

---

## North Coast Regional Water Quality Control Board

September 24, 2019

Emil Terzisky  
696 San Ramon Valley Blvd.  
Danville, CA 94526

Certified Mail 7016 2710 0000 2635 9216

Dear Mr. Terzisky:

**Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for August 7, 2019, Inspection of Humboldt County Assessor's Parcel No. 216-201-002**

**File:** Cannabis Inspections, Humboldt County, 2019, 190807 Emil Terzisky 216-201-002, CIWQS Place ID No. 860374

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):

1. California Water Code (Water Code) section 13260

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 7, 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 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 7, 2019 Inspection

---

VALERIE L. QUINTO, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

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 7, 2019 Inspection Report, Regional Water Board staff observed cannabis cultivation and associated site disturbance, comprising a total of approximately 20,300 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.

## **D. 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**:

- 1) 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/](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

- 2) 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**

- 3) 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.

### **E. Inspection Report Recommendations**

As mentioned above, the August 7, 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](mailto: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.Henriouille@waterboards.ca.gov](mailto:Diana.Henriouille@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 Henriouille, P.E.  
Enforcement Unit

190924\_CPM\_dp\_Emil Terzisky Inspection\_NOV

Attachments: Attachment A – Regulatory Citations  
August 7, 2019, Water Quality Inspection Report

**cc: Humboldt County**

Meghan Ryan, Humboldt County Building and Planning, Cannabis Division  
[mryan2@co.humboldt.ca.us](mailto:mryan2@co.humboldt.ca.us)

**Department of Fish and Wildlife**

Ryan Bourque, [Ryan.Bourque@wildlife.ca.gov](mailto:Ryan.Bourque@wildlife.ca.gov)  
David Manthorne, [David.Manthorne@wildlife.ca.gov](mailto:David.Manthorne@wildlife.ca.gov)

**North Coast Regional Water Quality Control Board**

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

**California Department of Food and Agriculture, CalCannabis Bureau**

Tabatha Chavez, [Tabatha.Chavez@cdfa.ca.gov](mailto:Tabatha.Chavez@cdfa.ca.gov)

**State Water Resources Control Board Division of Water Rights**

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)  
Steven Hall, [Steven.Hall@Waterboards.ca.gov](mailto:Steven.Hall@Waterboards.ca.gov)

### Attachment A – Regulatory Citations

Regulatory Section	Citation
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)	<p>“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).”</p>
California Water Code Section 13264 (a)	<p>“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:”</p>
California Water Code Section 13265(a)	<p>“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.”</p>

---

## North Coast Regional Water Quality Control Board

TO: Diana Henriouille

FROM: Connor McIntee

DATE: August 22, 2019

### **Inspection Report for August 07, 2019, Warrant Inspection Humboldt County Assessor's Parcel Number 216-201-002**

File: Cannabis Program Inspections, Humboldt County, August 2019 HCSO/CAMP Inspections, Emil Terzisky, CIWQS Place ID.860374

#### **Property information:**

County: Humboldt

Physical address: Unknown address. Accessed via an unnamed road off of Stewart Ranch Road, approximately 4 miles east of Fort Seward, and approximately 100 feet west of the Trinity County line.

APN: **216-201-002**

Owner: Emil Terzisky  
696 San Ramon Valley Blvd.  
Danville, CA 94526

Transaction History: Last sale July 1, 2019; seller Ivan Iv Boris Borissov.

Size: 72 acres.

Watershed: Eel River Hydrologic Unit; Middle Main Eel Hydrologic Area; Sequoia Hydrologic Subarea (HU/HA/HSA 111.41; Table 2-1, Water Quality Control Plan for the North Coast Region).

Aerial Imagery Notes (Google Earth Pro): Roads/tracks visible in earliest available imagery (June 1993). Structures, hoop houses, patterns suggestive of cannabis cultivation, and associated site disturbance visible in several portions of the parcel in May 2014 imagery.

**Regulatory status with the Regional Water Board:**

Site Development: N/A

Applicable programs: Clean Water Act section 401 Water Quality Certification/waste discharge requirements for instream work.

Onsite activities/operations: N/A.

Applicable programs: Cannabis cultivation waste discharge regulatory program.

**Inspection information:**

Date/time: August 07, 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)

Amanda Piscitelli, 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, 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**

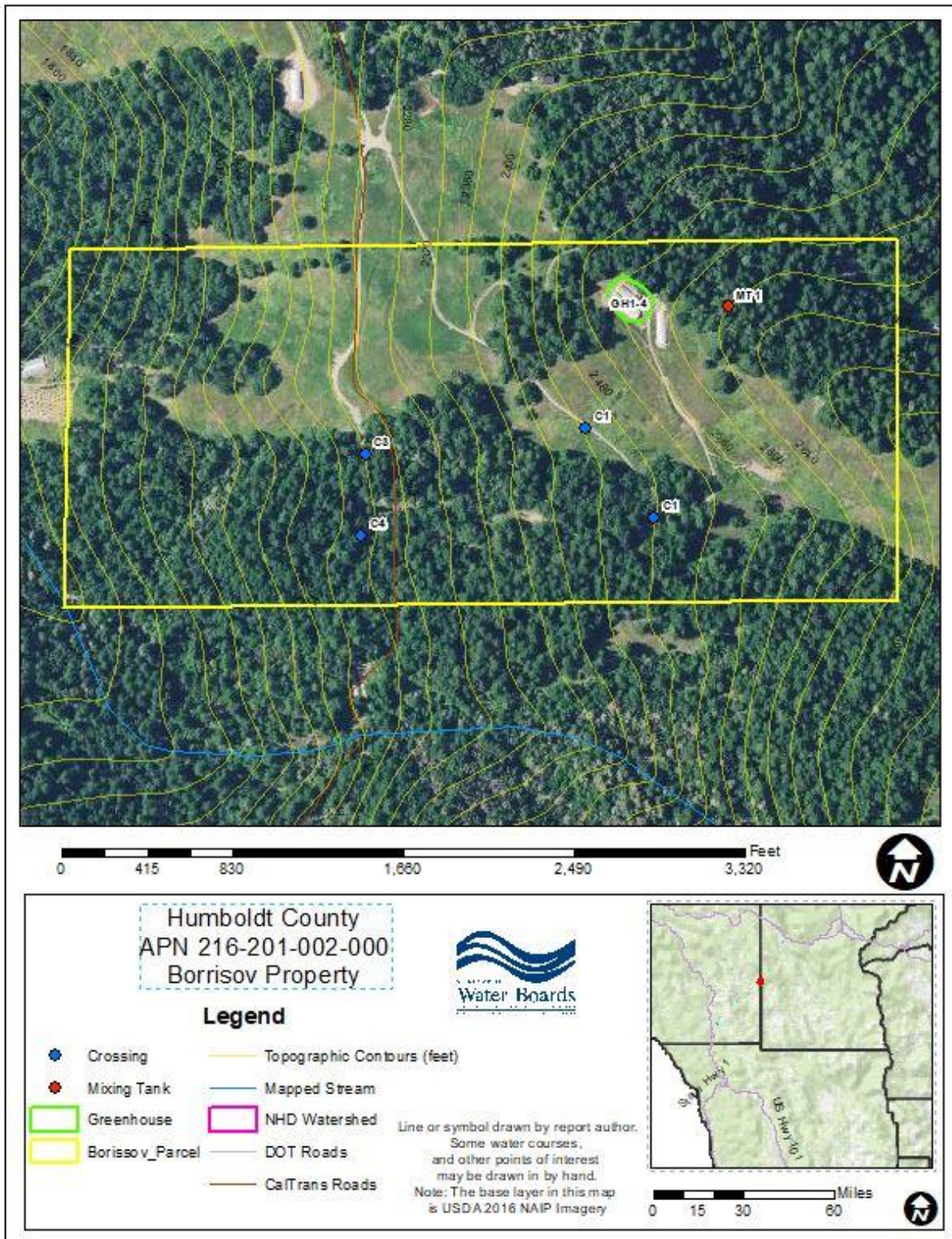


Figure 1: Map of Property, including Inspection Points of Interest

**Inspection Observations:**

On August 7, 2019, I inspected the subject property. Figure 1, above, is a site map showing the inspection points discussed below. Development on the parcel includes one area that was being used for cannabis cultivation at the time of the inspection (GH1-4), water supply infrastructure used for irrigating cannabis plants, including a system of water storage and fertilizer mixing tanks (MT1), as well as a network of connecting roads and related road infrastructure, including four stream crossings and a ditch relief culvert.

GH1-4 is located on a relatively flat clearing on a hill with an approximately 20,300-square foot earthen pad/clearing with cannabis cultivation in four greenhouses (photo 1). In this area I observed a soil amendments and refuse (Photos 2-3), uncovered and/or uncontained. Uphill from GH1-4, I observed a fertilizer mixing tank, labeled MT1 on Figure 1 without secondary containment (photo 4). Adjacent to the mixing tank, I observed multiple fertilizer containers that were uncovered and/or uncontained. Immediately uphill from MT1, I observed three water storage tanks of varying size used to store water for cannabis cultivation (photo 5). The water storage tanks did not appear to contain appropriate overflow prevention valves. Both GH1-4 and MT1 are located a fair distance from any surface waters. As such, the overall potential for pollutant delivery to receiving waters from GH1-4 or MT1 appeared to be low.

Throughout the Property, I observed an extensive network of roads. In the southeast portion of the Property (farthest uphill and closest to the cultivation area, GH1-4), along the main access road, I observed a culverted watercourse crossing, C1 (photos 6-7). The culvert is a 24" concrete pipe that has a degraded and broken outlet. Additionally, the culvert appears undersized and is slightly perched.

Heading northwest on the road, I observed a second culverted watercourse crossing, C2 (Photos 8-9). The culvert at C2 consists of an 18" corrugated plastic pipe (CPP) that appears undersized, misaligned, and inadequately armored.

In between C1 and C2, along the main access road, I observed a ditch relief culvert, DRC1, not labeled on Figure 1. DRC1 consists of an 18" CPP with a partially buried inlet (Photos 10-11). DRC1 drains an approximately 100-foot segment of road, and adjacent slumping hillside, and discharges onto a more severely slumping hillside on the downstream side. While not directly onstream, vegetation below the outlet of DRC1 indicates the presence of a shallow groundwater table, and I observed a class III watercourse channel 150 feet below the outlet where drainage from DRC1 would discharge. This point presents a significant concern to water quality as concentrated discharge from DRC1 could lead to further instability on the slumping hillside, potentially causing mass wasting and large amounts of sediment delivery to the watercourse below.

Downhill from C2, along the same channel and on a lower switchback segment of the main access road, I observed a third stream crossing, C3. C3 consists of an 36" concrete pipe that has signs scouring evident at its outlet and is misaligned (photos 12-13).

Farther south on the lower switchback of the main access road, I observed a fourth watercourse crossing, labeled C4 on Figure 1. C4 consists of a 24" concrete pipe that has signs of sediment aggradation at its inlet, demonstrating that it is likely undersized (photos 14-15).

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
GH1-4	Cannabis cultivation area	Greenhouse with active cannabis cultivation, soils, trash	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order  Threatened discharge of waste to waters of the state	1-3
C1	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	6-7
C2	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	8-9
C3	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	12-13
C4	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	14-15

<i>Map point</i>	<i>Feature</i>	<i>Brief Description</i>	<i>Water Quality Concern</i>	<i>Associated Photo(s)</i>
DRC2	Watercourse Crossing	Culverted watercourse crossing inadequately installed and/or maintained	Threatened discharge of waste to waters of the State	10-11

**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: As noted above, I observed slumping hillslopes above and below a segment of road with a ditch relief culvert that discharges onto the slumping hillslope below.
2. Stream crossing maintenance and improvement: As noted above, I observed four stream crossings that were inappropriately installed and/or maintained and represent a threat to water quality.
3. Riparian and wetland protection and management: I observed no water quality concerns relating to riparian and wetland protection and management on the subject parcel.
4. Spoils management: I observed no water quality concerns relating to spoils management on the subject parcel.
5. Water storage and use: As noted above, I observed water storage tanks lacking proper outflow prevention mechanisms.
6. Irrigation runoff: I observed no water quality concerns relating to irrigation runoff on the subject parcel.
7. Fertilizers and soil amendments: As noted above, I observed one location where fertilizers and soil amendments were uncovered and/or uncontained. However, as noted above, these materials were in a location where potential for delivery to receiving waters appeared relatively low.
8. Pesticides: I observed no water quality concerns relating to pesticides on the subject parcel.

9. Petroleum products and other chemicals: I observed no water quality concerns relating to storage or use of petroleum products or other chemicals on the subject parcel.

10. Cultivation-related wastes: I observed multiple locations where cultivation-related wastes were uncovered and/or uncontained. However, as noted above, these materials were in a location where potential for delivery to receiving waters appeared relatively low.

11. Refuse and human waste: I observed one location where refuse was improperly stored and/or disposed of.

### **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 ensure that restoration plans developed pursuant to Recommendation 1, above, 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 recommendations 1 and 2, 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](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/finaladopedcango101717.pdf](https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladopedcango101717.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/](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: Cannabis cultivation associated with GH1-4



Photo 2: Refuse pile near GH1-4, cultivation in the background



Photo 3: Soil amendments, refuse, improperly stored near GH1-4



Photo 4: Mixing tanks and fertilizer containers not properly sited or stored, MT1



Photo 5: Water Storage tanks on a hillside, adjacent to MT1



Photo 6: C1 inlet



Photo 7: C1 outlet



Photo 8: C2 inlet



Photo 9: C2 outlet



Photo 10: Hillside above DRC1, plastic polypipe leads into and through the crossing.



Photo 11: DRC1 outlet



Photo 12: C3 Inlet



Photo 13: C3 Outlet



Photo 14: C4 inlet



Photo 15: C4 outlet