



# Fact Sheet

## **Frequently Asked Questions: Water hauling and cannabis cultivation**

### ***Drought conditions heighten supply and water quality concerns***

#### **Overview**

With persistent drought conditions limiting water supplies throughout California, the State Water Resources Control Board and its nine Regional Water Quality Control Boards are receiving an increasing number of complaints from individuals observing trucks hauling water for a variety of uses, including unregulated cannabis cultivation.

While the Water Boards do not directly regulate or license water hauling, there are circumstances where the Water Boards have authority over water diverted for bulk hauling. For example, surface water diversions require a water right permit from the Water Boards and must have specific authorization to be used for water hauling. Conversely, groundwater extractions do not require a water right permit. Local city, township, and county governments have authority to regulate water hauling and other bulk water uses but must adopt ordinances or other requirements to exercise that authority.

When hauling potable water, the California Department of Public Health requires licenses for quantities greater than 250 gallons but there is no specific licensing requirement for hauling non-potable water.

#### **What do the Water Boards require for bulk water hauling?**

Under the California Water Code, anyone who diverts from a surface stream, lake, or pond into a water hauling truck must have a valid water right from the State Water Board's Division of Water Rights. Water right permits typically include specific locations where the water may be used, and times of the year that water can be diverted. Anyone illegally diverting and/or allowing water to be hauled and delivered outside of the designated place of use is subject to prosecution and fines - as high as \$1,000 a day during a drought year, and \$2,500 per acre-foot of diverted water.

#### **Do the Water Boards regulate groundwater extracted for bulk water hauling?**

The Water Boards do not oversee the construction of groundwater wells, groundwater pumping, or sales and transfers of groundwater. Counties can regulate groundwater extractions, but in general do not do so. The Sustainable Groundwater Management Act, passed in 2014, over time will require certain high-use groundwater basins to be managed sustainably; local groundwater agencies are responsible for setting



management thresholds, although much of California's cannabis cultivation areas are outside of groundwater basins covered by this new law.

### **What else is required of cultivators?**

The Cannabis Cultivation Policy protects stream flows and water quality, while minimizing the effects of cannabis cultivation on fisheries and wildlife, healthy riparian corridors, springs, wetlands, and aquatic habitat. The policy requires cultivators who receive deliveries of hauled water to keep receipts for at least five years that include pertinent information: the name and date of delivery, address, license plate number, and state issuing the license plate for the water hauler; copy of proof of the water right, groundwater well, or other authorization to take water; location of the water source; and quantity of water delivered or retrieved from a water source. Failure to possess documentation may lead to formal enforcement proceedings and fines.

### **Do cannabis cultivators need permits from the Water Boards?**

Yes. All cannabis cultivators need a permit (or waiver) from one of the regional water boards that covers the discharge of cultivation-related waste into waters of the state per the Cannabis General Order. Cultivators who use surface water also require a valid water right, but those using a permitted municipal supply do not.

Cultivators must also follow other requirements within the General Order, including a prohibition on surface water diversions during the dry season (April 1 through October 31) of each calendar year. During that period, only water stored during the wet season may be used for cultivation.

Failure to obtain the appropriate permits from the Water Boards could result in formal enforcement proceedings and fines.

### **Where can I obtain more information on the Water Boards' Cannabis Program?**

Additional information is available on our [website](#) and social media platforms. We encourage you to join us on [Instagram](#), Facebook, and [Twitter](#) for program updates and educational cultivation management tips.

### **Who can I contact with concerns over bulk water hauling?**

If you believe that the water hauler is taking water directly from a natural body of water such as a lake, stream, or river, please submit a complaint through the [California Environmental Protection Agency's online form](#).

### **How many cannabis sites are legally registered with the Water Boards?**

Of the approximately 30,000 cultivation sites in California, fewer than 6,000 are enrolled in the Water Boards' cannabis program. The majority of bulk water hauling complaints, in fact, originate in areas where commercial cannabis activities are banned and that rely

primarily on groundwater. We estimate that groundwater use for cannabis cultivation in most counties is significantly less than the volume of groundwater used for other purposes. Localized adverse impacts from groundwater extractions or surface diversions are still a significant concern.

### **What other agencies regulate water hauling and cannabis cultivation?**

The California Department of Public Health licenses potable water hauling over 250 gallons. The California Departments of Food and Agriculture and Fish and Wildlife have regulatory authority over cultivation activities. Food and Agriculture, for example, requires local approval for all water sources used for cultivation activities prior to use, as well as for changes to the sources. The agency also requires approval of any hauling service before water is delivered for cultivation. Anyone using unapproved water or water source is subject to fines and license revocation. Local jurisdictions may also have ordinances and licensing requirements applicable to water hauling and cannabis cultivation.

Additionally, the Water Boards and Fish and Wildlife are targeting high priority watersheds and focusing cannabis cultivation inspections in areas with a high probability of adversely impacting water quality and/or water supply, such as, where sediment discharges to critical habitat or low flows threaten endangered species.

### **How can I report illegal cannabis diversions or illegal cannabis cultivation?**

Unlicensed cultivation sites can be reported to a number of entities, including the California Department of Fish and Wildlife, California Department of Food and Agriculture, and the Water Boards. To report an unlicensed cultivation site to the Water Board, please submit a complaint through the [California Environmental Protection Agency's online form](#).

When investigating complaints, the Water Boards look for evidence of unauthorized surface or groundwater diversion that is impacting surface flows.

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