



Lahontan Regional Water Quality Control Board

April 26, 2021

Interested Persons

Request for Comments – Proposed Rescission Order for Cleanup and Abatement Order No. R6V-2020-0035 Requiring William Goldberg to Cleanup and Abate the Discharge and Threatened Discharge to the El Mirage Groundwater Basin – Vicinity of 255th Street East and East Avenue H8, Hi Vista, Los Angeles County APN 3334-004-011

Written comments due no later than 5:00 p.m., May 26, 2021.

The California Regional Water Quality Control Board, Lahontan Region (Water Board) proposes to issue a Rescission Order for Cleanup and Abatement Order No. R6V-2020-0035 (CAO). The CAO named William Goldberg (Discharger), owner of the above-referenced parcel, as the responsible party for unauthorized discharges of wastes to land, which at a minimum, created a threatened discharge of waste to the underlying groundwater. The discharges resulted in violations of the California Water Code.

The proposed Rescission Order states that based on information available to the Water Board, the Discharger has complied with the requirements of the CAO; and, therefore, it is in the public interest to rescind the CAO. The Water Board is requesting your review and comments upon the proposed Rescission Order (enclosed). The proposed Rescission Order can also be viewed at the Water Board's webpage at <http://www.waterboards.ca.gov/lahontan>.

All comments regarding the proposed Rescission Order must be received by the Water Board no later than **5:00 p.m. on May 26, 2021**. Written comments should include "Goldberg Rescission Order Comments" in the subject line and be emailed to:

RB6enfproceed@waterboards.ca.gov

For those who do not have access to email, submit your written comments to:

Lahontan Regional Water Quality Control Board
2501 Lake Tahoe Blvd
South Lake Tahoe, CA 96150
Attn: Goldberg Rescission Order Comments

PETER C. PUMPHREY, CHAIR | MICHAEL R. PLAZIAK, EXECUTIVE OFFICER

If you have any questions regarding this matter, please contact Catherine Pool at (530) 542-5460 (Catherine.pool@waterboards.ca.gov), or Scott Ferguson at (530) 542-5432 (Scott.Ferguson@waterboards.ca.gov).



MICHAEL R. PLAZIAK, PG
EXECUTIVE OFFICER

Enclosure: Proposed Rescission Order

cc (w/enclosure):

William Goldberg (Certified Mail)
Christopher Stucke
Catherine Pool, Lahontan Water Board
Scott Ferguson, Lahontan Water Board
Elizabeth Beryt, State Water Board, Office of Chief Counsel
Andrew Tauriainen, State Water Board, Office of Enforcement
Dylan Seidner, Sr., State Water Board, Office of Enforcement
Kevin Porzio, Sr., State Water Board, Division of Water Quality
Tabatha Chavez, CalCannabis, CDFA
Noel Richards, CDFW, Cannabis Enforcement Program
Jeff Brandt, CDFW, Cannabis Enforcement Program
CDFW Region 6 Office, Cannabis Enforcement Program
Arlene Anderson, Los Angeles County District Attorney's Office
Robert Hawkins, Los Angeles County Sheriff's Department

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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

LAHONTAN REGION

BOARD ORDER NO. R6V-2021-XXXX (PROPOSED)

RESCISSION OF CLEANUP AND ABATEMENT ORDER NO. R6V-2020-0035 ISSUED TO WILLIAM GOLDBERG, LOS ANGELES COUNTY ASSESSOR PARCEL NO. 3334-004-011, WDID NO. 6B191908006

The California Regional Water Quality Control Board, Lahontan Region (Water Board), acting through the Executive Officer upon delegated authority, finds:

1. The *Water Quality Control Plan for the Lahontan Region* (Basin Plan), under California Water Code Section 13243, contains enforceable waste discharge prohibitions that apply to the entire Lahontan Region. The Basin Plan specifies certain conditions or areas where the discharge of wastes, or certain types of waste, will not be permitted. Regionwide Prohibition No. 3 prohibits the discharge of waste that could affect the quality of waters of the state that is not authorized by the State Water Resources Control Board or the Lahontan Water Board through waste discharge requirements or other appropriate regulatory mechanism.
2. On August 15, 2019, Water Board staff inspected the above-referenced parcel as part of a Los Angeles County search warrant and observed the following site conditions and activities that violate Water Code sections and/or Basin Plan prohibitions:
 - a. Violation No. 1: Unauthorized Discharge and Failure to Report a Waste Discharge related to Cannabis Cultivation.

The combined application of nutrients, pesticides, and irrigation water (fertigation) to outdoor cannabis plants is considered a waste discharge to land. Discharging a waste to land within the Lahontan Region without first filing a Report of Waste Discharge (ROWD) to the Lahontan Water Board violates Water Code Section 13260.

The discharge of fertigation also creates, at a minimum, a threatened discharge to the underlying groundwater. All groundwaters are considered waters of the State. The unpermitted discharge of fertigation therefore violates Basin Plan Regionwide Prohibition No. 3.

- b. Violation No. 2: Unauthorized Discharge and Failure to Report a Waste Discharge to a surface impoundment.

The application of waste or industrial water to a surface impoundment or pond is considered a waste discharge to land. Discharging a waste to land within the

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Lahontan Region without first filing a ROWD to the Lahontan Water Board violates Water Code Section 13260.

This discharge of wastewater to a surface impoundment also creates, at a minimum, a threatened discharge to the underlying groundwater. All groundwaters are considered waters of the State. The unpermitted discharge of wastewater into the surface impoundment therefore violates Basin Plan Regionwide Prohibition No. 3.

3. On June 26, 2020, the Water Board issued Cleanup and Abatement Order No. R6V-2020-0035 (CAO) to William Goldberg (Discharger) to address violations of waste discharge prohibitions in the *Water Quality Control Plan for the Lahontan Region* (Basin Plan).
4. The CAO required the Discharger to clean up and abate discharges and threatened discharges of soil, nutrient rich wastewaters, fertilizers, and pesticides associated with cannabis cultivation activities within the El Mirage Valley groundwater basin.
5. Based on information available to the Water Board, the Discharger has removed and legally disposed of cultivation-related wastes in response to the CAO to prevent any impacts to the local groundwater basin. The Discharger has reported removing approximately 4,400 pounds of refuse and disposing of it at a landfill and recycling center, including all greenhouse structures, irrigation hosing, fertilizer and pesticide containers, and other miscellaneous trash. The Discharger has provided the Water Board with receipts for the proper disposal of these materials at a waste management facility.
6. The CAO required the Discharger to stabilize all disturbed soils to mitigate/prevent soil erosion.
7. Based on information available to the Water Board, the Discharger has implemented soil stabilization measures in response to the CAO that include filling in the planting holes, leveling the area and applying mulch to the disturbed soil to prevent erosion.
8. The CAO required the removal of the surface impoundment.
9. Based on information available to the Water Board, the water in the impoundment had evaporated prior to restoration work, the impoundment was leveled, the liners were removed for disposal, and the disturbed soil was covered in mulch to stabilize and prevent erosion.
10. The Water Board therefore finds, based on the available information, that the corrective actions taken by the Discharger in response to the CAO adequately address the violations that led to its issuance, and the Discharger has complied with the requirements of the CAO.

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11. It is in the public interest to rescind Cleanup and Abatement Order No. R6V-2020-0035. The Water Board has notified the Discharger and interested persons of its intent to rescind Cleanup and Abatement Order No. R6V-2020-0035 through a 30-day public notice and request for comments.
12. Issuance of this Rescission Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, section 21000, et seq.), in accordance with title 14, California Code of Regulations, section 15321. This action may also be considered exempt because it is an action by a regulatory agency for the protection of natural resources in accordance with title 14, California Code of Regulations, section 15307, and an action by a regulatory agency for the protection of the environment in accordance with title 14, California Code of Regulations, section 15308.

IT IS HEREBY ORDERED that Cleanup and Abatement Order No. R6V-2020-0035 be rescinded.

Ordered by: _____ Dated: _____
MICHAEL R. PLAZIAK, PG
EXECUTIVE OFFICER