Cannabis Cultivation & the Environment
CSAC
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Cris Carrigan, Director
State Water Board
Office of Enforcement
Marijuana cultivation operations on private and public lands cause enormous harm.

Marijuana cultivation site preparation activities can cause erosion and stream habitat degradation.

Unlawful water diversions by those cultivating marijuana can severely limit the amount of water available to the public and wildlife.

Fertilizers and pesticides used in these sites are often mixed in the water source contaminating streams.
Damage caused by Cannabis Cultivation

- Cannabis Cultivation operations often generate garbage which can end up in our water.

- Photo By Stormer Feiler, North Coast Regional Board©
Damage caused by Cannabis Cultivation

- Large Scale Cannabis Cultivation operations often generate runoff containing sediments, pesticides and nutrients which can end up in our water bodies.

Photo By California Department of Fish & Wildlife ©
Damage caused by Cannabis Cultivation: Unpermitted Timber Conversion
Sedimentation Caused by Grows

- Development of roads and the diversion of streams for irrigation can cause mass sedimentation.

- Photo By Stormer Feiler, North Coast Regional Board®
Erosion Caused By Cannibis Cultivation
Erosion Caused By Marijuana Grows

Photo By Stormer Feiler,
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Illegal Diversions
Human Waste Near Water
Septic Directly to Stream
State Water Boards’ Jurisdiction

California Regional Water Quality Control Boards

1. NORTH COAST REGION
2. SAN FRANCISCO BAY REGION
3. CENTRAL COAST REGION
4. LOS ANGELES REGION
5. CENTRAL VALLEY REGION
   Fresno branch office
   Redding branch office
6. LAHONTAN REGION
   Victorville branch office
7. COLORADO RIVER BASIN REGION
8. SANTA ANA REGION
9. SAN DIEGO REGION
Four Keys of Outreach & Compliance

✓ Engage in Targeted Enforcement
✓ Develop a Regulatory Program
✓ Educate the Regulated Public
✓ Coordinate with State and Local Agencies
Regulatory Tools

- Storm Water Toolbox: To address Grading Violations but inadequate to effectively regulate marijuana grows
- Basin Plan Prohibitions: Not Financially Viable Approach to Regulatory Program
- Waste Discharge Requirements & Conditional Waivers
Legal Remedies

- **Water Code section 13304:** Cleanup and Abatement Order CAOs - Administrative Civil Liability Complaint (ACLC)

- **Public Lands:** Water Boards Play a Support Role Only - Expertise on Impacts to Water Quality, Supply and Remediation – Per Se Illegal

- **Private Lands:** All the Familiar Water Code Tools – Compassionate Use Act Compliant
Clean Water Act vs. Water Code

- Waters of the United States vs. State Waters
- Discharges vs. Diversions
Enforcement Challenges

- Owner/Operator claim of legality under Compassionate Use Act
- Viable business entity operator with intent to continue in business, or
- Viable landowner with desire to preserve property value
Considerations for New Program

- Hazardous Waste/Chemical Removal and Disposal Costs, Liability
- Enforcing Illegal Water Diversions (Regulatory tools, Staffing, Statute, Penalties are insufficient)
- Migratory Nature of Growers & Sites
- Program sustainability & fee mechanisms
Questions?

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