



Marijuana Cultivation in Northern California Threatens Water Quality and Wildlife

Cultivation of marijuana in California has grown exponentially in recent years, both in the number of grows and the size of grow operations. The growing operations are appearing on both private and public land can harm our State's waters if it is not carried out in a responsible manner.

The State Water Resources Control Board and Regional Water Quality Control Board (California Water Boards) will not enter the debate over the legality of growing marijuana in California, though any growing operation on public land is illegal regardless of the crop. The California Water Boards have jurisdiction over the diversion and use of surface water and discharges of waste that could affect waters of the State and there are serious concerns about the water quantity and quality impacts from the increase in growing activity.

The Problem

Growers have engaged in activities that can negatively impact waters of the state and threaten or damage aquatic habitat and groundwater, including:

- grading, terracing, dam, and road construction, causing erosion and sediment deposition in streams;
- deforestation and habitat fragmentation;
- illegal use of rodenticides, fungicides, herbicides and insecticides;
- use of soil amendments and fertilizers in situations where run off to surface waters may occur;
- discarding of trash and haphazard management of human waste;
- substandard storage of hazardous materials such as diesel and gasoline; and
- unauthorized diversion of water from streams.

What's Being Done About It?

The California Water Boards are committed to educating both the public and the cultivators about proper permitting and growing practices, and are developing a regulatory program that will ensure marijuana cultivation activities do not result in adverse water quality impacts. The Boards' regulatory activities can only provide permit coverage for growing operations on private lands; marijuana cultivation on public lands is illegal will not be permitted.

The California Water Boards are increasing the resources they will devote to investigating and prosecuting cultivation activities that threaten to impact water quality, aquatic life, or wildlife habitat. Additionally, local, state and federal agencies, including the California Water Boards, are working together in task forces to find illegal growing operations and enforce applicable laws.

What Can the Public Do to Help?

The public can help by educating friends and neighbors about the issues and by reporting water quality violations to the California Water Boards.

North Coast Regional Water Quality
Control Board
Phone: (707) 534-7128
stormer.feiler@waterboards.ca.gov

Central Valley Regional Water
Quality Control Board – Redding
Phone: (530) 224-4845
Clint.Snyder@waterboards.ca.gov

State Water Resources Control
Board – Office of Enforcement
Phone: (916) 341-5272
erin.mustain@waterboards.ca.gov

Or, you can submit an environmental complaint to Cal/EPA via the following web link:

http://www.dtsc.ca.gov/database/CalEPA_Complaint/index.cfm (This site can also be used for water rights complaints.)

Possible Permitting Requirements

If you are planning to develop land to grow marijuana, there are several agencies you should contact BEFORE you get started to ensure that you are in compliance with State law and local ordinances. The Regional Water Quality Control Board (Regional Board) is one agency that may need to review and permit activities associated with your project. The State Water Resources Control Board's Division of Water Rights (Division) is another. Before you start developing your property, here is a series of questions you should ask yourself to see whether you need a permit from the California Water Boards.

- 1) Will I be doing any work that involves digging or heavy equipment work in a watercourse/wetland or in a location where rain could wash dirt into a year-round or seasonal creek, river, wetland, or wet feature?
- 2) Will I be placing any type of material or structure (e.g., stream crossing, culvert, water intake, dam, etc.) in a stream (either year-round or seasonal)?
- 3) Will I be diverting water from a stream?
- 4) Will I be building any roads, landings, terraces or other features that involve placement of earthen fill material on my land?
- 5) Will I be grading, excavating, or otherwise moving earth on my property?
- 6) Will I be using and/or storing pesticides, herbicides, fertilizers, fuel, or other chemicals on my property?
- 7) Will I be generating and/or storing solid waste (e.g., amendment bags, boxes, containers, dead plant material, waste soil, etc.) on my property?

If you have answered yes to questions 1, 2, or 3, you will probably need a permit from the California Water Boards. Contact us at one of the offices listed above to get information on applying for the appropriate permits. Any person who discharges waste to waters of the State without a permit may be subject to enforcement and possible penalties. Any diversion and use of water without a water right, and a failure to report the diversion and use of water are subject to enforcement and penalties. Information about water rights is available on the Division's website at: <http://www.waterboards.ca.gov/waterrights/>.

If you have answered yes to questions 4 or 5, you may need a permit from the California Water Boards, and your project may harm water quality if not constructed carefully, subjecting you to enforcement and possible penalties. It would be advisable to hire a qualified professional with experience in erosion control to help design and construct your project so to avoid sediment getting into waterways. We recommend contacting the applicable Regional Water Board to review your project and identify whether your project will need a water quality permit.

Finally, a yes answer to question 6 or 7 will not necessarily require that you get a permit from the California Water Boards if you manage these materials in such a way that they will not threaten to impact surface waters or groundwater in any way. If impacts do occur, you are subject to liability for the water quality impacts associated with these activities. We recommend that as you design your project, you consider and identify suitable location(s) on your property, possibly within a container or structure, where you can safely contain such materials away from surface and/or ground waters in a manner that eliminates the possibility of discharge.

Dumping or allowing sediment or other wastes to enter surface water, including streams or groundwater is illegal. Discharging any of the materials noted above to surface water or groundwater is illegal.