

FACT SHEET

North Coast Regional Water Quality Control Board Cannabis Cultivation Waste Discharge Regulatory Program

On August 13, 2015, the North Coast Regional Water Board adopted a regulatory order to address waste discharges from cannabis and other similar operations: Order No. R1-2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification and Monitoring and Reporting Program for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order). The Order establishes water resource protection requirements, provides a mechanism for water quality compliance, and enables the Regional Water Board to better focus its enforcement resources on environmentally damaging operations.

The Regional Water Board's program and Order are designed to meet the requirements of the Basin Plan, the California Water Code, the State Nonpoint Source Policy, and the federal Clean Water Act. The Water Boards are the state agencies with primary responsibility for the coordination and control of water quality. Nonpoint source (NPS) pollution, also known as polluted runoff, is the leading cause of water quality impairments in the North Coast. The majority of the streams in the North Coast are impacted by excess sediment and elevated temperatures. The problems are often associated with poorly planned forest clearing, earth-moving activities, and other land use management practices, resulting in polluted stormwater runoff to streams. Dry-season surface water diversions intensify these water quality impacts. The exponential growth of cannabis cultivation throughout the North Coast Region has resulted in significant waste discharges and a loss of instream flows to the cumulative detriment of beneficial uses of water. Operations with 2000 square feet or more of cannabis cultivation on private lands in the North Coast region are required to enroll in the Order by February 15, 2016. The Order includes enforceable requirements which cultivators need to become familiar with and to comply with to ensure their operations do not impact water resources.

Enrollment in the program and compliance with the Order does not preclude the need for permits that may be required by other governmental agencies or supersede any requirements, ordinances, or regulations of any other regulatory agency, including necessary certification and permitting for the application of pesticides and herbicides and proper handling and disposal of solid and domestic wastes.

This Order does not in any way authorize, endorse, sanction, permit or approve the cultivation, possession, use, sale or other activities associated with cannabis. Marijuana is currently a Schedule 1 controlled substance under federal law. Individuals engaging in cannabis cultivation and other activities risk prosecution under federal, state, or local law.

The Cannabis Cultivation Waste Discharge Regulatory Program website offers information, useful resources, and updates: http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Please subscribe to the email listserv to stay informed on the latest North Coast Cannabis Cultivation Waste Discharge Regulatory Program developments:

http://www.waterboards.ca.gov/resources/email_subscriptions/reg1_subscribe.shtml

Order R1-2015-0023 Overview

1. A tiered enrollment structure relative to the potential threat to water quality.
 - a. Tier 1 is a low-threat tier based on compliance with standard conditions and site characteristics (less than 5000 ft² of total cultivated area, no cultivation on slopes greater than 35%, no cultivation areas or associated facilities are located within 200 feet of a surface water (i.e., wetland, Class I, II, or III streams), and no surface water diversion from May 15 – October 31. The annual fee is \$1000.
 - b. Tier 2 is a management tier for operations that do not meet the standard conditions or otherwise do not qualify for Tier 1. Within 180 days of enrollment, Tier 2 enrollees shall develop and implement a site-specific water resource protection plan that includes management measures to be implemented to meet the standard conditions. The annual fee is \$2500.
 - c. Tier 2* is a tier for operations with less than 10,000 ft² of total cultivated area, where enrollees have fully implemented a water resource protection plan, meet the standard conditions, and are determined by RWB staff or an approved third party to pose a low threat to water quality. The annual fee is \$1000.
 - d. Tier 3 is a cleanup tier, which requires the development and implementation of a cleanup and restoration plan. A Tier 3 enrollee has 45 days to develop and submit a cleanup and restoration plan for RWB approval. Tier 3 is not eligible for enrollment via a third party program. Tier 3 Dischargers who are cultivating cannabis concurrent with or following site cleanup activities must also enroll in and conform with Tier 2 requirements. The annual fee is \$10,000.
2. Standard conditions to protect water quality in conjunction with a Best Management Practice (BMP) Appendix provide a framework for cultivators to assess their sites for appropriate tiers and determine what management measures are necessary to protect water quality. All BMPs in Appendix B are considered enforceable conditions under the Order as applicable to a given site. The Order includes standard conditions regarding:
 - a. Site maintenance, erosion control and drainage features
 - b. Stream crossing maintenance and improvement
 - c. Stream and wetland buffers
 - d. Spoils management
 - e. Water storage and use
 - f. Irrigation runoff
 - g. Fertilizers and soil amendments
 - h. Pesticides
 - i. Petroleum products and other chemicals
 - j. Cultivation-related wastes
 - k. Refuse and human waste, and
 - l. Remediation, cleanup, and restoration activities
3. Enrollment in Order No. R1-2015-0023 is accomplished by submitting a Notice of Intent (NOI) form, the Monitoring and Reporting Program (MRP) form, and the annual fee.
4. Enrollees in all tiers must monitor their sites periodically and prepare annual monitoring reports that include verification of conformance with the applicable standard conditions, and effectiveness of BMPs, and water resource protection plan. Annual reporting is required by March 31, via the MRP form. The form serves to document site monitoring and to verify continued enrollment in the program. Results of the monitoring will be evaluated on a HUC-12 or similar watershed scale.
5. The Order provides a framework for non-governmental third party programs to assist cultivators with enrollment, compliance activities, and monitoring and reporting. Third party programs, which meet certain criteria, can increase administrative efficiency and program participation and effectiveness. Upon approval, third party programs will be listed on the cannabis regulatory program webpage at: http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/