

- **Cannabis Cultivation & the Environment**

CSAC

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Cris Carrigan, Director  
State Water Board  
Office of Enforcement



# Scope of the Problem



- 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,  
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# 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.



# 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 Cannabis Cultivation





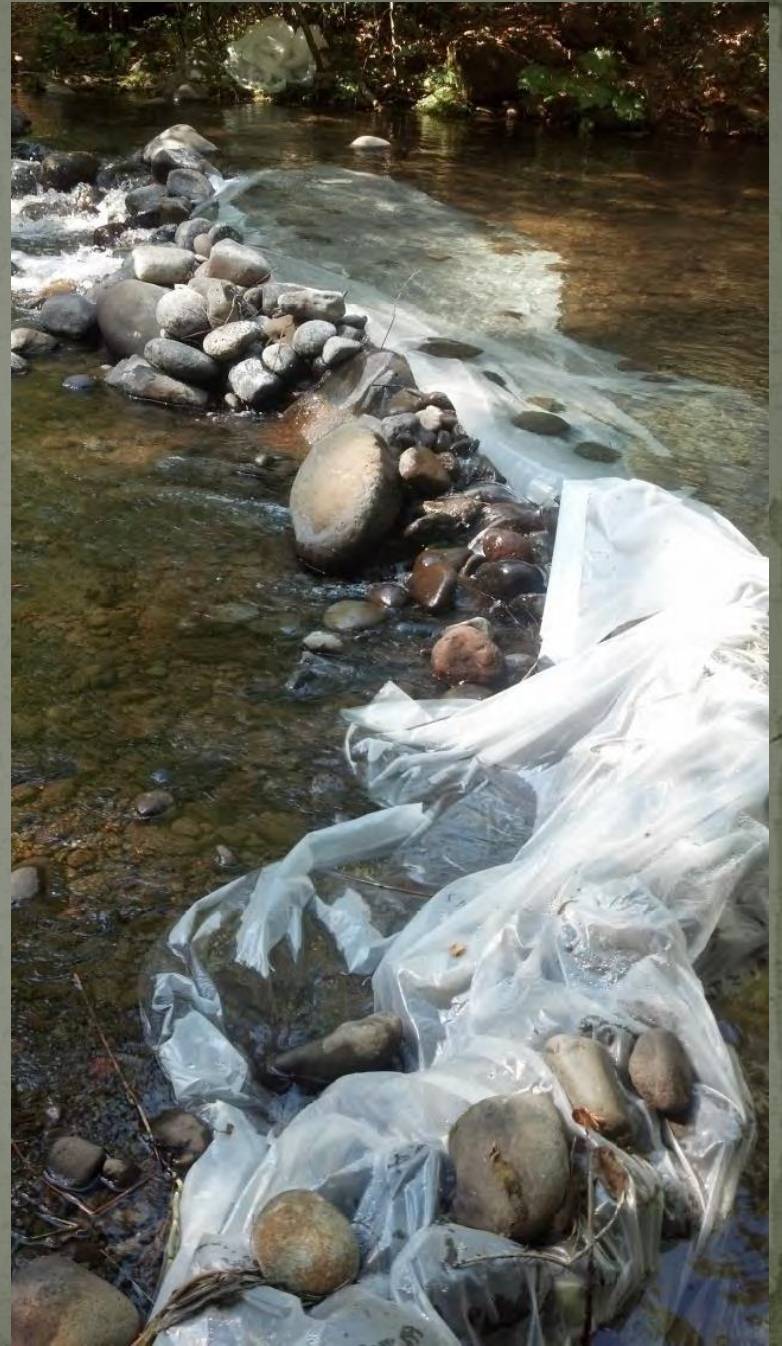
# Erosion Caused By Marijuana Grows



Photo By Stormer Feiler,  
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# Illegal Diversions





# Human Waste Near Water









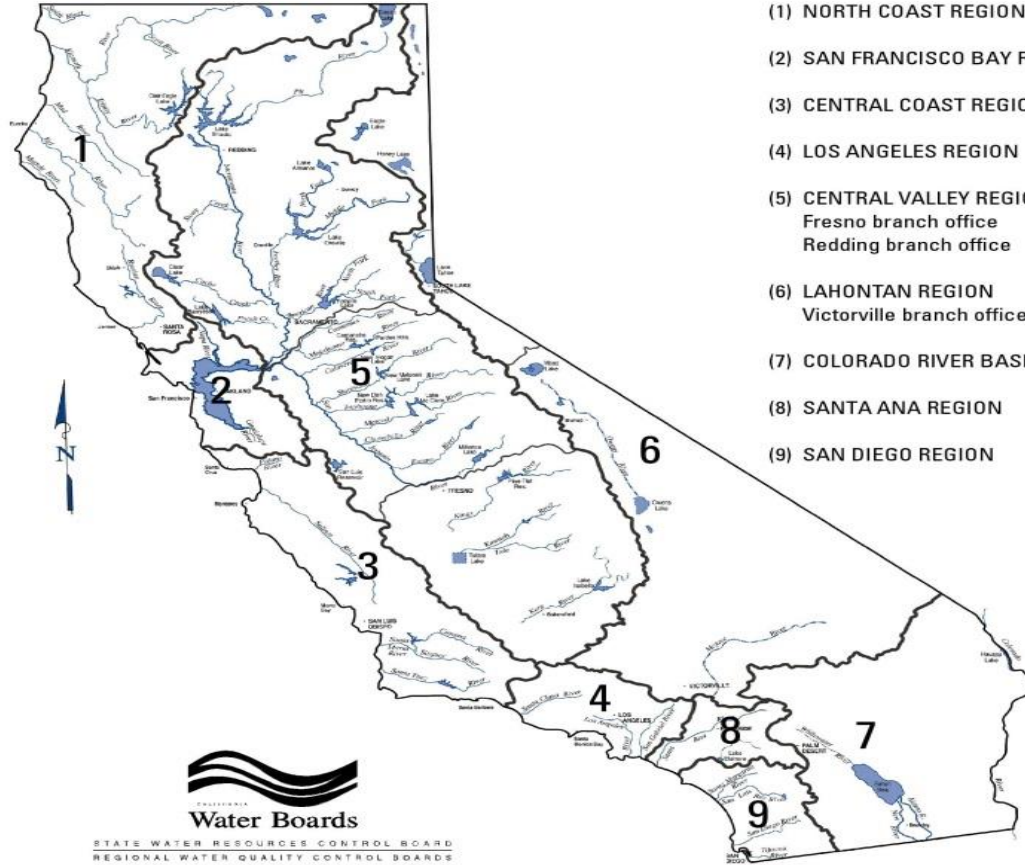
# Septic Directly to Stream





# State Water Boards' Jurisdiction

## California Regional Water Quality Control Boards





# 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?

- [Cris.Carrigan@waterboards.ca.gov](mailto:Cris.Carrigan@waterboards.ca.gov)
- 1001 I Street
- Sacramento, CA 95814
- (916) 341-5272

