

Marijuana Cultivation: California State Water Board Adopts Policy Addressing Water Diversion/Discharge



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The California State Water Board (“Board”) recently adopted what it describes as a “new statewide policy establishing strict environmental standards for cannabis cultivation in order to protect water flows and water quality in California’s rivers and streams.”

The policy is denominated by the Board as the Cannabis Cultivation Policy (“Policy”).

As noted in a previous blog post ([see blog post here](#)), there are a number of operational aspects of marijuana cultivation facilities that need to be considered by both facility owners and the regulatory agencies in states (including Arkansas) that permit such operations.

An example of a key operational issue described in the post was potential environmental and safety issues and associated regulatory requirements. The nine-page paper attached to this post addressed:

- Environmental/Safety Issues Potentially Associated with Cultivation
- Processing Operations
- Examples of Environmental/Safety Regulatory Requirements Applied to Cultivation/Processing Facilities by Certain Federal/State/Local Governments
- Examples of Arkansas Environmental/Safety Authorities/Regulatory Requirements Potentially Applicable to Arkansas Cultivation/Processing Facilities

One of the focuses of that discussion was the wastewater/stormwater generated by such facilities noting:

- Wastewater or stormwater associated with cleaning, rinsing, extraction, manufacturing or irrigation (hydroponic or otherwise)
- Discharges may be channeled to adjacent waterbodies, sewer drains, or private or public owned treatment works
- Wastewaters or stormwaters may have significant nutrients (phosphates, nitrates), pesticides or other pollutant loadings that are relevant to a receiving stream or wastewater utility’s water quality, respectively

The California State Water Board states that the Cannabis Cultivation Policy establishes:

... statewide requirements that will be implemented through a water quality permit known as the Cannabis General Order and has conditions for cannabis-related water rights referred to as Cannabis Small Irrigation Use Registrations.

The Board states that the policy protects California’s waters from cannabis-related waste discharges, establishes protection for riparian areas and wetlands, and protects stream flows.

Examples of the issues addressed in the Policy include:

- Flow and Gaging Requirements
- Surface Water Diversion Forbearance Period
- Wet Season Surface Water Flow Requirements
- Maintain High Flow Events
- Groundwater Flow Requirements
- Compliance Gages and Requirements
- Cannabis Waste Discharge Requirements General Order (Cannabis General Order)
- Determination of Total Disturbed Area
- Risk Determination
- Exemptions for Certain Cultivation Activities
- Cannabis Small Irrigation Use Registration
- Instream Flow Dedications
- Enforcement
- Continuing Authority to Amend Water Rights
- Prohibition Against Waste and Unreasonable Use of Water

[A link to the news release and the California policy can be found here.](#)