

Marijuana Cultivation in the Central Valley Threatens Water Quality and Wildlife

Cultivation of marijuana in the Central Valley Region 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.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is not interested in entering the debate over the legality of growing marijuana in California, other than to note that any growing operation on public land is illegal regardless of the crop. The Central Valley Water Board has jurisdiction over discharges of waste that could affect waters of the State, regardless of what activity is generating the waste. The Central Valley Water Board does not in any way authorize, endorse, sanction, permit or approve the cultivation, use, or sale of marijuana or any other illegal activity.

The Central Valley Water Board has serious concerns about the water quality impacts from the dramatic increase in growing activity on both public and private land.

The Problem

Growers have engaged in a variety of activities that can threaten or damage riparian and aquatic habitat and groundwater, including:

- grading, terracing, dam, and road construction without permits, leading to the filling of streams through erosion and sediment deposition;
- 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.

These activities impair beneficial uses of waters of the state, from municipal drinking water to swimming, and from agriculture to preserving habitat for endangered fish and wildlife.

Isn't Marijuana Cultivation a Big Economic Boost to the Region?

That may be true, but marijuana growers cannot be allowed to circumvent environmental regulations that other industries must follow. Water quality, fish, and wildlife are public trust assets that shouldn't be sacrificed for private economic gain.

How Big is The Problem?

No one knows the true scope of the increased growing activity and the related quantity of water being diverted from local streams, because most growers do not register or apply for permits from the various agencies involved in protecting water quality, existing water rights, and wildlife.

A Department of Fish and Wildlife study of two small watersheds in Humboldt County that used aerial imagery indicated that the number of acres devoted to marijuana growing almost doubled from 2009 to 2012, with an estimated 550 individual growing operations and 19,000 plants in each watershed. Similar numbers have been reported in watersheds throughout the Central Valley Region.

What's Being Done About It?

Just like any other person who develops their property, marijuana cultivators must first obtain all the appropriate permits to ensure that their site development activities are done in a manner that is consistent with federal, state, and local laws and regulations. The attached information sheet identifies several types of permits that marijuana cultivators may need to obtain before developing their property, and explains some of the steps that marijuana cultivators must take to comply with site development requirements and the state regulations that apply to reporting diversions of water. These permits and requirements apply to *any* site preparation work, regardless of crop.

In addition to these existing laws and regulations, the Central Valley Water Board is also developing a regulatory program designed to ensure that marijuana cultivation activities do not result in adverse water quality impacts. Medicinal marijuana cultivation may eventually become part of the Board's existing Irrigated Lands Regulatory Program, or the Board may develop a different regulatory approach for dealing with marijuana cultivation activities.

The Central Valley Water Board is also increasing the resources that it will devote to investigating and prosecuting marijuana cultivation activities that threaten to impact water quality, aquatic life, or wildlife habitat. Furthermore, it is also worth noting that the Board's regulatory activities can only provide permit coverage for growing operations on private lands; marijuana cultivation on public lands will not be authorized.

The State and Regional Boards, including the North Coast Water Board and the Central Valley Water Board, are committed to helping educate both the public and the cultivators about proper permitting and growing practices in their respective water board regions. Additionally, local, state and federal agencies, including the State and Regional 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 in two ways: making friends and neighbors aware of the issues; and reporting water quality violations they see to the Central Valley Regional Water Quality Control Board.

To file an environmental complaint, contact the Central Valley Water Board at the appropriate office listed below:

Sacramento Office

11020 Sun Center Drive, Suite 200

Rancho Cordova, CA 95670-6114

Phone: (916)464-3291

Fax: (916) 464-4645

Fresno Office

1685 "E" Street

Fresno, CA 93706-2007

Phone: (559) 445-5116

Fax: (559) 445-5910

Redding Office

364 Knollcrest Drive, Suite 205

Redding, CA 96002

Phone: (530) 224-4845

Fax: (530) 224-4857

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 right complaints](#))

Following is an informational sheet on how to comply with necessary permitting requirements:

To: Interested parties and agencies

SUBJECT: 215 Grow-Related Activities Which May Need a Regional Water Board Permit or Special Planning for Water Quality Protection

The cultivation of marijuana can harm our State's waters if it is not carried out in a responsible manner. If you are planning to develop land to grow marijuana in compliance with State law and local ordinances, there are several agencies you should contact BEFORE you get started. The Central Valley Regional Water Quality Control Board (Central Valley Water Board) is one of the agencies that may need to review and permit the activities associated with your project. The State Water Resources Control Board's Division of Water Rights is another. Before you start developing your property to conduct your growing project, here is a series of questions you should ask yourself to see whether your activities may need a permit from the Central Valley Water Board.

- 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 in a stream, either year-round or seasonal (e.g., stream crossing, culvert, water intake, dam, etc.)?
- 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 State or Regional Water Board, and we suggest that you contact us at one of the three offices listed above to get further information about how to apply for the appropriate permits. Note that any person who discharges waste to waters of the State without a permit may be subject to enforcement and possible penalties. Information about California water rights is available on the State Water Resources Control Board's Division of Water Rights website at: <http://www.waterboards.ca.gov/waterrights/>. Any diversion and use of water without a water right, and a failure to report the diversion and use of water are also subject to enforcement and penalties.

If you have answered yes to questions 4 or 5, you may need a permit from the Water Board, 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 you design and construct your project in a way that will avoid allowing sediment to get into waterways. We recommend that you contact the Central Valley 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 Water Board 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, as is discharging any of the materials noted above to surface water or groundwater. If you have any questions or would like assistance in reviewing your compliance with water quality laws and requirements and/or need for permits, please contact the Central Valley Water Board at (530) 224-4845. Information about the Central Valley Water Board can be found at our website: <http://www.waterboards.ca.gov/centralvalley/>.