier does not provide retail water service at all times during the year and the groundwater is used to satisfy water demand of the business only during those periods when the retail water supplier does not provide retail water service to the business; or the land use permit authorizes the business to satisfy its water demand without service from a retail water supplier.

(B) The use of groundwater by the business will not substantially deplete groundwater supplies, and it will not substantially interfere with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the groundwater table level.

(C) The business uses groundwater in accordance with any applicable groundwater sustainability plan adopted by a groundwater sustainability agency within which the business is located.