

Cannabis Cultivation Policy/General Waste Discharge Requirements: California State Water Resources Control Board Public Hearing



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

01/30/2019

The California State Water Resources Control Board (“Board”) has scheduled a February 5th public hearing to discuss updates to the state’s:

1. Cannabis Policy
2. Cannabis Cultivation General Order

2016 California legislation codified a section of the state’s Water Code to authorize the Board to adopt principles and guidelines for cannabis cultivation as a part of a state policy for water quality control. The previously referenced policies were adopted in October 2017 to minimize water quality degradation and low flow impacts associated with cannabis (marijuana) cultivation.

An important aspect of cannabis cultivation operations that are considered is the potential environmental and safety issues and regulatory requirements. This is arguably particularly true in the case of marijuana cultivation, grow and processing operations. The potential environmental effects of marijuana production are typical of similar horticultural or agricultural facilities. However, these are clearly material issues for cultivation/grow facilities that will require investment in terms of both thought and expense.

The California activities address some of the environmental issues associated with cannabis (i.e., marijuana cultivation). California is one of a number of states that, in view of their authorization of cultivation, have put in place a variety of air, wastewater, solid waste, employee safety, and other requirements to address environmental health and safety issues related to these activities.

The California cannabis policy establishes requirements for cultivation activities to protect water quality and instream flows. Its purpose is to ensure that the diversion of water and discharge of waste associated with such activities do not have a negative impact on:

- Water quality
- Aquatic habitat
- Riparian habitat
- Wetlands
- Springs

The General Order’s purpose is to ensure (to the greatest extent possible) that discharges to waters of the state do not adversely affect the quality and beneficial use of such waters. It includes what is described as

a simplified Waste Discharge Requirement available to cannabis cultivators to regulate discharges of waste associated with cannabis cultivation.

The updates to these documents are stated to primarily address:

- Tribal buffers
- Requirements for Conditionally Exempt Indoor Cultivation Sites
- Onstream reservoirs

A copy of the Board notice can be found [here](#).