

State Water Resources Control Board

Cannabis Cultivation Permitting

Online Webinar
November 12, 2019



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State Water Board Overview

- State Water Board – Cannabis Cultivation Program
 - Division of Water Quality
 - Regional Water Quality Control Boards
 - Division of Water Rights
 - Office of Enforcement

Water Boards Cannabis Cultivation Program

- **Primary Cannabis Program Components**
 - *The Cannabis Cultivation Policy –Principles and Guidelines for Cannabis Cultivation*
(Cannabis Policy)
 - *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*
(Cannabis Cultivation General Order)
 - *Cannabis Small Irrigation Use Registration Program*
(Cannabis SIUR)

Cannabis Cultivation Policy

- State Water Board responsibilities:
 - To ensure individual and cumulative effects of water diversion and discharge associated with cannabis cultivation do not affect instream flows needed for fish spawning, migration, and rearing, and flows needed to maintain natural flow variability



Cannabis Cultivation Policy Overview (1)

- Policy describes overall structure of Water Boards cannabis cultivation regulatory program
- Establishes water quality and instream flow requirements
- Policy requirements may be updated as necessary

Cannabis Cultivation Policy Overview (2)

- Main document:
 - Overview of how Water Boards program fits with other regulatory programs
 - Describes how policy is enforced
- Attachment A:
 - Section 1: Definitions, General Requirements, and Prohibitions
 - Section 2: Requirements for Water Diversion and Waste Discharge
 - Section 3: Numeric and Narrative Instream Flow Requirements
 - Section 4: Watershed Compliance Gage Assignments
 - Section 5: Planning and Reporting
 - Section 6: Useful Guidance Documents

Cannabis Policy Regulatory Flow

**Cannabis Cultivation
Policy
(State Water Board)**

**General Order Waste
Discharge Regulatory
Program
(State Water Board,
Regional Water Boards,
Water Quality)**

**Small Irrigation Use
Registration
Program
(State Water Board,
Water Rights)**

**California Department of
Food and Agriculture's
CalCannabis Cultivation
Licensing**

Why is Coverage Required?

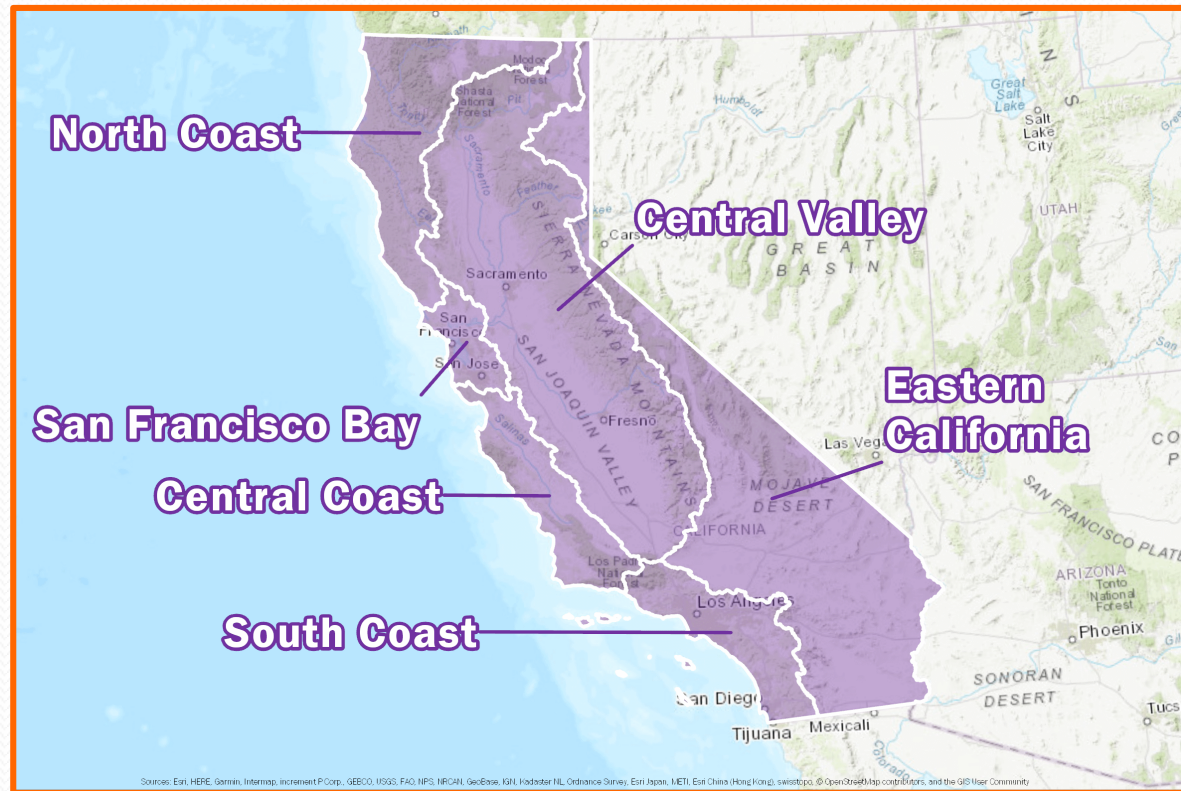


What is the Cannabis Cultivation General Order?

- Order WQ 2019-0001-DWQ
 - Statewide program to protect water quality
 - Implemented by the State Water Board Division of Water Quality (DWQ) and Regional Water Quality Control Boards (Regional Water Boards)
- **Required** coverage for CDFA's CalCannabis License
- May be called the "Water Quality Permit" or "Water Quality Protection Program" by other agencies

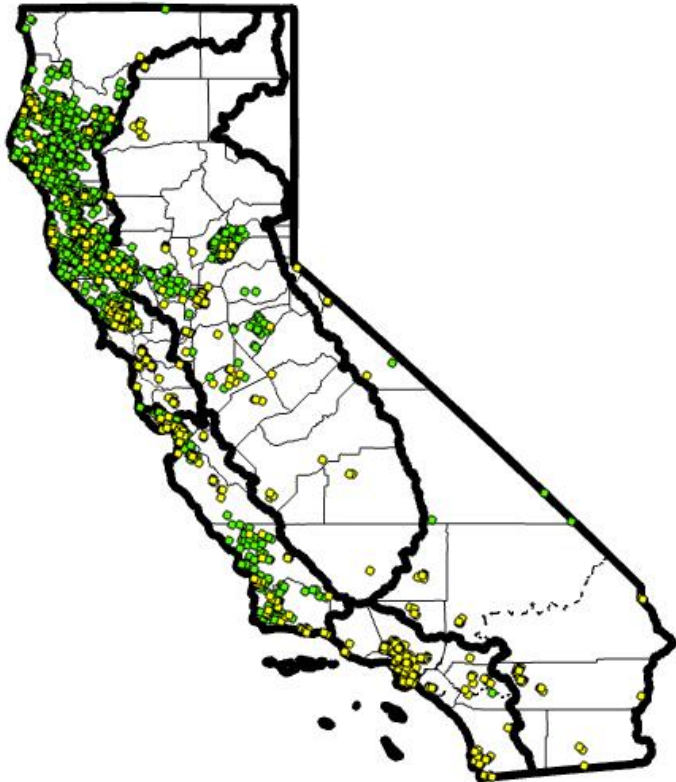
Regional Cannabis Units

- Outreach/Messaging
- Issue Waste Discharge Permits
- Determine compliance with requirements
- Initiate enforcement actions as needed
- Technical assistance

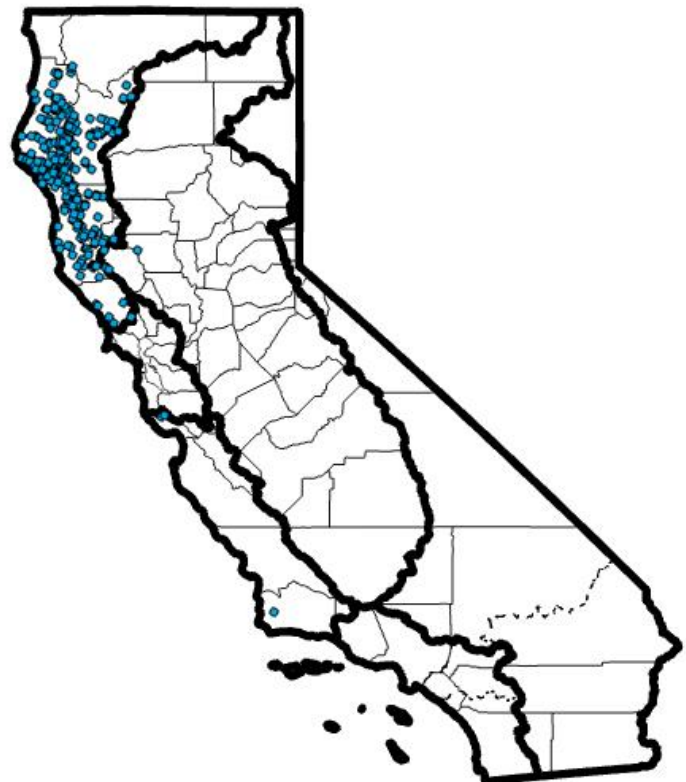


Distribution of Permits

Water Quality (General Order)



Water Rights (SIUR)



General Order Coverage (1)

- **Tier 1** – disturbed area equal to or greater than 2,000 square feet and less than 43,560 square feet (one acre)
- **Tier 2** – disturbed area equal to or greater than one acre
- **Disturbed area includes:**
 - Cannabis cultivation area, storage areas where soil or soil amendments are located, and areas where natural plant growth has been removed, or natural grade has been modified for any purpose, **all activities associated with developing or modifying land for cannabis cultivation related activities or access***.
 - Disturbed area is **always** greater than cultivation area

*Roads constructed and maintained consistent with the *Handbook for Forest, Ranch, and Rural Roads* are not considered disturbed area

General Order Coverage (2)

- **Risk determination**

- For Tier 1 and Tier 2 enrollees:

Low Risk	Moderate Risk	High Risk
No portion of the disturbed area is located on a slope greater than 30 percent <u>AND</u> all of the disturbed area complies with the setback requirements	Any portion of the disturbed area is located on a slope greater than 30 percent but less than 50 percent, <u>AND</u> all of the disturbed area complies with the setback requirements	Any portion of the disturbed area is located within the riparian setback requirements

Riparian Setbacks

Common Name	Watercourse Class	Distance
Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs	I	150 ft.
Intermittent watercourses or wetlands	II	100 ft.
Ephemeral watercourses	III	50 ft.
Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species	IV	Established Riparian Vegetation Zone
All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals	IV	N/A

Watercourse detailed definitions in Cannabis Policy Attachment A

Waiver of Waste Discharge Requirements (1)

- **Indoor conditional waiver**
 - Permanent roof, permanent relatively impermeable floor (not hoop houses, etc.)
 - Discharge wastewater to sewer, or capture and transport to permitted treatment system (Tank & Haul)
 - Or obtain separate discharge authorization
 - Comply with Requirements in Cannabis Policy Attachment A
 - You still require a valid water right if applicable

Waiver of Waste Discharge Requirements (2)

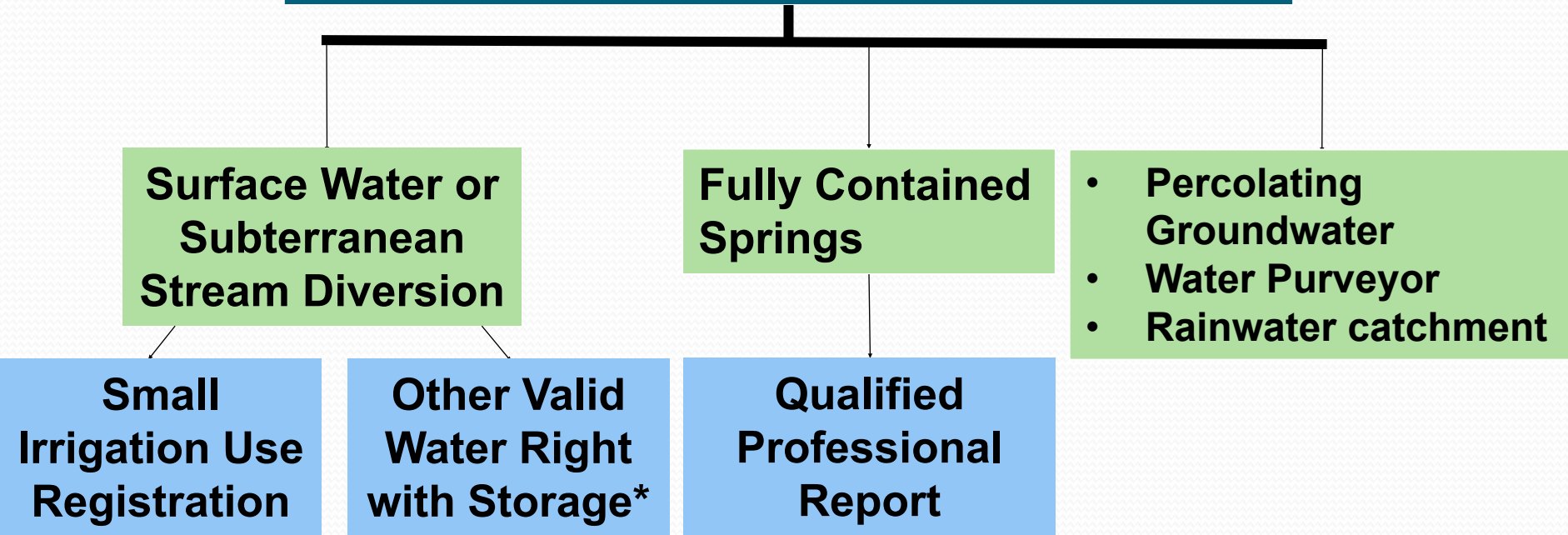
- **Outdoor conditional waiver**
 - Total less than 2,000 square feet disturbed area
 - Cultivation area must be contiguous (in one area)
 - No disturbed area on slope greater than 20%
 - Comply with riparian setbacks
 - Comply with Requirements in Cannabis Policy Attachment A
 - You still require a valid water right if applicable

Cannabis Cultivation General Order Fees

- Range from \$600 (Tier 1 Low Risk) to \$8,000 (Tier 2 High Risk)
 - Higher tier = higher fees
 - Higher risk = higher fees
 - Conditional exemptions = lower fees
- Refer to General Order Notice of Receipt (NOR) for more information after you apply
- Full fee schedule available at:
[State Board Cannabis Water Quality Webpage](http://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)
(www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

Do you need a water right?

Water Source(s) for Cannabis Cultivation



***Water right must allow sufficient storage to ensure supply during Cannabis Forbearance Period.**

Submit water source documentation to CDFA CalCannabis

Fully Contained Springs



- Board
- Programs
- Drinking Water
- Water Quality
- Water Rights
- Notices
- Water Boards
- Search



Home | Water Issues | Programs | Cannabis | Fully Contained Springs

Fully Contained Springs Exemption Process

This page provides information regarding the Fully Contained Springs Exemption outlined in the Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation (Cannabis Cultivation Policy). The Cannabis Cultivation Policy allows cannabis cultivators to request an exemption from certain flow requirements if the spring used for cannabis cultivation activities meets the specific requirements outlined in the Cannabis Cultivation Policy.

- What is a fully contained spring?
- How do I request a fully contained spring exemption?
- Who qualifies as a Qualified Professional?

Fully Contained Springs

Fully contained springs do not flow off a person's property in the absence of diversion, including wet years, or after periods of heavy rain. The Cannabis Cultivation Policy allows cultivators to request an exemption from certain flow requirements if the spring being used for cannabis cultivation meets a set of pre-determined conditions. The full text of the requirements is available [here](#).

The determination of whether a spring is fully contained, and whether a cultivator may be exempt from certain flow conditions, is the responsibility of the State Water Resources Control Board (State Water Board). The information below describes: 1) the process to apply for a fully contained spring exemption; and 2) the information that is to be submitted in support of the exemption.

Requesting a Fully Contained Spring Exemption

Subscribe to our Email Lists

- Subscribe to our Cannabis Cultivators email subscription list to receive email updates, notices, and opportunities to comment. The email subscription list appears in multiple sections (i.e., Water Rights, Water Quality, etc.).

You only need to sign up once as all sections subscribe to the same list.

Questions

Questions regarding the fully contained spring exemption requests can be directed to Cannabis Registration staff at:

(916) 319-9427

CannabisReg@waterboards.ca.gov

Cannabis Cultivation Program Quick Links

- Cannabis Cultivation Program Home
- Cannabis Policy
- Cannabis SIUR
- Cannabis Cultivation General Order
- Cannabis Cultivation Enforcement
- Cannabis Cultivation Application Portal
- CalCannabis Application Checklist

Fully Contained Springs (2)



- Board
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Questions

Questions regarding the fully contained spring

- **Exemption Report required**
- **Prepared by Qualified Professional**

- Cannabis Cultivation General Order
- Cannabis Cultivation Enforcement
- Cannabis Cultivation Application Portal
- CalCannabis Application Checklist

What type of right do I need?

- **Small Irrigation Use Registration (SIUR)**
 - Commercial cannabis cultivator
 - For sale, trade, or barter
- **Other Valid Water Rights**
 - For Commercial cannabis cultivation
 - Must have sufficient storage to ensure supply during cannabis forbearance period.
- **Small Domestic Use Registration (SDU)**
 - For domestic water users
 - 6 cannabis plants or fewer

Small Irrigation Use Registration (SIUR) (1)

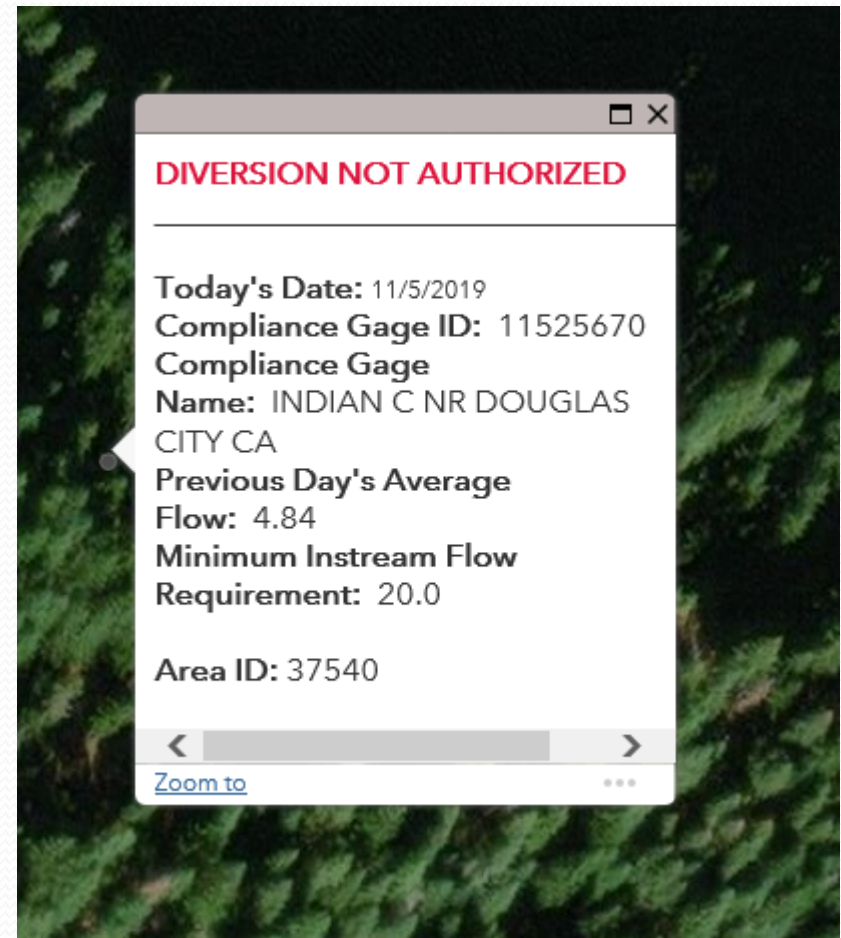
- Must comply with General Conditions, CDFW Conditions, and Cannabis Policy
- Max Diversion Amount: Up to 6.6 Acre-Feet per Year
- Max Diversion Rate: 10 Gallons per Minute

Small Irrigation Use Registration (SIUR) (2)

- \$750 registration fee and recurring annual fee
- Allows water **diversion to storage** during wet season
 - November 1 through March 31
(see Cannabis Policy for limitations)
- Imposes **forbearance period (no diversions)** during dry season
 - April 1 through October 31, possibly longer depending on flows

Forbearance Period

- Check our online cannabis compliance gage mapping tool
- Enter the address of your water right
- Check if diversion is authorized each day before you divert water



SIUR Limitations

- Will not be issued for diversions from:
 - Fully Appropriated Streams
 - Wild and Scenic Rivers
 - California Department of Fish and Wildlife (CDFW) Instream Flow Study Area: PRC section 10002

Onstream Reservoirs (1)

Cultivators with pre-existing onstream reservoirs may obtain an SIUR if:

Reservoir existed prior to October 1, 2016*

***If in North Coast Instream Flow Policy area (A.B. 2121), the reservoir must exist prior to:**

- **July 19, 2006 on Class I or II stream**
- **October 1, 2016 on Class III stream**

Onstream Reservoirs (2)

Cultivators with pre-existing onstream reservoirs* may obtain an SIUR if:

- State Water Board and CDFW determine removal of reservoir or installation of off-stream storage would cause more environmental damage than continuing to use onstream reservoir for diversion and storage

*Additional Fee for Onstream Reservoirs:

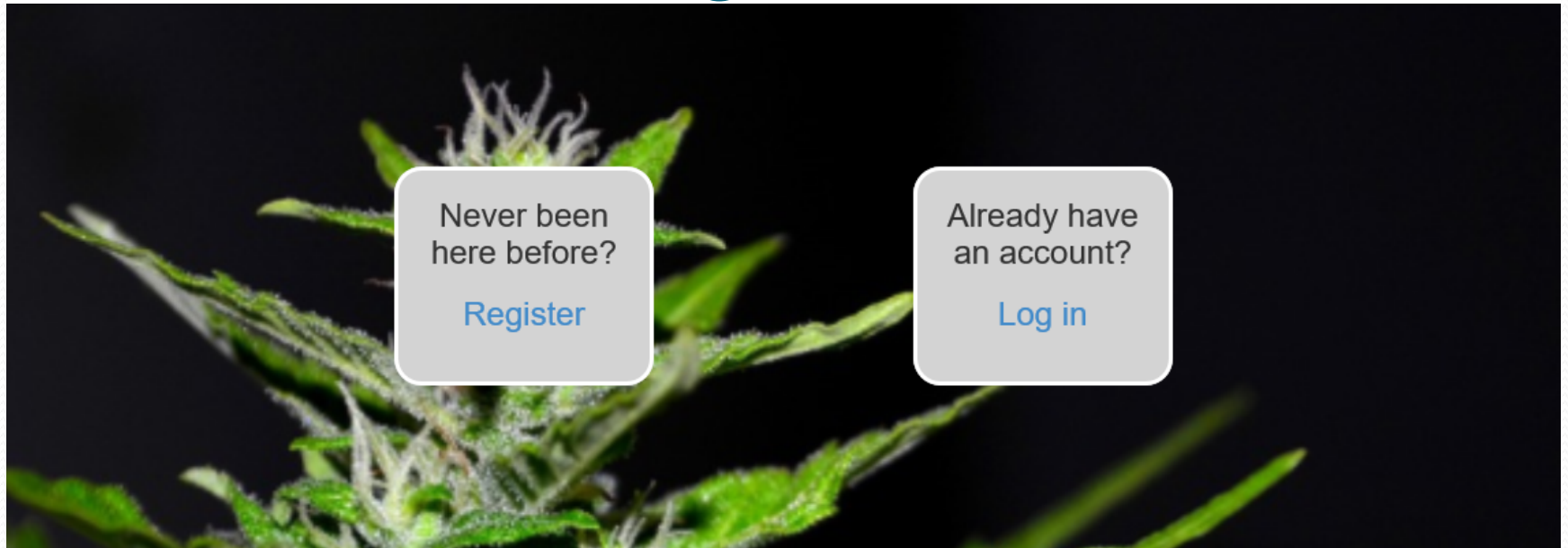
- \$4,000 for application (\$4,750 total registration fee)
- \$250 for annual fee (\$1,000 total recurring annual fee)



Cannabis Cultivation Program Portal

Cannabis Cultivation General Order and Cannabis Small
Irrigation Use Registration Portal

Water Boards' Cannabis Cultivation Program Portal



Visit www.public2.waterboards.ca.gov/cgo and register/log in to start a new “**Cannabis General Order and Small Irrigation Use Registration Portal**” survey

Cannabis Program Portal Process



APPLICANT

- ✓ Enters information
- ✓ Obtain Cannabis Program Portal Account
- ✓ Answers water quality and water rights questions
- ✓ Self-certifies compliance with General Order, Cannabis Policy, Registration Conditions

CANNABIS PROGRAM PORTAL

- ✓ Generates Notice of Receipt with fee invoice for General Order & for Water Rights as applicable
- ✓ Stores information for upload to CIWQS & eWRIMS databases

APPLICANT

- ✓ Pays fees to State Water Board within 30 days



WATER BOARDS

- ✓ Sends Notice of Applicability (NOA) to applicant
- ✓ Sends Small Irrigation Use certificate to applicants
- ✓ Adds technical report(s) required to eSMR



INSPECTION

Passed
Failed

WATER BOARDS

- ✓ Review reports for compliance
- ✓ Inspects facilities for compliances and answers applicant questions

Register with the State Water Boards Today!

- Visit www.public2.waterboards.ca.gov/cgo
- Water Right/Water Source Documentation
- Cannabis Cultivation General Order coverage/waiver
- Both are needed for CalCannabis License Applications!
- Cannabis Cultivation Program Website:
[**www.waterboards.ca.gov/cannabis**](http://www.waterboards.ca.gov/cannabis)
- Follow us:



@CAWaterBoards



@CAWaterBoardsCultivation

Contact Information (1)



Water Rights Registrations

Phone number: (916) 319-9427

CannabisReg@waterboards.ca.gov

Division of Water Quality, Cannabis General Order

Phone number: (916) 341-5580

DWQ.cannabis@waterboards.ca.gov

Contact Information (2)



Regional Cannabis Program	Regional Cannabis Program Email	Phone Number
North Coast Cannabis	Northcoast.cannabis@waterboards.ca.gov	(707) 576-2676
San Francisco Bay Cannabis	Sanfranciscobay.cannabis@waterboards.ca.gov	(510) 622-2300
Central Coast Cannabis	Centralcoast.cannabis@waterboards.ca.gov	(805) 594-6194
South Coast Cannabis 1	Losangeles.cannabis@waterboards.ca.gov	(951) 782-3219
South Coast Cannabis 2	Santaana.cannabis@waterboards.ca.gov	(951) 782-4130
South Coast Cannabis 3	Sandiego.cannabis@waterboards.ca.gov	(951) 782-3219
Central Valley Cannabis 1	centralvalleyredding@waterboards.ca.gov	(530) 224-4845
Central Valley Cannabis 2	Centralvalleysacramento@waterboards.ca.gov	(916) 464-3291
Eastern California Cannabis	Lahontan.cannabis@waterboards.ca.gov	(530) 542-5400