

Cannabis Cultivation and Associated Activities Regulatory Program Overview

North Coast Regional Water Quality
Control Board

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Outline

- Regulatory Authority
 - Regulatory Tools
- History of the Program
- Regulatory Program Development
- Legislative Changes
- Program Changes

Regulatory Authority

Mission: To preserve, enhance, and restore the beneficial uses of water

- Federal Clean Water Act
- Porter Cologne Water Quality Control Act
- Non Point Source and Point Source Pollution Control
- Total Maximum Daily Loads /303(d) Listings of Impaired Waters

Regulatory Tools

- Regulatory Tools
 - Prohibitions
 - Waste Discharge Requirements or Waivers thereof (Orders)
 - NPDES Permits
- Water Code Enforcement
 - Administrative
 - Civil
 - Criminal

Program History

- Complaint Response
 - Identifies common problems across agencies
- Coordinated Enforcement
 - Environmental Crimes Task Force
 - Leads to multi agency approach
 - State and Local Government

We all find common ground in site assessment

Common Water Quality Issues With Cultivation

- Illegal site and road development
- De-watered streams
- Runoff: sediment, nutrients, fertilizers and pesticides
- Household garbage-cultivation wastes
- Fuel storage and containment
- Human wastes

Steps in Developing Statewide Strategy

- Focus on environmental damages
- Engendered public support
- Translating to legislative recognition
- Alongside regulatory program development
- Multi-agency coordination key component
- Pilot program developed

Strategy

(2014)

Interagency Coordination



- Counties
- Cities
- Other Agencies

Education and Outreach

- Presentations
- Impacts
- Enrollment
- Program Development

Regulatory Orders

Region 1
Waiver R1-2015-0023
Region 5
WDR R5-2015-01113

Enforcement

- Ongoing inspections
- WET Team
- Complaints
- Program/Permit

Pilot Program

- Watershed Enforcement Teams (WET)
- SWRCB Office of Enforcement and North Coast (Region 1) and Central Valley (Region 5) Regional Boards and Dept. of Fish and Wildlife
- Form the core of a strategy to address the impacts regionally

Region 1 Program

Region 1 Program does not authorize cultivation, use or sale of cannabis; Program designed to remedy the water quality impacts occurring through regulating waste discharges

- Property-wide coverage
- Standard Conditions (performance standards)
- Tiered enrollment relative to WQ threats
 - Tier 1 – Low Threat
 - Tier 2 – Water Quality Management Tier
 - Tier 3 – Cleanup Tier
- Framework for third party programs

Region 1 Program Enrollment

Applications Received by	Tier	County						Subtotals
		Del	Hum	Men	Sis	Son	Tri	
Water Board	1	1	93	42	0	5	56	197
	2	0	418	95	0	13	340	866
	3	0	9	1	0	0	0	10
	Sub Total	1	520	138	0	18	396	1073
Third Party	1	0	6	2	0	1	0	9
	2	0	439	49	0	7	61	556
	3	0	1	0	0	0	0	1
	Sub Total	0	475	54	0	8	70	566
Early Stage Processing: ----->								571
Total: ----->								2210

Region 1

Program Enforcement

Enrollment Enf. Effort	Subwatershed	Letters Sent	Apps. Received	Rough % applications received in areas of enrollment enforcement
1	Chamise Creek & Lower East Branch South Fork Eel	203	89	44%
2	Mad River	166	183	110%
3	Rattlesnake Creek	785	569	72%
Total ----->		1154	841	73%

Legislative Changes

- Medical Marijuana State Wide Program
 - Medical Marijuana Regulation and Safety Act
 - AB 266 (Bonta)
 - AB 243 (Wood)
 - SB 643 (McGuire)
 - Medical Marijuana State Wide Program
 - Proposition 64 (Recreational use approved)

Future Changes

- State Water Resources Control Board Implements SB 837
 - Developing State-wide General Order
 - Principles and Guidelines
 - Water Rights Compliance Path
 - State Board Overview
 - Electronic Enrollment
 - Regional Implementation

Region 1 Program

- Remains in effect until rescinded by Statewide General Order
- Ongoing
 - Program implementation
 - Complaint investigation
 - WET actions
 - Enforcement actions

Region 1 Program

- We are continuing to partner with State and local governments
- We will continue to analyze site compliance based upon performance standards
- Refer to Standard Conditions of Order No. R1-2015-0023

SWRCB Program Info

- SWRCB Power Point Program Overview

http://www.waterboards.ca.gov/water_issues/programs/enforcement/docs/cannabis_enfrmnt/cannabis_presentation.pdf

- SWRCB Lyris List

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#dwr

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Cannabis Program

http://waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Compliance Vs. Non Compliance

Before remediation



After remediation



Compliance vs. Non Compliance

First winter



Second winter after restoration



Grading Site Development

Filled streams



Restored



Large Scale Grading

Before



After restoration



Pond?

Violation



After Restoration



Large Fills on Steep Slopes

Before



After



On Stream Ponds

Uncompacted Dam



Restored

