

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

CLEANUP AND ABATEMENT ORDER NO. R5-2025-0700

FOR
JOHN ROCHETTE
ASSESSOR'S PARCEL 704-110-002-000
SHASTA COUNTY

This Cleanup and Abatement Order (Order) is issued to John Rochette (hereafter referred to as the Discharger or Mr. Rochette) based on provisions of California's Porter-Cologne Water Quality Control Act (Water Code) section 13304, which authorizes the Central Valley Regional Water Quality Control Board (Central Valley Water Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Central Valley Water Board to require the preparation and submittal of technical and monitoring reports.

The Executive Officer finds, with respect to the Discharger's acts, or failures to act, the following:

Purpose of the Order

1. This Order requires the Discharger to cleanup and abate the effects of waste that is discharging and threatening to discharge to waters of the state. These discharges and threatened discharges of waste are the result of unauthorized cannabis cultivation and associated grading and land disturbance activities. These activities occurred without authorization from applicable federal, state, or local agencies, including the Central Valley Water Board. This Order requires investigation and cleanup in compliance with the Water Code, the *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins*, Fifth Edition, February 2019 (Basin Plan), State Water Resources Control Board's (State Water Board) Policies and Procedures for Investigation and Cleanup and Abatement of Discharges (Resolution 92-49), and other applicable State Water Board and Central Valley Water Board plans, policies, and regulations.

Site Location and Description

2. The discharges and unauthorized discharges were observed on Shasta County Assessor's Parcel 704-110-002-000 (Site). The Site is located in Shasta County within the Inwood Hydrologic Subarea of the Whitmore Hydrologic Unit, approximately sixteen (16) miles southeast of Redding. Cannabis cultivation waste and runoff discharge to Lack Creek and its unnamed Class III tributaries that run through the Site. Lack Creek flows to Bear Creek which discharges to the Sacramento River approximately seven (7) miles southwest of the Site.

Responsible Parties

3. This Order finds that the Discharger is a responsible party based on the following:
 - a. Mr. Rochette currently owns the Site. Mr. Rochette obtained this Site on 12 May 1977, and has owned the parcel since that time, including the date on which Central Valley Water Board staff inspected the property and observed discharges and threatened discharges of waste to waters of the state.
 - b. As the owner at the time the discharge and threatened discharge of waste was observed by Central Valley Water Board staff, Mr. Rochette had or should have had knowledge of the unauthorized activities that resulted in the discharge and threatened discharges, and had the legal ability to prevent the discharges from occurring. Additionally, Mr. Rochette, as the current owner, knows or should know of the current conditions of the property and has the ability and legal responsibility to remediate the conditions resulting in discharges and/or threatened discharges of waste to waters of the state.
4. The Central Valley Water Board reserves the right to amend this Order to add additional responsible parties if/when those parties are identified.

Factual Basis of the Order

5. On 11 April 2023, Central Valley Water Board staff accompanied staff from the California Department of Fish and Wildlife (CDFW) on an inspection of the Site pursuant to a criminal search warrant obtained and served by CDFW. At the time of the inspection, the Site was not enrolled in the State Water Resources Control Board's General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, WQ 2023-0102-DWQ (General Order). Further, outdoor commercial cannabis cultivation is banned in Shasta County. The inspection was to document the illicit cannabis cultivation operation on the Site and its impacts to water quality in the nearby watercourses.
6. During the inspection of the Site, Central Valley Water Board staff documented active cannabis cultivation and other activities at numerous locations that constitute active discharges and threatened discharges of wastes to waters of the state in violation of the Water Code, including the following:
 - a. Discharge of sediment (D1) to Lack Creek from the graded and disturbed area on the northern portion of the Site (Graded Area) as evidenced by the erosion and gulying through the bare soil towards Lack Creek (Appendix A, Figure 1 and Appendix B, Photos 1 – 2).

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- b. Discharges of sediment (D2) from unmaintained access roads on the southern portion of the Site that were eroding, rilling and gulying, and hydrologically connected to Lack Creek (Appendix A, Figure 1 and Appendix B, Photos 3 – 4).
- c. Discharges from ford-type watercourse crossings (X1 and X2) on the southern portion of the Site that lacked best management practices (BMPs) to prevent erosion and sediment discharge from roadway surface (Appendix A, Figure 1 and Appendix B, Photos 5 – 6).
- d. Discharges of sediment from disturbed cultivation area (CA1) and trenches installed around the hoopouses on the southern portion of the Site that were hydrologically connected to Lack Creek (Appendix A, Figure 1 and Appendix B, Photos 7 – 8).
- e. Point of Diversion (POD) on the southern portion of the Site, including gas-powered pump and associated piping, within Lack Creek and riparian zone is a discharge of wastes to waters of the state (Appendix A, Figure 1 and Appendix B, Photo 9).
- f. Evidence of discharge of potential septage from a residence (Residence) to an unlined excavated pond (Pond 2) on the northern portion of the Site that threatens groundwater, a water of the state (Appendix A, Figure 1 and Appendix B, Photo 10 – 11).
- g. Improperly designed and constructed off-stream reservoir (Pond 1) and excavated discharge ditch (Ditch) on the southern portion of the Site, which presents a threat of discharge if it were to deteriorate, leak, overtop, or otherwise fail (Appendix A, Figure 1 and Appendix B, Photo 12 – 13).
- h. In addition to the Graded Area and CA1, staff observed other disturbed areas that lacked BMPs to prevent erosion and present a threat of discharge of sediment to Lack Creek and nearby watercourses.
- i. Improperly designed and constructed water storage and nutrient mixing tanks that lacked secondary containment or overflow protection to prevent discharges of wastes if they were to deteriorate, leak, or otherwise fail (Appendix B, Photo 14).
- j. Improperly stored gas-powered pumps and equipment, fuel containers, petroleum products, batteries, fertilizers, pesticides, chemicals, and miscellaneous refuse and debris lacking cover from the elements or secondary containment to prevent discharges of waste to nearby watercourses and groundwater (Appendix B, Photo 15).

7. Subsequent to the inspection, a Notice of Violation (NOV) and Inspection Report including Appendices was issued to the Discharger on 11 May 2023 that identified some of the violations noted above. Additional violations are noted in this CAO that were documented on 11 April 2023 but not included in the 11 May 2023 IR/NOV. Based on United States Postal Service online tracking records, the NOV was collected from the Post Office on 25 May 2023. The NOV required Mr. Rochette to submit documentation to the Redding office by 31 May 2023 that Site clean-up and restoration measures had been completed. To date, documentation has not been submitted and Mr. Rochette has not contacted staff.
8. On 22 May 2024, Central Valley Water Board staff participated in a overflight of the Discharger's Site. During the overflight staff documented a hoophouse and other activities consistent with active cannabis cultivation within CA1 on the southern portion of the Site where cannabis cultivation activities were documented the previous year (Appendix B, Photo 16).

Beneficial Uses and Water Quality Objectives

9. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by references, plans and policies adopted by the State Water Board.
10. Lack Creek flows from east to west through the central portion of the Site (Appendix A, Figure 1). There are multiple Class III tributaries on the southern portion of the Site near the observed cannabis cultivation activities which all discharge to Lack Creek. Lack Creek is a tributary to Bear Creek, which discharges to the Sacramento River approximately seven miles from the Site. The existing designated beneficial uses for the Sacramento River include the following: municipal and domestic supply (MU), agricultural supply (AGR), service supply (IND), hydropower generation (POW), contact recreation (REC-1), non-contact recreation (REC-2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), migration (MIGR), spawning (SPWN), wildlife habitat (WILD), and navigation (NAV). Beneficial uses of any specifically identified water body generally apply to all its tributaries.
11. The Basin Plan lists specific Water Quality Objectives for inland surface waters that are relevant to the protection of designated beneficial uses. These objectives include, in part, limitations on increased temperature, sediment, settleable and suspended material, and turbidity.

Legal Basis of the Order

12. Water Code section 13304, subdivision (a), states, in relevant part, “any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit, any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts.”
13. “Waste” is defined by Water Code section 13050, subdivision (d), as, “sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for the purpose of, disposal.”
 - a. Sediment, when discharged to waters of the state, is considered a “waste” as defined in Water Code section 13050, subdivision (d). As a result of the unauthorized cannabis cultivation and associated grading and land disturbance activities, sediment was discharged or deposited where it will be, or has the potential to be, mobilized and discharged into waters of the state. Additionally, infrastructure, cannabis cultivation-related waste materials, petroleum products, trash, other miscellaneous debris that were observed nearby and within Lack Creek and the Class III watercourses on the Site are “waste” as defined in Water Code section 13050, subdivision (d).
14. “Pollution” is defined by Water Code section 13050, subdivision (l)(1), as, “an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects either of the following: (A) the waters for beneficial uses, (B) facilities which serve these beneficial uses.” The various wastes observed by Central Valley Water Board staff have discharged to Lack Creek and the Class III watercourses that are tributary to Lack Creek. Wastes observed on site have the potential to discharge into the unnamed Class III watercourses and Lack Creek, creating and threatening to create a condition of pollution and unreasonably affecting the beneficial uses of waters of the state.
 - a. Unauthorized discharges of sediment and other inert materials can alter the natural hydrologic and sediment transport regimes of surface waters by affecting the flow of water, sediment deposition, and establishment of vegetation. Such changes may lead to adverse conditions such as flooding, increases in suspended sediment and turbidity, accelerated erosion of the watercourse bed or banks, and localized accumulation of deleterious materials. Additionally, such discharges directly threaten wildlife habitat and aquatic species by impacting

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beneficial uses such as warm freshwater habitat, cold freshwater habitat, and wildlife habitat. Increased sedimentation and turbidity can result in increased treatment and/or maintenance costs for downstream agricultural and municipal users impacting the beneficial uses such as agricultural supply. Sediment-laden storm water discharged to surface water and the resulting turbidity can also affect the recreational and aesthetic enjoyment of the surface waters impacting beneficial uses, including contact water recreation and non-contact water recreation.

- b. Precipitation runoff from the areas containing generators, fuel containers, petroleum products, fertilizers, pesticides, chemicals, and potting soil, as well as runoff from areas where septage was discharged, has the potential to alter the chemistry and water quality of surface and ground waters. Such changes may represent a health risk and lead to increased treatment and/or maintenance costs for users of surface water, which may impact beneficial uses such as agricultural supply. Altered water chemistry and quality could be lethal to fish and other aquatic organisms and are known to contribute to harmful algal blooms, which could impact the beneficial use for warm freshwater habitat, cold freshwater habitat, and wildlife habitat.
- c. The discarding and improper storage of trash, soil amendments, pumps and generators, fuel containers, petroleum products, fertilizers, pesticides, chemicals, and miscellaneous garbage and debris has the potential to alter the hydrologic regimes of surface waters, threaten wildlife habitat and aquatic species, impact downstream infrastructure, and result in impacts to sediments and soils downstream. Microplastics, nutrients, petroleum products, and/or chemicals contained in these wastes may adversely affect surface and ground water quality. As such, the beneficial uses impacted by the observed dumping and discarding of trash are as follows: agricultural supply, contact water recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, and wildlife habitat.

15. Cleanup and abatement are necessary to ensure that any existing condition of pollution is remediated, that threatened unlawful discharges of waste to waters of the state from the Site are prevented, and that any impacts to beneficial uses are mitigated. The issuance of a Cleanup and Abatement Order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Central Valley Water Board and State Water Board.

16. Resolution 92-49 sets forth the policies and procedures to be used during an investigation and cleanup of a polluted site and requires that cleanup levels be consistent with State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality Waters in California* (Antidegradation Policy). Resolution 92-49 requires waste to be cleaned up in a manner that promotes

attainment of either background water quality, or the best water quality which is reasonable if background levels of water quality cannot be restored. Any alternative cleanup level to background must: (1) be consistent with the maximum benefit to the people of the State; (2) not unreasonably affect present and anticipated beneficial use of such water; and (3) not result in water quality less than that prescribed in the Basin Plan and applicable Water Quality Control Plans and Policies of the State Water Board. Resolution 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the Central Valley Water Board to require and review for adequacy written work plans for each element and phase, and the written reports that describe the results of each phase of the investigation and cleanup.

Technical Reports Required

17. Water Code section 13267, subdivision (a), provides that the Central Valley Water Board, "in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating to any plan or requirement authorized by this division (Division 7), may investigate the quality of any water of the state within its region." Water Code section 13267, subdivision (b), provides that the Central Valley Water Board, in conducting an investigation, may require dischargers to furnish, under penalty of perjury, technical or monitoring program reports. The burden, including costs, of these technical reports, shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Hourly rates for a licensed professional vary significantly in the industry, however for this estimate staff assumed an average billing rate of \$235 per hour for a licensed professional based on State Water Resources Control Board Site Cleanup Program (SCP) billing costs. Billing Cost Explanation for FY25-26 is included as Appendix C. Staff estimate the total cost of technical reports required by this Order to be approximately \$18,800 - \$28,200 (see below for individual estimates). The costs of the technical or monitoring reports required by this Order bear a reasonable relationship to the need for these reports and the benefit to be gained by these reports, as discussed below:

- a. A Restoration Monitoring and Mitigation Plan (RMMP) is a technical report that is necessary to determine the scope and extent of actual and/or potential unlawful discharges of waste associated with cannabis cultivation activities and other land disturbance with bare and graded areas on the Site that could affect the quality of the waters of the state. By requiring the Discharger to submit an RMMP, the Central Valley Water Board or its delegated officer can review and approve the proposed restoration and corrective actions to confirm the proposed measures will adequately address past discharges and prevent future discharges from impacting beneficial uses. Based on the conditions noted at the Site, staff estimates the level of effort to perform additional field surveys/inspections and prepare and submit the RMMP is approximately 40 – 60 hours, for a total cost of

between \$9,400 and \$14,100. After consideration of these factors, staff has determined that the burden, including costs, of submitting the RMMP bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.

- b. An RMMP Completion Report demonstrates to the Central Valley Water Board or its delegated officer that the restoration and corrective actions contained in the approved RMMP have been fully implemented. By requiring the Discharger to submit documentation of the corrective actions, including pre- and post-remediation photographs and relevant maps and schematic diagrams, staff can confirm the RMMP has been fully implemented and that BMPs are adequate to prevent future unlawful discharges of waste into waters of the state. Staff estimated the level of effort to perform a field inspection of completed work at the Site and prepare and submit the Completion Report is approximately 16 – 24 hours, for a total cost between \$3,760 and \$5,640. After consideration of these factors, staff has determined that the burden, including costs, of submitting the RMMP Completion Report bears a reasonable relationship to the need for the report and the benefits to be obtained from the report.
- c. Annual Monitoring Reports are necessary to document the long-term stability of affected areas, to identify any areas where restoration activities are ineffective or require improvement, and to demonstrate the effectiveness of erosion control measures in preventing unlawful discharges of waste to waters of the state. Given the condition of the Site as a result of the unauthorized cannabis cultivation and associated land disturbance activities, a yearly monitoring report submitted for a period of three years will enable staff to confirm that the completed restoration and corrective actions documented in the RMMP Completion Report continue to be effective over wet and dry seasons. Staff estimates the level of effort to prepare and submit an Annual Monitoring Report is approximately 8 – 12 hours, resulting in a cost between \$1,880 and \$2,820 per report, for a total cost between \$5,640 and \$8,460 to prepare three reports between 2026 and 2028. After consideration of these factors, staff has determined that the burden, including costs, of submitting the Annual Monitoring Reports bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

18. The Discharger named in this Order owns the parcel from which waste was unlawfully discharged, and which threatens to discharge, and thus is appropriately named as the party responsible for providing these reports.

California Environmental Quality Act

19. Issuance of this Order is an enforcement action taken by a regulatory agency to enforce the regulatory provision of the Basin Plan and is exempt from provisions of

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the California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, § 15321. This action may also be considered exempt because it is an action by a regulatory agency for the protection of natural resources (Cal. Code Regs., tit. 14, § 15307) and an action by a regulatory agency for the protection of the environment (Cal. Code Regs., tit. 14, § 15308). To the extent that the Order requires earth disturbing and revegetation activities not to exceed five acres in size and to ensure restoration of stream habitat and prevent erosion, such actions are considered exempt from the provisions of CEQA pursuant to California Code of Regulations, title 14, § 15333. Should additional environmental review be required in connection with future discretionary regulatory actions at this site, the Central Valley Water Board may recover the costs associated with preparing and processing environmental documents from the Discharger (Pub. Resources Code, § 21089).

Required Actions

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, the Discharger shall cleanup and abate or take other necessary remedial action with respect to the discharge and threatened discharge of waste to waters of the state and submit technical and/or monitoring reports as further described below.

1. **Within 90 days** of the effective date of this Order, the Discharger shall submit a proposed **Restoration Monitoring and Mitigation Plan (RMMP)** for approval by the Central Valley Water Board or its delegated officer. The RMMP shall detail proposed actions to clean up the observed discharges of waste to waters of the state, restore the impacted watercourse channel and riparian zones, and prevent the potential for future discharges.
 - a. The RMMP shall include, at a minimum, plans for the following items:
 - i. POD, cultivation infrastructure and waste, gas-powered equipment, fuel containers, petroleum products, fertilizers, pesticides, chemicals, and miscellaneous refuse and debris to be removed from watercourses and riparian zones. Materials should be either properly stored on Site or disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.
 - ii. Assessment and appropriate disposal and cleanup of any petroleum-contaminated soil. Materials should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.

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- iii. Methods to stabilize and prevent sediment discharges from the graded and disturbed area on the northeastern portion of the Site, such as regrading, installation of BMPs, or revegetation with regionally native vegetation or similar native species.
 - iv. Plan and details to hydrologically disconnect access roads from watercourses and installation of BMPs to minimize erosion, rilling and gullyng, and prevent sediment discharges to watercourses.
 - v. Identification of all watercourse crossings on Site, and proposed improvements for each crossing to prevent discharges and threats of discharge of sediment to watercourses.
 - vi. Methods to stabilize and prevent sediment discharges from the disturbed cultivation area and trenches around the hoopouses, such as regrading, installation of BMPs, or revegetation with regionally native vegetation or similar native species.
 - vii. Cleanup and remediation of any discharges of septage, evaluation of septage system and associated pond, and necessary remediation required to prevent future discharges of septage.
 - viii. Evaluation of off-stream reservoir (Pond 1) and excavated discharge ditch, and proposed remediation including installation of BMPs, to prevent threats of discharge of sediment to watercourses.
 - ix. Removal or proper installation and containment of water storage and nutrient mixing tanks to prevent future threats of discharge.
 - x. Removal or proper storage of all gas-powered equipment, fuel containers, petroleum products, construction debris, cannabis cultivation-related infrastructure and debris, fertilizers, pesticides, chemicals, household garbage, and miscellaneous refuse and debris to prevent discharges. Disposal of these items must be at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations.
- b. The RMMP shall contain, at a minimum: design specifications and drawings (e.g., areas to be regraded, watercourse crossings, BMPs to be installed); a detailed area map accurately depicting the site topography, graded and disturbed areas, cultivation areas, access roads, watercourse crossings, and all surface watercourses and drainages; and an implementation schedule that includes a timeline for submitting permit applications to all applicable local, state, and federal agencies along with detailed project milestones to fulfill the requirements of this Order.

- c. The RMMP shall contain a monitoring plan that includes submittal of progress reports to Central Valley Water Board staff through the completion of cleanup, stabilization, restoration, and mitigation work. The RMMP shall propose a schedule for monitoring events and submittal of the monitoring reports, which shall occur twice a year beginning upon approval of the RMMP and concluding upon approval of the RMMP Completion Report, described in Required Action 3.
2. **By 15 May 2025** the Discharger shall complete all approved restoration and mitigation measures described in the approved RMMP.
3. **By 15 June 2025** the Discharger shall submit an **RMMP Completion Report** for approval by the Central Valley Water Board or its delegated officer. The RMMP Completion Report shall include accurate depictions, documentation, and as-built designs of all completed restoration construction and/or abatement measures included in the approved RMMP to demonstrate the RMMP has been fully implemented. This report shall also include pre- and post-construction photographs taken at each photo point, to be shown on a site map/figures. Photo points shall include up- and downslope images of areas where restoration was performed. The RMMP Completion Report shall also include a proposed scope for the Annual Monitoring Reports, including a map of proposed monitoring locations. Upon approval of the RMMP Completion Report, the Discharger shall submit Annual Monitoring Reports by **1 July** of each year for at least three years or until the Central Valley Water Board or its delegated officer approves a request to discontinue monitoring. Such a request may be submitted when the approved success criteria in the RMMP are met with supporting documentation. Each Annual Monitoring Report shall include, at a minimum, a completed inspection checklist, photographs of areas restored, a description of any locations where restoration is failing and/or needs to be corrected to mitigate waste discharges or threats of waste discharge to waters of the state.

General Requirements and Notices

Use of Qualified Professionals

1. All technical reports required by this Order that involve planning, investigation, evaluation, or design, or other work requiring interpretation and proper application of engineering or geological sciences, shall be prepared by or under the direction of persons registered to practice in California pursuant to California Business and Professions Code sections 6735, 7835, and 7835.1. As required by these laws, completed technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

Signatory Requirements

2. All technical reports submitted by the Discharger shall include a cover letter signed by the Discharger, or a duly authorized representative, certifying under penalty of law that the signer has examined and is familiar with the report and that to their knowledge, the report is true, complete, and accurate. The Discharger shall also state if he agrees with any recommendations/proposals and whether he approves implementation of said proposals. Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Notice of Change in Ownership or Occupancy

3. The Discharger shall file a written report on any changes in the Site's ownership or occupancy. This report shall be filed with the Central Valley Water Board no later than 30 days prior to a planned change and shall reference the number of this Order.

Compliance with Other Regulatory Requirements

4. The Discharger shall obtain all applicable local, state, and federal permits necessary to fulfill the requirements of this Order prior to beginning work.

Cost Recovery

5. Pursuant to Water Code section 13304, the Central Valley Water Board is entitled to, and may seek reimbursement for, all reasonable costs it incurs investigating and abating the effects of the unlawful discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. If requested by the Central Valley Water Board, the Discharger shall enroll in the State Water Board's Cost Recovery Program and shall reimburse the State of California for all reasonable costs actually incurred by the Central Valley Water Board.

Submissions

6. All technical reports or notices required under this Order shall be submitted to: Ryan Cornwall at Ryan.Cornwall@waterboards.ca.gov.

Delayed Compliance

7. If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the Required Actions, or in compliance with any work schedule submitted pursuant to this Order and approved by the Central Valley Water Board or its delegated officer, the Discharger may request, in writing, an extension of the time specified. The extension request shall include justification for the delay. Any extension request shall be submitted as soon as a delay is recognized and prior to the compliance date. An extension may be granted by revision of this Order or by a letter from the Central Valley Water Board or its delegated officer. The Central Valley Water Board acknowledges that local, state, and federal permits may cause a delay beyond the control of the Discharger and will take all the available relevant facts into consideration when considering whether to grant an extension request.

Modification of Order

8. Any modification to this Order shall be in writing and approved by the Central Valley Water Board or its delegated officer, including any potential extension requests.

Enforcement Authority

9. If the Discharger fails to comply with the requirements of this Order, the Central Valley Water Board or its delegated officer may refer this matter to the Attorney General for judicial enforcement, may issue a complaint for administrative civil liability, or may take other enforcement actions. Failure to comply with this Order may result in the assessment of administrative civil liability of up to \$10,000 per violation, per day, depending on the violation, pursuant to the Water Code, including sections 13268, 13350, and 13385. The Central Valley Water Board reserves its right to take any enforcement actions authorized by law.

Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050, et seq. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. [Copies of the law and regulations](#) applicable to filing petitions may be found on the Internet at: (http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request).

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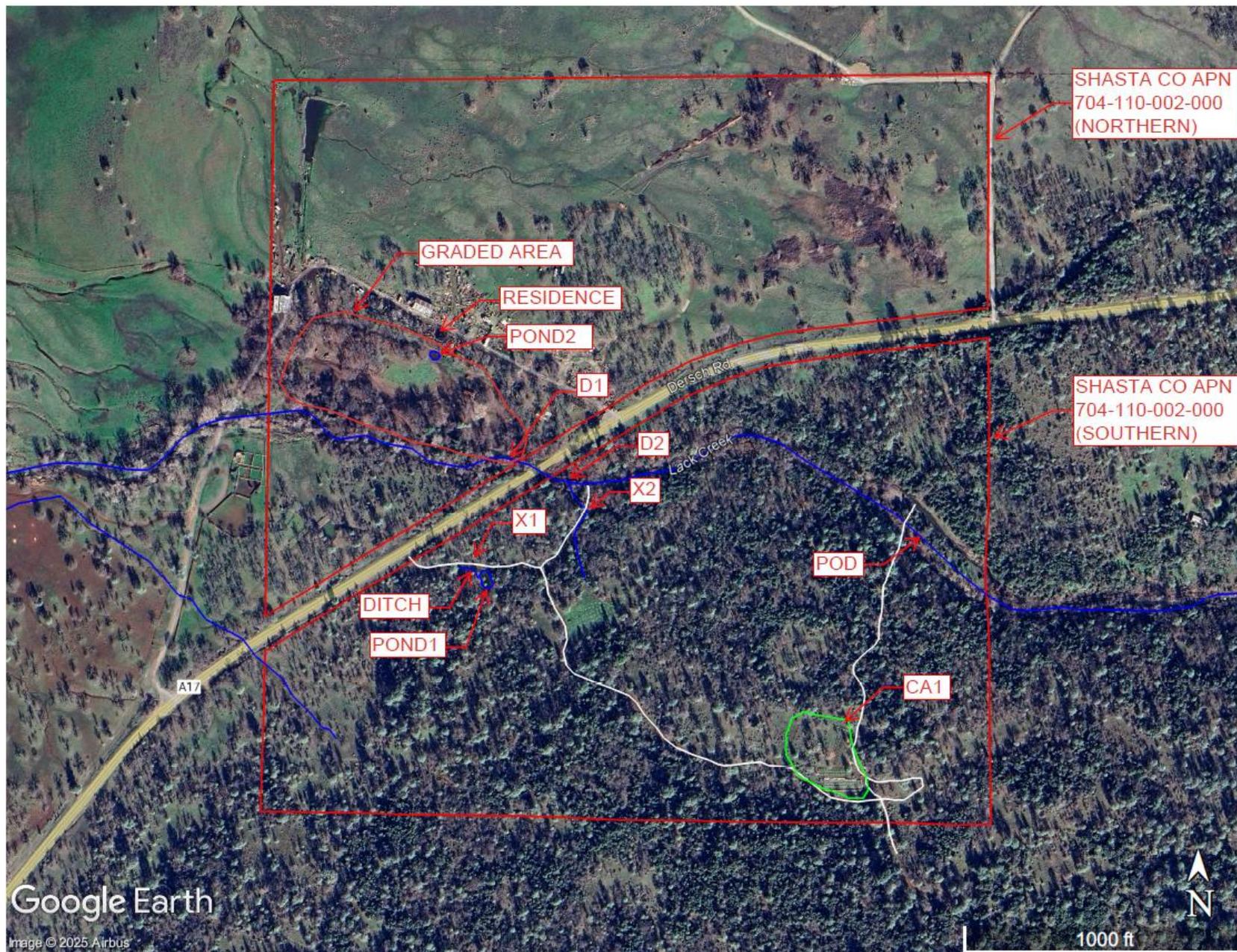
This Order is issued under authority delegated to the Executive Officer by the Central Valley Water Board pursuant to Resolution R5-2018-0057 and is effective upon the date of signature.

PATRICK PULUPA
Executive Officer

Attachments: Appendix A – Figure 1
Appendix B – Photos 1 – 16
Appendix C – State Water Resources Control Board Site Cleanup Program (SCP) Billing Cost Explanation Fiscal Year 2025-2026

Appendix A

Figure 1



Google Earth

Image © 2025 Airbus

1000 ft

Appendix B

Photographs 1 – 16



Photo taken by R. Cornwall, 11 April 2023

Photo 1. Red arrows show examples of the erosion and gulying through the graded and disturbed area (Graded Area).



Photo taken by R. Cornwall, 11 April 2023

Photo 2. Red arrow shows gulying continuing downslope of Photo 1, through the Graded Area, which discharged directly into Lack Creek (D1).



Photo taken by R. Cornwall, 11 April 2023

Photo 3. Red arrows show gulying in one of the unmaintained access roads that was hydrologically connected and discharging sediment to Lack Creek. Blue arrow shows the flow direction of runoff towards Lack Creek.



Photo taken by R. Cornwall, 11 April 2023

Photo 4. Photo taken downstream of Photos 3. Blue arrow in the background shows location and flow direction of Lack Creek. Blue arrow in the foreground and red arrow show discharge of sediment to Lack Creek (D2).



Photo taken by R. Cornwall, 11 April 2023

Photo 5. Red oval shows a ford-type watercourse crossing (X1) that lacked best management practices (BMPs) to prevent erosion and sediment discharge from roadway surface.



Photo taken by R. Cornwall, 11 April 2023

Photo 6. Red oval shows ford-type watercourse crossing (X2) that lacked BMPs to prevent erosion and sediment discharge from roadway surface. Blue arrow shows direction of streamflow.



Photo taken by R. Cornwall, 11 April 2023

Photo 7. Red arrows show runoff and discharges of sediment from the disturbed cultivation area and trenches installed around the hoophouses.



Photo taken by R. Cornwall, 11 April 2023

Photo 8. Blue arrows show runoff, erosion and sediment discharge from the disturbed cultivation area, and trenches installed around the hoophouses that were hydrologically connected to Lack Creek.



Photo taken by R. Cornwall, 11 April 2023

Photo 9. Point of Diversion (POD), including gas-powered pump and associated piping, within Lack Creek and its riparian zone.



Photo taken by R. Cornwall, 11 April 2023

Photo 10. Red oval shows unlined excavated pond (Pond 2) with evidence of potential septage discharge from the upslope residence (Residence).



Photo taken by R. Cornwall, 11 April 2023

Photo 11. Brown arrow shows septic pipe running from Residence towards Pond 2. Red arrows show potential septage discharge as evidenced by standing water and toilet paper.



Photo taken by R. Cornwall, 11 April 2023

Photo 12. Off-stream reservoir (Pond 1). Red arrow shows the location of the excavated discharge ditch (Ditch).



Photo taken by R. Cornwall, 11 April 2023

Photo 13. Close-up photo of Ditch, adjacent to Pond 1, shown by red arrow in Photo 12.



Photo taken by R. Cornwall, 11 April 2023

Photo 14. Improperly designed and constructed water storage and nutrient mixing tanks and that lacked secondary containment or overflow protection.



Photo taken by R. Cornwall, 11 April 2023

Photo 15. Example of improperly stored gas-powered pumps and equipment, petroleum products, fertilizers, cultivation related materials, and miscellaneous refuse and debris.



Photo taken by R. Cornwall, 22 May 2024

Photo 16. Overflight photo from 22 May 2024. Red arrow shows a hoophouse and other grading activities consistent with active cannabis cultivation within CA1, where cannabis cultivation activities were documented the previous year.

STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM (SCP)
BILLING COST EXPLANATION
 Fiscal Year 2025-2026

Employee Salary and Benefit by Classification [1]	Salary/Benefits Range	
AEO - Assistant Executive Officer CEA	\$14,891	\$30,749
AGPA - Associate Governmental Program Analyst	\$8,677	\$11,188
AFCNSL - Staff Counsel (Attorney)	\$11,466	\$17,304
SFCNSLIII - Staff Counsel III (Attorney)	\$15,614	\$22,051
SFCNSLIV - Staff Counsel IV (Attorney)	\$17,256	\$23,159
EG - Engineering Geologist	\$9,335	\$17,575
EPMI - Environmental Program Manager I	\$18,058	\$22,449
EPMLI - Environmental Program Manager II	\$20,957	\$23,808
ES - Environmental Scientist	\$6,327	\$13,156
EOI - Exec Officer I	\$24,336	\$27,647
EOII - Exec Officer II	\$24,932	\$28,318
SEG - Senior Engineering Geologist	\$16,456	\$20,597
SRES - Senior Environmental Scientist	\$15,617	\$19,414
SRES - Senior Environmental Scientist (Spec)	\$11,198	\$15,148
SWRCE - Senior Water Resources Control Engineer	\$16,456	\$20,597
SSA - Staff Services Analyst	\$ 5,556	\$ 9,301
SUEG - Supervising Engineering Geologist	\$18,074	\$22,624
SUWRCE - Supervising Water Resources Control Engineer	\$18,074	\$22,624
WRCE - Water Resources Control Engineer	\$ 9,335	\$17,485

Intermittent Employees:

SA - Scientific Aid \$17.73/hour \$21.04/hour

Note: The State is currently in negotiations with the unions so the upper limits of these ranges may be subject to change.

Operating Expenses and Equipment [2] (both State and Regional Board offices)

Indirect Costs (Overhead + Admin = cost of doing business) 140%

Billing Example for One Month Salary

WRCE - Water Resources Control Engineer	
Total Direct Labor Charges [3] (per month):	\$17,485
Contract Charges (if applicable):	\$ -
Direct Labor Overhead:	\$12,646
State Board Program Admin and Overhead:	\$ 2,664
Regional Board Program Admin and Overhead:	<u>\$ 8,742</u>
Total Cost (per month):	\$ 41,537
Divided by 176 hours per month equals per hour:	\$ 236

Due to the various classifications that expend SCP resources an average of **\$235.00** per hour can be used for projection purposes.)

[1] The name and classification of employees performing oversight work will be listed on invoices you receive.

[2] The examples are estimates based on recent billings. Actual charges may be slightly higher or lower.

[3] Total Direct Labor Charges = Salary and Benefits