Lahontan Regional Water Quality Control Board

May 7, 2020

Interested Agencies and Parties

Request for Comments - Proposed Cleanup and Abatement Order 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

The Lahontan Regional Water Quality Control Board (Water Board) intends to issue a Cleanup and Abatement Order (Order) for the cleanup and abatement of discharges and threatened discharges of wastes associated with cannabis cultivation on Los Angeles County Assessor Parcel Number 3334-004-011. The proposed Order names William Goldberg (Discharger), owner of the above-referenced parcel, as the responsible party for unauthorized discharges of wastes to land, which at a minimum, is creating a threatened discharge of waste to the underlying groundwater. The discharges have resulted in violations of the California Water Code.

The proposed Order requires the Discharger to submit and implement a Site Restoration Plan, prevent further waste discharges, and provide updates on restoration work.

The Water Board is requesting your review and comments upon the proposed Order (enclosed). The proposed Order can also be viewed at the Water Board's webpage at http://www.waterboards.ca.gov/lahontan.

All comments regarding the proposed Order must be received by the Water Board no later than **5:00 p.m. on June 8, 2020**. Written comments should include "Goldberg CAO 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 CAO Comments

Please contact me at (530) 542-5414 (patty.kouyoumdjian@waterboards.ca.gov), Eric Taxer, Senior Water Resource Control Engineer, at (530) 542-5434 (eric.taxer@waterboards.ca.gov), or Scott Ferguson, Supervising Water Resource Control Engineer, at (530) 542-5432 (scott.ferguson@waterboards.ca.gov), if you have any questions regarding this matter.

Patty Z. Kouyoumdjian

PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Enclosure: Cleanup and Abatement Order No. R6V-2020-PROPOSED

cc: Andrew Tauriainen, Attorney IV, State Water Board, Office of Enforcement
Kevin Porzio, Sr. WRCE, State Water Board, Division of Water Quality
Dylan Seidner, Sr. WRCE, State Water Board, Office of Enforcement
Tabatha Chavez, Supervising Special Investigator/CalCannabis, CDFA
Noel Richards, Lieutenant, CDFW, Cannabis Enforcement Program
Jeff Brandt, Cannabis, CDFW, Enforcement Program
CDFW Region 6 Office, Cannabis Enforcement Program
Arlene Anderson, Deputy District Attorney, LA County District Attorney's Office
Robert Hawkins, Detective, Los Angeles County Sheriff's Department
Elizabeth Beryt, Attorney III, State Water Board, Office of Chief Counsel
Scott Ferguson, Supervising WRCE, Lahontan Water Board
Eric Taxer, Sr. WRCE, Lahontan Water Board

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION

CLEANUP AND ABATEMENT ORDER NO. R6V-2020-(PROPOSED)
FOR
WILLIAM GOLDBERG
LOS ANGELES COUNTY ASSESSOR PARCEL 3334-004-011
WDID NO. 6B191908006

This Order is issued to William Goldberg (hereinafter referred to as the Discharger) based on the provisions of Water Code section 13304, which authorizes the Lahontan Regional Water Quality Control Board (Lahontan Water Board) to issue an order requiring the cleanup and abatement of wastes, and Water Code section 13267, which authorizes the Lahontan Water Board to require the preparation and submittal of technical and monitoring reports.

FINDINGS

The Lahontan Water Board, with respect to the Discharger's acts, or failure to act, finds:

Purpose and Scope

1. This Order requires 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. These discharges and threatened discharges are a result of the Discharger's cultivation activities or failure to secure the Discharger's property from cannabis cultivation activities on Los Angeles County Assessor Parcel Number (APN) 3334-004-011 (the Site). The Site is located on the northwest corner of the intersection of East Avenue H8 and 255th Street East in Hi Vista, an unincorporated community of Los Angeles County. The activities conducted at the Site have either previously discharged wastes or threaten future discharge of wastes to the local groundwater basin without authorization from applicable federal, state, and local agencies, including the Lahontan Water Board.
2. The investigation and cleanup required by this Order is to be in compliance with the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 et seq.), the Water Quality Control Plan for the Lahontan Region (Basin Plan), State Water Resources Control Board (State Water Board) Resolution No. 92-49, Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Water Code section 13304 (Resolution No. 92-49), and other applicable State and Regional Water Board plans, policies, and regulations.

Site Specific Information

Property Owner Liability

3. The Discharger owns the Site and is the responsible party for the purpose of complying with this Order. A Los Angeles County Assessor's Office records search indicates the Discharger purchased the parcel, identified as APN 3334-004-011, on November 29, 2018, and remains the current owner.

4. During the desktop review prior to the Site inspection, Lahontan Water Board staff noted property ownership was listed as "William Goklberg" on the internet parcel database LandVision as well as Water Board GIS parcel layers. While there is a difference in spelling of the Discharger's last name between the two databases and Los Angeles County Assessor's records, other identifying information, such as owner address, matches between Water Board GIS parcel layers, LandVision, and Los Angeles County Assessor's records.

Watershed Description

5. The Site is within and drains to the El Mirage Valley groundwater basin and contains surface waters that are part of the El Mirage Hydrologic Area. The Site is adjacent to the northern slope of Adobe Mountain and is proximal to a desert wash that travels from the southeast corner of the Site to the northwest for 380 feet until it leaves the parcel. Storm flows from this and other desert washes concentrate in an ephemeral stream traveling northeast before turning to the southeast into the El Mirage Valley, approximately 2 miles northeast of the Site.

Enrollment Status

6. The State Water Board adopted General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities, Order No. WQ 2019-0001-DWQ[1] (General Order) on February 5, 2019. As of May 1, 2020, the Site does not have any approved or pending applications for cannabis cultivation under the State Water Board's General Order. Outdoor cannabis cultivation is banned in unincorporated areas of Los Angeles County.

Chronology

7. On August 12, 2019, Los Angeles County Sheriff's Department obtained a search warrant from the Superior Court of California, North Judicial District of Los Angeles County for APN 3334-004-011. The warrant authorized Lahontan Water Board staff to participate in the search to inspect for water quality violations related to cannabis cultivation.

---

[1] Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

8. On August 15, 2019, Lahontan Water Board staff conducted an inspection of the Site under the authority of the search warrant. During the inspection, Lahontan Water Board staff observed:

   a. The natural grade and vegetation of the Site was displaced where cannabis cultivation had occurred. A temporary shade structure was constructed on the southeast corner of the parcel that housed areas for cultivation, vegetation drying, chemical storage, and a surface impoundment. Harvested and abandoned in-ground cannabis plants were present within the structure.

   b. A constructed surface impoundment was observed on the southwest corner of the cultivation area. The impoundment consisted of an excavated area lined with a plastic tarp. Water within the impoundment was visibly green, indicating the water likely had high algal and/or nutrient concentrations.

   c. A fire hose was observed running between the cultivation area and a Los Angeles County Department of Public Works fire hydrant located west of the cultivation area.

   d. Cultivation-related waste was found throughout the Site. Such wastes included containers for chemical fertilizers and pesticides, gasoline, and potting soil. Used and partially used containers were stored on the open ground and exposed to the environment without containment.

9. On August 26, 2019, Lahontan Water Board staff completed an inspection report related to cannabis cultivation at the Site and provided the report to the Los Angeles County District Attorney's Office.

10. On October 2, 2019, Lahontan Water Board staff issued the Discharger a Notice of Violation (NOV) for unauthorized discharges related to cannabis cultivation and an unpermitted surface impoundment. The NOV, including the inspection report for the August 15, 2019 inspection, is attached hereto as Attachment 1.

11. On October 11, 2019, United States Postal Service certified mail tracking system indicated the NOV addressed to the Discharger was picked up at a post office in Highland Park, Illinois by Renee Bova. Renee Bova is indicated as a relative of the Discharger on online background check services.

12. As of the date of this Order, Lahontan Water Board staff has not received any response to the NOV.

Regulatory Authority

Definitions

13. "Waste" includes 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, as defined by Water Code section 13050, subdivision (d).

14. "Waters of the state" are any surface or groundwater, including saline waters, within the boundaries of the state, as defined by Water Code section 13050, subdivision (e).

15. "Pollution" is an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects the waters for beneficial uses or facilities which serve such beneficial uses, as defined by Water Code section 13050, subdivision (l)(1).

Basin Plan Requirements

16. The Basin Plan designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference, plans and policies adopted by the State Water Board. The Site is located within the El Mirage Valley groundwater basin identified in the Basin Plan.

    The designated beneficial uses for the El Mirage Valley groundwater basin include:

    - Municipal and Domestic Supply (MUN)
    - Agricultural Supply (AGR)
    - Industrial Service Supply (IND)
    - Freshwater Replenishment (FRSH)

17. The State Water Board has adopted Resolution No. 92-49, which is included in Appendix B of the Basin Plan. 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, the Statement of Policy with Respect to Maintaining High Quality Waters in California. Resolution No. 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 No. 92-49 directs that investigations proceed in a progressive sequence. To the extent practical, it directs the State and Regional Water Boards 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.

Unauthorized Discharge of Waste

18. The groundwater upgradient, beneath, and downgradient of the Site is located within the boundaries of the state; and are waters of the state, as defined by Finding No. 14, above.

19. The discharge of cultivation-related wastes to land and the surface impoundment, as described in Finding No. 8, above, and documented in the Notice of Violation and Lahontan Water Board staff's inspection report (Attachment 1), has the potential to result in a discharge of waste to the groundwater underlying the Site, and constitutes a threatened discharge of waste to waters of the state.

20. The waste discharges referenced in Finding No. 19, above, have the ability to affect the quality of waters of the state to a degree that can adversely affect the beneficial uses of the waters, and constitute an ongoing condition of threatened pollution, as defined in Finding No. 15, above.

Water Code section 13304 and Enforcement Policy

21. Water Code section 13304 subdivision (a) states:

> Any person who has discharged or discharges waste into waters of this state in violation of any waste discharge requirements 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 causes, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts… Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

22. The Discharger has caused or permitted waste to be discharged in a manner that presents a threatened discharge of wastes to waters of the state, and in doing so, has also created a condition of threatened pollution, as discussed in Finding Nos. 19 and 20, above. Such waste discharges and creation of a condition of threatened pollution satisfy the criteria under which the Lahontan Water Board is authorized to issue a Cleanup and Abatement Order to the Discharger, pursuant to Water Code section 13304.

23. Cleanup and abatement activities are necessary to ensure that threatened unauthorized discharges to the groundwater underlying the Site are prevented. The current condition of threatened pollution also poses an immediate and substantial threat to beneficial uses and has the potential to individually or

cumulatively cause significant detrimental impacts to human health and the environment. The issuance of a cleanup and abatement order pursuant to Water Code section 13304 is appropriate and consistent with policies of the Lahontan Water Board.

Water Code section 13267 Technical Reports

24. Water Code section 13267, subdivision (a) provides that the Lahontan Water Board may investigate the quality of any water of the State within its region in connection with any action relating to the Basin Plan. Water Code section 13267, subdivision (b), provides that the Lahontan Water Board, in conducting an investigation, may require a discharger to furnish, under penalty of perjury, technical or monitoring program reports that the Lahontan Water Board requires, provided that the burden of the reports bears a reasonable relationship to the need for the reports and the benefits to be obtained. The technical reports required by this Order are necessary to ensure compliance with the directives set forth in this Order intended to cleanup waste discharges and prevent adverse impacts to water quality and beneficial uses. The technical reports are further necessary to demonstrate that appropriate methods will be used to restore site conditions to pre-disturbance conditions in order to prevent future waste earthen discharges to surface waters.

25. In accordance with Water Code section 13267, subdivision (b) the findings in this Order provide the Discharger with a written explanation with regard to the need for remedial action and reports and identifies the evidence that supports the requirement to implement clean up and abatement activities and submit the reports. The Discharger named in this Order owns and/or operates, or has owned and/or operated the Site from which waste was discharged and on which there exists a threat of future discharge, and thus are appropriately named as parties responsible for providing the reports.

California Environmental Quality Act

26. Issuance of this Order is an enforcement action taken by a regulatory agency to enforce the regulatory provisions of the Basin Plan, and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA)(Pub. Resources Code, § 21000 et seq.) in accordance with California Code of Regulations, title 14, section 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.)

No Limitation of Water Board Authority

27. This Order in no way limits the authority of the Lahontan Water Board to take any enforcement actions authorized by law.

REQUIRED ACTIONS

IT IS HEREBY ORDERED that, pursuant to Water Code sections 13267 and 13304, the Discharger shall cleanup and abate the impacts to water quality associated with the discharge and threatened discharge of cannabis cultivation wastewater to waters of the State as follows:

Time Scheduled Requirements

1. By **July 24, 2020**, submit a proposed Mitigation Plan (Plan) to the Lahontan Water Board. The Plan shall include, at a minimum, the following:
    a. A schedule and details for the removal and legal disposal of the cultivation-related wastes and surface impoundment wastewater and materials, as described in Finding No. 8, above, and documented in the Notice of Violation and Lahontan Water Board staff's inspection report (Attachment 1).
    b. Detail of the methods for Site restoration, including how long-term impacts from Site erosion and runoff will be abated (e.g., re-grading, establishing permanent ground cover, etc.), as well as proposed mitigation to prevent any impacts to the local groundwater basin (e.g., removal and legal disposal of soils contaminated with petroleum hydrocarbons, pesticides, fertilizers, etc.).
        i) The Plan shall incorporate use of appropriate native species in any revegetation efforts. Disturbed areas must be re-established to a uniform vegetative cover equivalent to 70 percent coverage of the pre-disturbance vegetative conditions. Best management practices shall be applied to all current and planned work associated with construction activities on the Site.
        ii) All applicable permits shall be obtained for any Site restoration work.
    c. The Plan shall include an implementation schedule which establishes project milestones with consideration for obtaining all applicable permits (local, state, and federal), seasonal restrictions on grading and planting, and meeting the deadlines stipulated in this Order.
2. By **August 31, 2020**, upon concurrence by the Lahontan Water Board, the Discharger shall begin implementing the Plan.
3. By **October 30, 2020**, complete all approved restoration and mitigation measures described in the approved Plan.
4. By **November 30, 2020**, submit a Site Restoration Report to the Lahontan Water Board. The Site Restoration Report shall accurately depict all construction and/or mitigation measures and document that the Plan has been fully implemented.
5. By the **5th day of every month** and until the Site Restoration Report is submitted and approved by the Lahontan Water Board, the Discharger shall submit progress updates on Requirements 1 through 4, above. The reports shall include the status of

the required permits for the work, a description and photographs of work that has been completed since the prior email update, and anticipated work schedule for the next two months.

General Requirements and Notices

Duty to Use Qualified Professionals

6. All technical reports required herein that involve planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering or geologic 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

7. 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 they agree with any recommendations/proposals and whether they approve 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 Onsite Work

8. The Discharger or their authorized agent(s) shall notify Lahontan Water Board staff at least 48 hours prior to any onsite work, testing, or sampling that pertains to environmental remediation and investigation and is not routine monitoring, maintenance, or inspection or that has not been fully described in the Plan.

Notice of Change in Ownership or Occupancy

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

Submissions

10. All monitoring reports, technical reports, or notices required under this Order shall be submitted to: Lahontan@waterboards.ca.gov with "Goldberg CAO No. R6V-2020-(Proposed)" in the subject line.

Other Regulatory Requirements

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

Cost Recovery

12. Pursuant to Water Code section 13304, the Lahontan Water Board is entitled to, and may seek reimbursement for, all reasonable costs it actually incurs investigating and abating the effects of the unauthorized discharges of waste and to oversee/supervise the cleanup of such waste, or other remedial action, required by this Order. 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 Lahontan Water Board.

Delayed Compliance

13. If for any reason, the Discharger is unable to perform any activity or submit any document in compliance with the schedule set forth herein, or in compliance with any work schedule submitted pursuant to this Order and approved by the Executive 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 Executive Officer. The Lahontan 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.

Potential Liability for Failure to Comply

14. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer or recommend that the Lahontan Water Board 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 Lahontan Water Board reserves its right to take any enforcement actions authorized by law.

No Limitation of Water Board Authority

15. This Order in no way limits the authority of the Lahontan Water Board to take any enforcement actions authorized by law.

Modifications

16. Any modification to this Order shall be in writing and approved by the Executive Officer.

Requesting Review by the State Water Board

17. Any person aggrieved by this action 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 and following. 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.

This Order is issued under the authority delegated to the Executive Officer by the Lahontan Regional Board and is effective upon the date of signature.

Ordered by: _____ Date_____
PATTY Z. KOUYOUMDJIAN
EXECUTIVE OFFICER

Attachments:
1. October 2, 2019 Notice of Violation and August 2, 2019 Inspection Report, APN 3334-004-011, Los Angeles County
2. Water Code section 13267 Fact Sheet

ATTACHMENT 1

CALIFORNIA
Water Boards

GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Lahontan Regional Water Quality Control Board

October 2, 2019

William Goklberg
PO Box 1084
Highland Park, IL 60035

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7017 1450 0001 3058 7867

NOTICE OF VIOLATION – AVENUE H8 AND 255th STREET EAST, HI VISTA, LOS ANGELES COUNTY, APN 3334-004-011

This letter provides notice that you have violated the California Water Code (Water Code) and *Water Quality Control Plan for the Lahontan Region* (Basin Plan) for the discharge of wastes related to outdoor cannabis cultivation. The Basin Plan was adopted, and subsequently amended, by the Lahontan Regional Water Quality Control Board (Water Board) on March 31, 1995. The violation occurred on the parcel, owned by you, near the intersection of Avenue H8 and 255th Street East in Hi Vista within Los Angeles County, APN 3334-004-011. Corrective action needs to be taken to avoid incurring administrative civil liabilities.

Water Code Section 13260 requires any individual discharging waste, or proposing to discharge waste, within any region that could affect the quality of waters of the state to file a report of waste discharge (ROWD) containing information that may be required by the appropriate board.

The 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 3 forbids 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.

August 15, 2019 Inspection

On August 15, 2019 Water Board staff inspected the parcel as part of a Los Angeles County search warrant. Water Board staff observed an outdoor cannabis cultivation that had occurred in a shade cloth structure. The cultivation areas were cleared of native vegetation that was otherwise present throughout the parcel, and previously harvested plants remained in-ground. Water Board Staff observed improperly stored fertilizer, insecticide, growth media, fuel, and a chemical mixing tank were observed within the cultivation area. A manmade surface impoundment was observed on the southwest

portion of the site. The Key Features Table of the enclosed inspection report identifies areas of concern with Feature Identification Numbers (FID) 22 through 29.

Noted Violations

Water Board staff observed the following site conditions and activities violate Water Code sections and/or Basin Plan prohibitions:

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 (FIDs: 22, 25, 26, and 28) is considered a waste discharge to land. Discharging a waste to land within the Lahontan Region without first filing a 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 3.

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 (FID: 25) is considered a waste discharge to land. Discharging a waste to land within the 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 3.

Required Corrective Actions

1. Submit a written Corrective Action Plan to the Regional Water Board by **October 11, 2019**. The plan shall describe all measures necessary to remove cultivation-related infrastructure, restore disturbed areas, and prevent further disturbances.

2. Upon concurrence from Water Board staff, implement the proposed plan.

3. Submit by **November 1, 2019**, or on a separate alternative and agree upon time schedule, documentation of completed restoration of disturbed areas.

Violation of the California Water Code may result in additional enforcement action including, but not limited to, administrative civil liabilities. The Water Board may impose administrative civil liability up to $10,000 for each day in which the violation occurs and an additional $10 per gallon of discharge in excess of 1,000 gallons pursuant to the

California Water Code Section 13385. Alternatively, the Water Board may impose administrative civil liability up to $5,000 for each day in which the violation occurs or $10 per gallon of discharge pursuant to California Water Code section 13350. The Water Board reserves the right to take any further enforcement action authorized by law. The landowner is the ultimate responsible party for any water quality degradation that occurs on or emanates from its property.

If you have any questions concerning this matter, please contact Alex Spencer, Water Resource Control Engineer, at (530) 542-5488 (alex.spencer@waterboards.ca.gov), Emily Cushman, Engineering Geologist, at (530) 542-5598 (emily.cushman@waterboards.ca.gov), or me at (530) 542-5434 (eric.taxer@waterboards.ca.gov).

Eric J. Taxer, P.E.
Senior Water Resource Control Engineer
Eastern California Regional Cannabis Unit

Enclosure: Inspection report for parcel 3334-004-011, Los Angeles County

cc: Andrew Tauriainen, Attorney IV, Office of Chief Counsel, State Water Board
Kevin Porzio, Sr. WRCE, Division of Water Quality, State Water Board
Dylan Seidner, Sr. WRCE, Office of Enforcement, State Water Board
Tabatha Chavez, Supervising Special Investigator, Calcannabis, CaDFA
Noel Richards, Lieutenant, Cannabis Enforcement Program, CDFW
Jeff Brandt, Cannabis Enforcement Program, CDFW
CDFW Region 6 Office, Cannabis Enforcement Program, CDFW
Arlene Anderson, Deputy District Attorney, Los Angeles County
Robert Hawkins, Detective, Los Angeles County Sheriff's Department
Alex Spencer, Lahontan Water Board
Emily Cushman, Lahontan Water Board

Inspection Brief

Eastern California Cannabis Unit

2501 Lake Tahoe Blvd, South Lake Tahoe, CA 96150 | (530) 542-5400

Site Information

Landowner (Source: LandVision 08/23/2019)			
Name	Goklberg, William	Address	PO Box 1084 Highland Park, IL 60035
Site/Facility			
Name	Site 3 - 3334-004-011	Address	VIC Ave H8 255 STE Hi Vista, Ca 93535
Site County	Los Angeles	Site APN	3334-004-011
Permitting Status	Site was not enrolled in the Cannabis Cultivation General Order (Order WQ 2019-001-DWQ) at the time of inspection and cannabis cultivation was not permitted in unincorporated portions of Los Angeles County.		
WDID	Unpermitted		
Site Location			

Latitude	34.7129532833333	Longitude	-117.676485416667

Inspection Information

Inspection Date	Aug 15, 2019	Start	1235	End	1300
Warrant/Consent	Warrant				
Personnel					
Inspection Conducted By	Alex Spencer, WRCE, Eastern California Cannabis Unit, Lahontan Regional Water Quality Control Board Emily Cushman, EG, Eastern California Cannabis Unit, Lahontan Regional Water Quality Control Board Casey Yearout, WRCE, Office of Enforcement, State Water Board Eric Taxer, SWRCE, Eastern California Cannabis Unit, Lahontan Regional Water Quality Control Board				
Accompanied By	Arlene Anderson, Los Angeles County District Attorney Palmdale Station, Los Angeles County Sheriff Office (multiple personnel, lead sheriff Robert Hawkins) CalCannabis, California Department of Food and Agriculture (multiple personnel) California Department of Fish and Wildlife (multiple personnel)				

Purpose

Evaluate cannabis cultivation site for potential water quality violations.

Background

State and Regional Water Resources Control Board (Water Board) staff participated in an inspection at the location identified above (Site) to document actual and/or threatened water quality impacts for potential California Water Code (Water Code) violations. The inspection was conducted as part of coordinated efforts led by the Los Angeles County Sheriff's Office (Sheriff), California Department of Fish and Wildlife (CDFW), and other agencies as noted above. Eight key features were observed during, and they are identified by Feature Identification (FID) numbers 22 through 29. FID numbers correspond with our online data collection system.

Inspection Observations

Sheriff personnel entered and cleared the Site of any suspects immediately prior to Water Board staff arrival. Water Board staff, consisting of Emily Cushman, Casey Yearout, Eric Taxer, and myself entered the Site at 1235 hours. The Site is confined within the parcel, APN 3334-004-011, on the northwest corner of the intersection of 255th Street East and East Avenue H8 in Hi Vista, California. We observed a harvested outdoor cannabis cultivation on the southeast portion of the parcel. The cultivation area was enclosed on the sides and above with a shade cloth structure supported with wood posts (Photos 1, 2 & FID:22). The Site drains from the south to north with a slope less than 5 degrees. The grade increases sharply to the south of the Site approaching a ridge that houses a Los Angeles County Public Works water tank.

Immediately upon entering the cultivation area, we observed cultivation related waste as a large pile of used plastic pots, spent fertilizer containers, and bags of trash (Photos 2, 3 & FID:23). We observed cannabis plants that were both harvested and abandoned in-ground. The site was outfitted with a drip irrigation system with an unpermitted surface impoundment (Photos 5, 8 & FID:25) and chemical mixing tank (Photos 6, 7 & FID: 26) within the cultivation area. The surface impoundment was constructed of a soft plastic liner within an excavated depression, approximately 5-feet deep, 4-feet in width, and 10-feet in length. The bright green color of water within the impoundment indicated

a high presence of algae. Nutrient concentrations of the original contents listed on the chemical mixing tank label ranged between 10,000 to 40,000 milligrams per liter of available phosphate, potash, and total nitrogen. The tank nutrient label had previously been spray-painted and label indicated 98.5% of mineral oil is also affixed to the tank. Near the chemical mixing tank, we observed three fuel cans and a gas-powered water pump (Photos 9, 11, 12, 7 & FID:27). Fuel cans, fertilizer container, and the chemical mixing tank were all stored in the open without secondary containment. We also observed portions of the cultivation area dedicated as drying areas of harvested plants (FID: 24). Sheriff staff discovered a fire house leaving the cultivation area to the west. The hose was slightly entrenched and ended in a coiled pile 55-feet from the western border of the Site (Photos 10, 13 & FID:28). Following the easement of East Avenue H 8 in the direction of the hose, we discovered a Los Angeles County Public Works fire hydrant approximately 170 feet west of the Site (Photo 14 & FID:29).

After documenting features of the cultivation area, we surveyed the remaining areas of the parcel and did not discover additional signs of cultivation. The inspection was completed at 1300 hours.

Analysis

Key Features	
FID: 22 - Harvested cannabis cultivation	Associated Photo Numbers: 1, 2
Description: Net covered cultivation with drip system. Plants are in ground and have been previously harvested and dried on-site.	
Water Quality Violation: Yes	
Applicable Water Code: 13260 - Cultivation was not enrolled in the Cannabis Cultivation General Order	
Latitude: 34.7127088166667	Longitude: -117.67622785

FID: 23 - Cultivation related waste	Associated Photo Numbers: 2, 3
Description: Plastic pots and various trash adjacent to the cultivation and living areas.	
Water Quality Violation: Under Assessment	
Applicable Water Code: Under Assessment	
Latitude: 34.7127137166667	Longitude: -117.676160466667
FID: 24 - Vegetation drying area	Associated Photo Numbers:
Description: Cut plants still present under tarp	
Water Quality Violation: Under Assessment	
Applicable Water Code: Under Assessment	
Latitude: 34.7130074666667	Longitude: -117.676503583333
FID: 25 - Unpermitted surface impoundment	Associated Photo Numbers: 5, 8
Description: Excavated area constructed with black plastic liner, with color of water indicating a high algal concentration	
Water Quality Violation: Under Assessment	
Applicable Water Code: Under Assessment	
Latitude: 34.712515	Longitude: -117.676388
FID: 26 - Chemical mixing tank	Associated Photo Numbers: 6, 7
Description: Chemical mixing tank with label indicated the presence of nutrients and fertilizers. Stored without a cover or secondary containment in manner that is not protective of wildlife or the environment.	
Water Quality Violation: Under Assessment	
Applicable Water Code: Under Assessment	
Latitude: 34.71252167	Longitude: -117.6762983
FID: 27 - Fuel storage and water pump	Associated Photo Numbers: 9, 12
Description: Three gasoline cans and one gas-powered water pump within the cultivation area. Stored uncovered and without secondary containment in a manner not protective of wildlife or the environment.	
Water Quality Violation: Under Assessment	
Applicable Water Code: Under Assessment	
Latitude: 34.71252	Longitude: -117.6762983
FID: 28 - Irrigation fire hire hose	Associated Photo Numbers: 10, 13
Description: Fire hose running from the surface impoundment along the easement towards an LA county fire hydrant.	
Water Quality Violation: Under Assessment	
Applicable Water Code: Under Assessment	
Latitude: 34.7123340219107	Longitude: -117.67690225766
FID: 29 - LA County fire hydrant	Associated Photo Numbers: 14
Description: Fire hydrant near the cultivation parcel with stripped control valve.	
Water Quality Violation: No	
Applicable Water Code: N/A	
Latitude: 34.7121725584267	Longitude: -117.677656107891

Photo Log

	Photo Number: Photo 1 08/15/2019 12:36 PM Latitude: 34.7126916666667 Longitude: -117.676193333333 Photographer: Eric Taxer Camera: NIKON CORPORATION COOLPIX W300 Description: (Filename: DSCN0262_96831.JPG) Harvested cannabis cultivation area. Photo facing southwest.
	Photo Number: Photo 2 08/15/2019 12:40 PM Latitude: 34.71298 Longitude: -117.676461666667 Photographer: Eric Taxer Camera: NIKON CORPORATION COOLPIX W300 Description: (Filename: DSCN0266_96831) Cultivation area. Photo facing northwest.

Photo Number: Photo 3
08/15/2019 12:35 PM
Latitude: 34.7127433333333
Longitude: -117.67614
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0260_96831.JPG) Used plastic plant pots - cultivation related waste. Location is on the east side of the property where we entered the site. Photo facing south.

Photo Number: Photo 4
08/15/2019 12:37 PM
Latitude: 34.7126833333333
Longitude: -117.67612
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0264_96831.JPG) Cultivation related waste next to discarded pots.

Photo Number: Photo 5
08/15/2019 12:43 PM
Latitude: 34.712515
Longitude: -117.676388333333
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0268_96831.JPG) Unpermitted surface impoundment located on southwest portion of the site. Photo facing southwest.

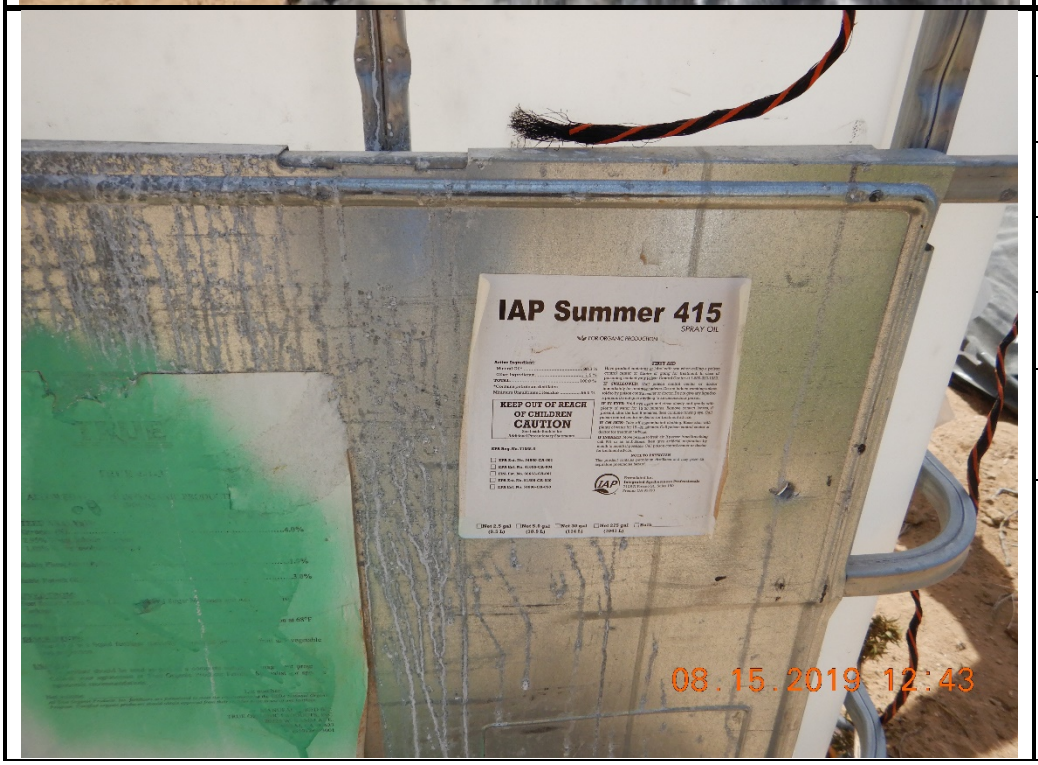

Photo Number: Photo 6
08/15/2019 12:43 PM
Latitude: 34.7125216666667
Longitude: -117.676298333333
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0269_96831.JPG) Chemical mixing tank label

Photo Number: Photo 7
08/15/2019 12:43 PM
Latitude: 34.71251
Longitude: -117.676276666667
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0271_96831.JPG) Chemical mixing tank, located on the east side of the surface impoundment. Photo facing northwest.

Photo Number: Photo 7
08/15/2019 12:43 PM
Latitude: 34.71248
Longitude: -117.676271666667
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0272_96831.JPG) Unpermitted surface impoundment facing west.

	Photo Number: Photo 9 08/15/2019 12:46 PM Latitude: 34.7125233333333 Longitude: -117.676395 Photographer: Eric Taxer Camera: NIKON CORPORATION COOLPIX W300 Description: (Filename: DSCN0276_96831.JPG) Fuel storage and water pump within cultivation area northwest of the surface impoundment.
	Photo Number: Photo 10 08/15/2019 12:45 PM Latitude: 34.7124483333333 Longitude: -117.676413333333 Photographer: Eric Taxer Camera: NIKON CORPORATION COOLPIX W300 Description: (Filename: DSCN0274_96831.JPG) Buried fire hose along parcel and easement west of the site towards nearby LA County fire hydrant. Photo facing west.

	Photo Number: Photo 11
	08/15/2019 12:47 PM
	Latitude: 34.7125533333333
	Longitude: -117.676291666667
	Photographer: Eric Taxer
	Camera: NIKON CORPORATION COOLPIX W300
	Description: (Filename: DSCN0278_96831.JPG) Stored fertilizer - liquid and granular within cultivation area, north of chemical mixing tank and surface impoundment.
	Photo Number: Photo 12
	08/15/2019 12:46 PM
	Latitude: 34.7125216666667
	Longitude: -117.676395
	Photographer: Eric Taxer
	Camera: NIKON CORPORATION COOLPIX W300
	Description: (Filename: DSCN0277_96831.JPG) Stored fuel cans within cultivation area, northwest of surface impoundment and chemical mixing tank.

Photo Number: Photo 13
08/15/2019 12:50 PM
Latitude: 34.7124616666667
Longitude: -117.676891666667
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0281_96831.JPG) End of fire hose running towards hydrant along easement approximately 100-feet west of the site. Photo facing southwest.

Photo Number: Photo 14
08/15/2019 12:54 PM
Latitude: 34.7122066666667
Longitude: -117.67761
Photographer: Eric Taxer
Camera: NIKON CORPORATION COOLPIX W300
Description: (Filename: DSCN0283_96831) LA County Department of Public Works fire hydrant along easement near cultivation. Suspected water source for the cultivation. Photo facing southeast.

Preparation and Review

Prepared by:

August 26, 2019

Alex Spencer
Water Resource Control Engineer

Date

Reviewed by:

August 26, 2019

Eric J Taxer
Senior Water Resource Control Engineer

Date

ATTACHMENT 2

Fact Sheet – Requirements for Submitting Technical Reports Under Section 13267 of the California Water Code

October 8, 2008

What does it mean when the regional water board requires a technical report?

Section 13267[1] of the California Water Code provides that "…the regional board may require that any person who has discharged, discharges, or who is suspected of having discharged…waste that could affect the quality of waters...shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires".

This requirement for a technical report seems to mean that I am guilty of something, or at least responsible for cleaning something up. What if that is not so?

Providing the required information in a technical report is not an admission of guilt or responsibility. However, the information provided can be used by the regional water board to clarify whether a given party has responsibility.

Are there limits to what the regional water board can ask for?

Yes. The information required must relate to an actual or suspected discharge of waste, and the burden of compliance must bear a reasonable relationship to the need for the report and the benefits obtained. The regional water board is required to explain the reasons for its request.

What if I can provide the information, but not by the date specified?

A time extension can be given for good cause. Your request should be submitted in writing, giving reasons. A request for a time extension should be made as soon as it is apparent that additional time will be needed and preferably before the due date for the information.

Are there penalties if I don't comply?

Depending on the situation, the regional water board can impose a fine of up to $1,000 per day, and a court can impose fines of up to $25,000 per day as well as criminal penalties. A person who submits false information is guilty of a misdemeanor and may be fined as well.

What if I disagree with the 13267 requirement and the regional water board staff will not change the requirement and/or date to comply?

Any person aggrieved by this action of the Regional 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 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of the 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.

Claim of Copyright or other Protection

Any and all reports and other documents submitted to the Regional Board pursuant to this request will need to be copied for some or all of the following reasons: 1) normal internal use of the document, including staff copies, record copies, copies for Board members and agenda packets, 2) any further proceedings of the Regional Board and the State Water Resources Control Board, 3) any court proceeding that may involve the document, and 4) any copies requested by members of the public pursuant to the Public Records Act or other legal proceeding.

If the discharger or its contractor claims any copyright or other protection, the submittal must include a notice, and the notice will accompany all documents copied for the reasons stated above. If copyright protection for a submitted document is claimed, failure to expressly grant permission for the copying stated above will render the document unusable for the Regional Board's purposes, and will result in the document being returned to the discharger as if the task had not been completed.

If I have more questions, who do I ask?

Requirements for technical reports normally indicate the name, telephone number, and email address of the regional water board staff person involved at the end of the letter.

[1] All code sections referenced herein can be found by going to www.leginfo.ca.gov . Copies of the regulations cited are available from the Regional Board upon request.