Fact Sheet

Marijuana Cultivation on the North Coast Threatens Water Quality and Wildlife

Cultivation of marijuana in the North Coast 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 North Coast Regional Water Quality Control Board (Regional 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 Regional Water Board has jurisdiction over discharges of waste that could affect waters of the State, regardless of what activity is generating the waste.

The Regional 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, 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 the water, 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 growers are required to follow the same rules as every other industry. 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 using aerial imagery indicates 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.

What's Being Done About It?

There are existing appropriate permits that should be obtained to make sure that site development activities are done in a manner that is consistent with state and federal law. The attached information sheet identifies water quality concerns and necessary permits and explains how to comply with their requirements for site development and reporting diversions of water. These permits and requirements apply to any site preparation work, regardless of crop.

In addition, the Regional Water Board staff is developing a category for medicinal marijuana as part of its Agricultural Lands Discharge Program that will provide authorization for discharges of waste if water quality protection requirements are met. This will provide permit coverage for growing operations on private lands. Discharges of waste on public lands are not authorized. Under the USFS Waiver (*Waiver of Waste Discharge Requirements for Nonpoint Source Discharges Related to Certain Federal Land Management Activities on National Forest System Lands in the North Coast Region*, Order No. R1-2010-0029), nonpoint source discharges of waste to waters of the state from activities associated with timber harvesting, national forest system roads, grazing, recreation, vegetation manipulation, restoration, and fire suppression are authorized subject to the requirements and conditions of the Waiver. Discharges of waste from site development and growing activities on USFS land are not authorized and are subject to immediate enforcement actions under the California Water Code.

The State and Regional Board are working to educate the public and growers about proper permitting and growing practices. Additionally, local, state and federal agencies, including the State and Regional Board 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 North Coast Regional Water Quality Control Board.
To file an environmental complaint, contact Stormer Feiler at the North Coast Regional Water Quality Control Board (707) 543-7128 or email stormer.feiler@waterboards.ca.gov, or
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:

Water Boards

Fact Sheet

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

Agricultural activities, including marijuana production, can harm our State's waters if they are not carried out properly. 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 North Coast Regional Water Quality Control Board (Regional 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 Regional 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 (707) 576-2220 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 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 you design and construct your project in a way that will avoid allowing dirt to get into waterways. We recommend that you contact the 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 require that you get a permit from the Water Board if you manage these materials responsibly and consistent with the manufacturer's specifications. 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 dirt or other wastes to enter streams or groundwater is illegal, as is discharging any of the materials noted above to streams 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 Regional Water Board at (707) 576-2220. Information about the Regional Water Board can be found at our website: http://www.waterboards.ca.gov/northcoast/.

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