



North Coast Regional Water Quality Control Board

September 23, 2019

Diana Amelina
438 Girard Street, Apt. 201
Gaithersburg, Maryland 20877

Certified Mail No. 7016 2710 0000 2635 9193

Dear Ms. Amelina:

Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for August 6, 2019, Inspection of Humboldt County Assessor's Parcel No. 208-241-008

File: Cannabis Inspections, Humboldt County, 2019, 190806 Diana Amelina 208-241-008, CIWQS Place ID No. 860369

This letter is to notify you of observed violations of the requirements listed below for unauthorized discharges to waters of the state from the above-referenced parcel (Property):

California Water Code (Water Code) sections 13260 and 13264

Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1 Prohibitions 1 and 2

This letter directs you, within 30 days, to take action to comply with Water Code 13260. In addition, this letter directs you, within 30 days, to contact Regional Water Board staff to advise of your plan to implement recommendations in the attached report.

A. Background

On August 6, 2019, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), California Department of Food and Agriculture CalCannabis Bureau, State Water Resources Control Board Division of Water Rights, and various law enforcement personnel, inspected the subject Property.

The purpose of the inspection was to evaluate onsite development and conditions, and

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to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Attached is a copy of the water quality inspection report (August 6, 2019 Inspection Report). Please review the Inspection Report carefully and completely. The Inspection Report contains recommendations for correcting observed violations and water quality concerns observed on the Property, and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

B. Relevant Requirements

During the inspection, Regional Water Board staff observed features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these requirements and regulations.

C. Observed Violations

As documented in the August 6, 2019 Inspection Report, Regional Water Board staff observed cannabis cultivation and associated site disturbance, comprising a total of approximately 19,000 square feet, sufficient size and scope to require regulatory coverage under State Water Resources Control Board (State Water Board) Order No. WQ-2017-0023-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order). The Regional Water Board has no record of this Property's enrollment under the Statewide General Order. Outdoor cannabis cultivation activities in California with land disturbance of 2,000 square feet or more that are not enrolled for coverage under the Statewide General Order or individual waste discharge requirements violate Water Code section 13260. Staff also observed violations of Water Code sections 13260, 13264, and Basin Plan section 4.2.1 Prohibitions 1 and 2 at the Property location identified as C1 in the August 6, 2019, inspection report.

D. Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement

order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

E. Directive to Obtain Regulatory Coverage

Based on the observations detailed in the attached inspection report, and mentioned above, the Regional Water Board has determined that you are required to comply with Water Code section 13260 by taking one of the following actions within **30 calendar days of this letter**:

Enroll the property under the Statewide General Order by providing the information required in the online application process. The application can be accessed at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/

Submit the application fee within **30 days** of submitting the on-line application. Failure to submit the application fee within 30 days will result in the application being voided and authorization terminated. Payments shall be identified using the Fee Payment Application Number (found on the Notice of Receipt). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered to:

(By US Mail):

Accounting Office
Attn: Water Quality Fees –
Cannabis General Order
P.O. Box 1888
Sacramento, CA 95812-1888

(In person or by courier delivery):

Accounting Office
Attn: Water Quality Fees –
Cannabis General Order
1001 I Street
Sacramento, CA 95814-2828

File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property.

Please submit the appropriate documents and payments to:

North Coast Water Board
Attn: Diana Henriouille
Enforcement Unit

5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

OR

If you believe regulatory coverage is not required under either of the options listed above, either because you and/or your tenants elect to not resume or continue cannabis cultivation or associated activities, or because the operations that are occurring are not subject to regulation under the Statewide General Order or individual WDRs, please provide a written response explaining your non-applicability (with all supporting documentation including photos if necessary) to the Regional Water Board at the address provided above. Regional Water Board staff may contact you to verify your response.

Water Code section 13260 states, in relevant part:

(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:

- (1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.

Water Code section 13264 states, in relevant part:

(a) No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:

- (1) The issuance of waste discharge requirements pursuant to Section 13263.

Failure to comply with Water Code sections 13260 and 13264 may result in an administrative civil liability under Water code sections 13261 and 13265 not to exceed \$1,000 per violation for each day in which each violation occurs.

F. Inspection Report Recommendations

As mentioned above, the August 6, 2019, inspection report provides recommendations to correct violations, as well as to address features and conditions that threaten to impact water quality.

Within 30 days of this letter, please advise Connor McIntee of your intentions, plan, and schedule to implement recommendations in the inspection report. Connor can be reached at (707)576-2499 or, by email at Connor.McIntee@waterboards.ca.gov.

Future correspondence regarding this matter will be sent to you at this address unless

an alternative address is provided to the Regional Water Board. Failure to accept mail from the Regional Water Board is not a valid excuse for non-compliance with any future enforcement orders, and a failure to respond or otherwise appear at a future enforcement proceeding could subject you to a default order and the imposition of administrative civil liability.

If you have any questions regarding this matter, please contact Connor McIntee at the telephone number or email above. You may also contact me at Diana.Henrioulle@waterboards.ca.gov or by telephone at (707) 576-2350. Additionally, we are available to meet with you if you wish to discuss this letter, in inspection report, or our waste discharge regulatory programs in further detail.

Sincerely,

Diana Henrioulle, P.E.
Enforcement Unit

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Attachments: Attachment A – Regulatory Citations
August 6, 2019, Water Quality Inspection Report

cc: Humboldt County
Meghan Ryan, Humboldt County Building and Planning, Cannabis Division
mryan2@co.humboldt.ca.us

Department of Fish and Wildlife
Ryan Bourque, Ryan.Bourque@wildlife.ca.gov
David Manthorne, David.Manthorne@wildlife.ca.gov

North Coast Regional Water Quality Control Board
Kason Grady, Kason.Grady@waterboards.ca.gov

California Department of Food and Agriculture, CalCannabis Bureau
Tabatha Chavez, Tabatha.Chavez@cdfa.ca.gov

State Water Resources Control Board Division of Water Rights
Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Steven Hall, Steven.Hall@Waterboards.ca.gov

Attachment A – Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260	<p>“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:</p> <p style="padding-left: 40px;">(1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system.</p> <p style="padding-left: 40px;">(2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264 (a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:”

Regulatory Section	Citation
California Water Code Section 13265(a)	"Any person discharging waste in violation of Section 13264 , after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense."
California Water Code Section 13350	"A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e)."



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Connor McIntee

DATE: August 19, 2019

Inspection Report for August 6, 2019, Warrant Inspection Humboldt County Assessor's Parcel Number 208-241-008

File: Cannabis Program Inspections, Humboldt County, August 2019 HCSO/CAMP
Inspections, Diana Amelina, CIWQS Place ID.860369

Property information:

County: Humboldt

Physical address: Unknown address, County Line Creek Road/Salyer Mad River Road,
approximately 1000 feet west of the Trinity County line, about 2.5 miles northeast of
Dinsmore.

APN: **208-241-008**

Owner: Diana Amelina
438 Girard Street, Apt. 201
Gaithersburg, Maryland 20877

Transaction History: Last sale June 27, 2016; sellers Ivaylo Ivanov Metodiev, Mark S.
Wilson, Patricia L. Siering.

Size: 40 acres.

Watershed: Mad River Hydrologic Unit; Butler Valley Hydrologic Area; Eightmile Ridge
Hydrologic Subarea (HU/HA/HSA 109.30; Table 2-1, Water Quality Control Plan for the
North Coast Region).

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Aerial Imagery Notes (Google Earth Pro): No apparent disturbance visible June 1993 through July 2004. Driveway, clearing, additional road/trails visible in August 2005 imagery. Vegetation visible along margins of roads and cleared areas in June 2009 imagery, and no additional or new disturbance visible in subsequent imagery to most recent imagery (May 2016).

Regulatory status with the Regional Water Board:

Site Development: N/A

Applicable programs: Water Quality Certification/waste discharge requirements for dredge/fill in surface waters.

Onsite activities/operations: N/A.

Applicable programs: Cannabis Cultivation Waste Discharge Regulatory Program

Inspection information:

Date/time: August 06, 2019

Type: Humboldt County Sheriff's Office (HCSO)/Campaign Against Marijuana (CAMP) Warrant Inspection

Attendance:

Ryan Bourque, Environmental Scientist (ES), California Department of Fish and Wildlife (CDFW)

David Manthorne, ES, CDFW

Steven Hall, ES, Division of Water Rights (DIV)

Ermias Berhe, Water Resources Control Engineer (WRCE), North Coast Regional Water Quality Control Board (NCRWQCB)

Staff, California Department of Food and Agriculture (CDFA)

Multiple Law Enforcement Officials (LEO), HCSO

Multiple LEOs, CAMP

Multiple LEOs, CDFW

Background/Objective:

North Coast Regional Water Board (Regional Water Board) staff participated with staff of the Humboldt County Sheriff's Office (HCSO), California Department of Fish and Wildlife (CDFW), State Water Board's Division of Water Rights (DIV), California Department of Food and Agriculture (CDFA), and personnel from various law enforcement agencies in four days of inspections of multiple cannabis cultivation sites in Humboldt County, on August 5-8, 2019. Inspection objectives for Regional Water Board

staff included observing site development and activities and identifying and assessing onsite features or conditions that are causing or may cause adverse impacts to the quality and beneficial uses of receiving waters, including surface and ground water.

Inspection Map

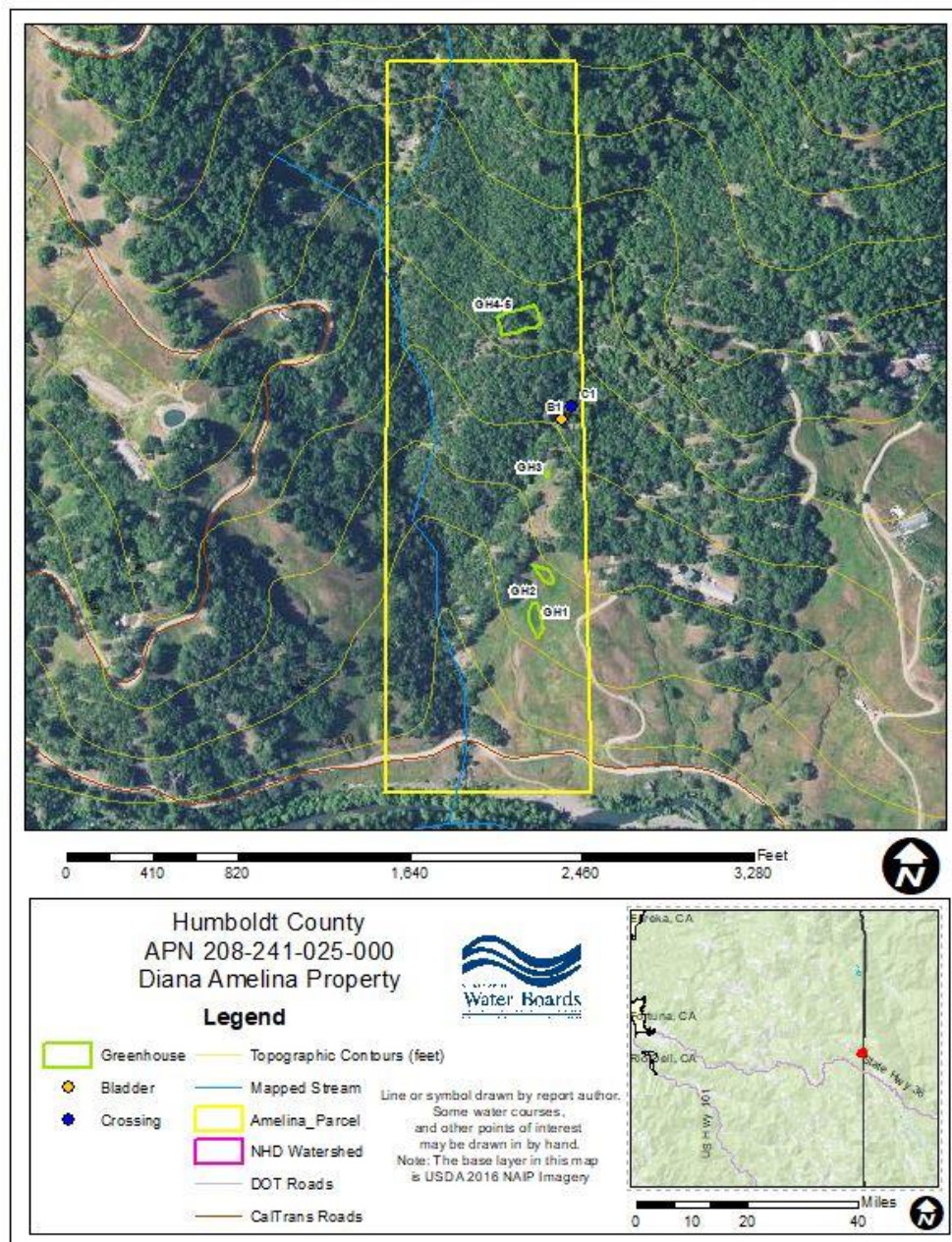


Figure 1: Map of Property, including Inspection Points of Interest

Inspection Observations:

On August 6, 2019, I inspected the subject property. Figure 1, above, is a site map showing inspection points discussed below. Development on the parcel includes four areas that were being or had been used for cannabis cultivation (GH1, GH2, GH3 and GH4-6), water supply infrastructure for irrigating cannabis plants, as well as a network of connecting roads and related road infrastructure, including a bridge crossing.

GH1, the first area we inspected, is located uphill from a swale feature, with an approximately 4,000-square foot earthen pad/clearing with cannabis cultivation in one greenhouse. In this area I observed containers of fertilizers, trash in bags, and cannabis cultivation-related soil spoils piles (Photos 1-3), uncovered, uncontained, and/or not properly disposed of. The swale feature represents the beginning of potential surface water flow, however, I observed no bed or bank of a channel, and the overall potential for pollutant delivery to receiving waters appeared to be low.

GH2 (Photo 4) is uphill from GH1, alongside the main access road, with an approximately 2,900-square foot earthen pad/clearing with cannabis cultivation in one greenhouse. In this area I observed containers of fertilizers, trash in bags, and cannabis cultivation-related soil spoils piles (Photo 5-6), uncovered, uncontained, and/or not properly disposed of. However, there are no nearby watercourses, and likely the potential for pollutant delivery to receiving waters is low.

GH3 (Photo 7), is located north of GH2, along the main access road, with an approximately 900-square foot earthen pad/clearing with evidence of previous cannabis cultivation activities. In this area I observed cannabis cultivation-related soil spoils piles (Photo 7), uncovered, uncontained, and/or not properly disposed of. GH3 is approximately 50 feet from a class II watercourse; the intervening buffer is vegetated, and the potential for pollutant delivery to receiving waters from this site is low.

Heading northeast on the road, I observed a watercourse crossing, C1 (Photo 9), where a bridge structure had been built above the ordinary high-water mark of the stream. The bridge is supported with wooden pylon beams within the channel, and the bridge itself consists of pressure-treated wood. Immediately north of the bridge, the road steepens uphill significantly and I observed evidence of erosion along the road that delivers to the class II watercourse just upstream of the bridge crossing (photo 10).

Just south of C1, I observed a 10,000-gallon army grade bladder (Photo 8), used for holding water. I observed no secondary containment around the bladder, which was leaking its contents onto the access road leading back down towards GH3. Water from the nearby class II watercourse is diverted into B1 via a 1-inch plastic pipe. CDFW has more information regarding the diversion point.

GH4-6 (Photo 11), is uphill from C1, at the end of the main access road, with an approximately 11,200-square foot clearing with cannabis cultivation in three greenhouses. In this area I observed refuse and cannabis cultivation-related soil spoils piles (Photo 12-13), uncovered, uncontained, and/or not properly disposed of. GH4-6 is approximately 60 feet from a class III watercourse, with a somewhat vegetated buffer between the activities and the watercourse. As a result, the potential for pollutant delivery to receiving waters from this site is low to moderate.

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
GH1	Active cannabis cultivation area	Greenhouse with active cannabis cultivation, uncontained fertilizer, soils, trash	Cannabis cultivation/dischage of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	1-3
GH2	Active cannabis cultivation area	Greenhouse with active cannabis cultivation, uncontained fertilizer, soils	Cannabis cultivation/dischage of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	4-6
GH3	Inactive cannabis cultivation area	Area with evidence of prior cannabis cultivation, uncontained soils	Threatened discharge of waste to waters of the State	7
C1	Bridge crossing	Bridge over class II watercourse, not properly designed or installed, and built with pressure treated wood. Bridge supports in stream channel	Discharge and threatened discharge of waste to waters of the State	9
C1	Road drainage near bridge	Drainage from steep road segment causing/resulting in sediment discharge.	Discharge of waste to waters of the State.	10

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
B1	Water bladder	Bladder with no secondary containment, leaking onto road. Plastic pipe diverting water into bladder from adjacent watercourse	Threatened discharge of waste to waters of the State Unauthorized diversion of water	8
GH4-6	Inactive cannabis cultivation area	Area with evidence of prior cannabis cultivation, uncontained soils, trash	Threatened discharge of waste to waters of the State	11-13

A comparison of conditions observed on the site with categories of activities typically associated with water quality concerns at cannabis cultivation sites:

1. Site maintenance, erosion control and drainage features: I observed a steep section of road that appeared to concentrate water along its surface and deliver sediment to a class II stream below.
2. Stream crossing maintenance and improvement: As noted above, I observed one watercourse crossing that was improperly sized, constructed, and/or maintained, and represented a threat to water quality.
3. Stream and wetland buffers: I observed no evidence of water quality issues relating to stream and wetland buffers on the Property.
4. Spoils management: I observed no evidence of water quality issues relating to stream and spoils management on the Property.
5. Water storage and use: As noted above, I observed a I water storage bladder that was not properly sited, did not include proper secondary containment, and was leaking its contents onto the road system, contributing to erosion of the road.
6. Irrigation runoff: I observed no evidence of water quality issues relating to irrigation runoff on the Property.
7. Fertilizers and soil amendments: I observed four locations, GH1, GH2, GH3, and GH4-6, where fertilizers and/or soil amendments were not properly stored, contained or disposed of.

8. Pesticides: I observed no evidence of water quality issues relating to pesticides on the Property.

9. Petroleum products and other chemicals: I observed no evidence of water quality issues relating to pesticides on the Property.

10. Cultivation-related wastes: I observed four locations, GH1, GH2, GH3, and GH4-6, where cultivation-related wastes were not properly stored, contained or disposed of, including cultivation soils.

11. Refuse and human waste: I observed four locations, GH1, GH2, GH3, and GH4-6, where refuse was not properly stored, contained or disposed of. I observed no evidence of water quality issues relating to containment/disposal of human waste on the Property.

Recommendations:

1. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected so as to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.
2. Work with CDFW and the State Water Resources Control Board's Division of Water Rights (DIV) to determine and secure any applicable permits or licensing required for surface water diversion, storage, and use on the site. If the existing surface water diversions do not meet applicable CDFW or DIV requirements, remove diversion infrastructure from surface waters and include provisions for restoring any instream or riparian disturbance associated with this features or removal thereof.
3. Prior to conducting any instream work associated with recommendation 1, above, submit to the Regional Water Board an application for Clean Water Act section 401 water quality certification, and secure approval from the Regional Water Board.

The 401 Application may be found at the following hyperlink:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/wqc_docs/031616_401-Application.pdf

4. Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner so as to minimize potential for these wastes to enter or be transported into receiving waters.
5. Store and contain all chemicals, including petroleum, fertilizer and/or pesticides properly to prevent spillage and discharge to receiving waters. Provide secondary containment for all petroleum products.
6. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the CANGO (Order WQ 2017-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities). More information about the CANGO can be found at this hyperlink:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcan-go101717.pdf

7. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge...prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. You may find further information about Water Board permits that may apply to proposed site development or land use activities at this hyperlink:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

Enforcement Discretion:

The observations in this report will be assessed for violations of the California Water Code. The Regional Water Board and the State Water Board reserve the rights to take any enforcement action authorized by law.

PHOTO APPENDIX



Photo 1: Greenhouse 1



Photo 2: Uncontained fertilizer mixing tank at GH1



Photo 3: Uncontained fertilizer and soil alongside of GH1



Photo 4: Greenhouse 2



Photo 5: Uncontained fertilizer and potting soil alongside GH2



Photo 6: Fertilizer mixing tank and other chemical containers not properly contained or stored.



Photo 7: Greenhouse 3, cultivation related soils and waste present



Photo 8: Bladder, B1, leaking its contents onto the road



Photo 9: Bridge crossing, C1



Photo 10: Sediment delivery from road above C1 to class II stream below



Photo 11: GH4-6



Photo 12: Trash associated with GH4-6



Photo 13: Mixing tank, fertilizer containers alongside of GH4-6