North Coast Regional Water Quality Control Board

October 17, 2019

Pedro Garcia Martinez
44911 Highway 101
Laytonville, CA 95454

Certified Mail No. 7016 2710 0000 2635 9414

Dear Mr. Martinez

Subject: **Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for July 18, 2019, warrant inspection of Mendocino County Assessor's Parcel No. 032-225-22**

File: Cannabis Inspections, Mendocino County, 2019, 190718 Pedro Martinez Garcia 032-225-22, CIWQS Place ID No. 859922

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 July 18, 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 (July 18, 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 July 18, 2019 Inspection Report, Regional Water Board staff observed cannabis cultivation and associated site disturbance of 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 locations identified in the July 18, 2019, Inspection Report (attached) as "Crossings 1-6", "the Pond Area", "Tsh/Trash", "Channel", and "Chems in channel".

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 Henrioulle
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 July 18, 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 Heidi Bauer of your intentions, plan, and schedule to implement recommendations in the inspection report. Heidi can be reached at (707)576-3769 or, by email at Heidi.M.Bauer@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 Heidi Bauer 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,

Digitally signed by Diana Henrioulle
Date: 2019.10.17 14:57:08 -07'00'

Water Boards

Diana Henrioulle, P.E.
Enforcement Unit

191017_HMB_dp_Pedro Garcia Martinez Inspection_NOV

Attachments: Attachment A – Regulatory Citations
July 18, 2019, Water Quality Inspection Report

cc:

Department of Fish and Wildlife
Angela Liebenberg, Angela.Liebenberg@wildlife.ca.gov
Tim Dodson, Tim.Dodson@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

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	"(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: (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. (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."
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).”

TO: Diana Henrioulle

FROM: Heidi Bauer

DATE: October 8, 2019

Inspection Report for July 18, 2019, Warrant Inspection
Mendocino County Assessor's Parcel Number 032-225-22

File: Cannabis Program Inspections, Mendocino County, July 18, 2019 MCSO Inspections, Pedro Martinez Garcia, CIWQS Place ID. 859922

Property information:

County: Mendocino

Physical address: Unknown address on Simmerly Road, Laytonville, CA 95454

APN: **032-225-22**

Owner: Pedro Garcia Martinez

Transaction History: Last sale July 13, 2015; seller Hugo Francisco Delgadillo.

Size: 130 acres.

Watershed: Eel River Hydrologic Unit; Middle Eel River Hydrologic Area; Spy Rock Hydrologic Subarea (HU/HA/HSA 111.42; Table 2-1, Water Quality Control Plan for the North Coast Region)

Aerial Imagery Notes (Google Earth Pro): Access roads and small pond visible, with varying appearance from earliest (August 1998) imagery. Pocking visible at two locations in September 2010 imagery (previous imagery June 2009). Hoop houses and/or outdoor signs indicative of cannabis cultivation in at least three locations in July 2012 imagery and cultivation areas continue, with some variation in patterns through imagery to most recent (August 2017).

Images below are from Google Earth. Outline shows area of recent ground disturbance in area of Pond (Figure 1)

August 12, 2017

July 9, 2012

April 24, 2010

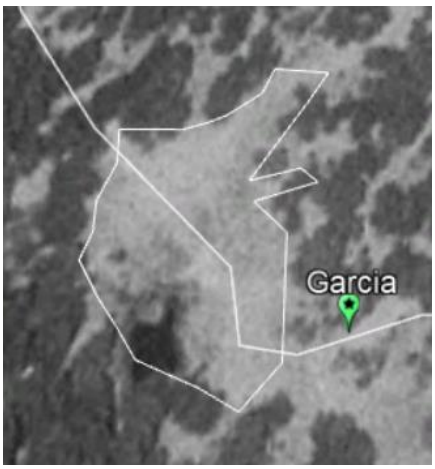
May 24, 2009

June 25, 2006

December 31, 2004

June 30, 2004

June 3, 2003



August 12, 1998

Regulatory status with the Regional Water Board:

Site Development: N/A

Applicable programs: Clean Water Act section 401 Water Quality Certification for fill in a watercourse and a wetland. General Permit for Discharges of Storm Water Associated with Construction Activity, Construction General Permit Order 2009-0009-DWQ, for land disturbance of an acre or more.

Onsite activities/operations: N/A

Applicable programs: Statewide Cannabis Order WQ 2017-0023-DWQ, 401 Water Quality Permit.

Inspection information:

Date: July 18, 2019

Type: Mendocino County Sheriff's Office Warrant Inspection

Attendance:
Mendocino County Sheriff's Law Enforcement personnel
Douglas Wilson, California Department of Fish and Wildlife (CDFW) Warden,
Tim Dodson, CDFW
Angela Liebenberg, CDFW
Shannon Townsend, California Department of Food and Agriculture (CDFA), CalCannabis Bureau
Michael Vella, CDFA CalCannabis Bureau
David Rosas, State Water Resources Control Board (SWRCB) Division of Water Rights (DIV)
Gagan Bhullar, SWRCB DIV
Heidi Bauer, Engineering Geologist, North Coast Regional Water Board
National Guard personnel

Background/Objective:
North Coast Regional Water Board (Regional Water Board) staff participated with staff of the Mendocino County Sheriff's Office (MCSO), California Department of Fish and Wildlife (CDFW), State Water Board's Division of Water Rights (DIV), CDFA CalCannabis bureau, and personnel from various law enforcement agencies in four days of inspections of multiple cannabis cultivation sites in Mendocino County, on July 15-18, 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 Maps

Figure 1

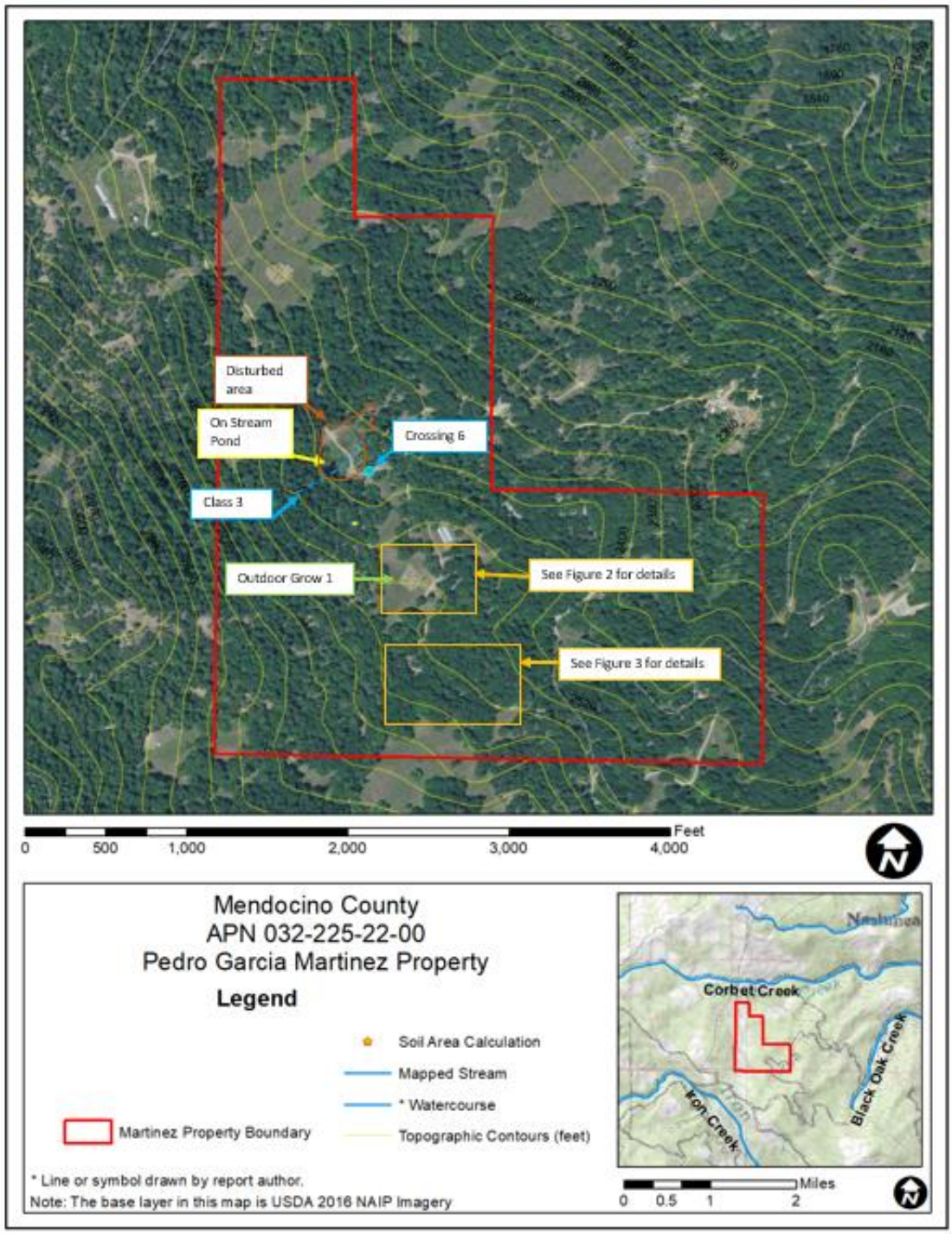


Figure 2

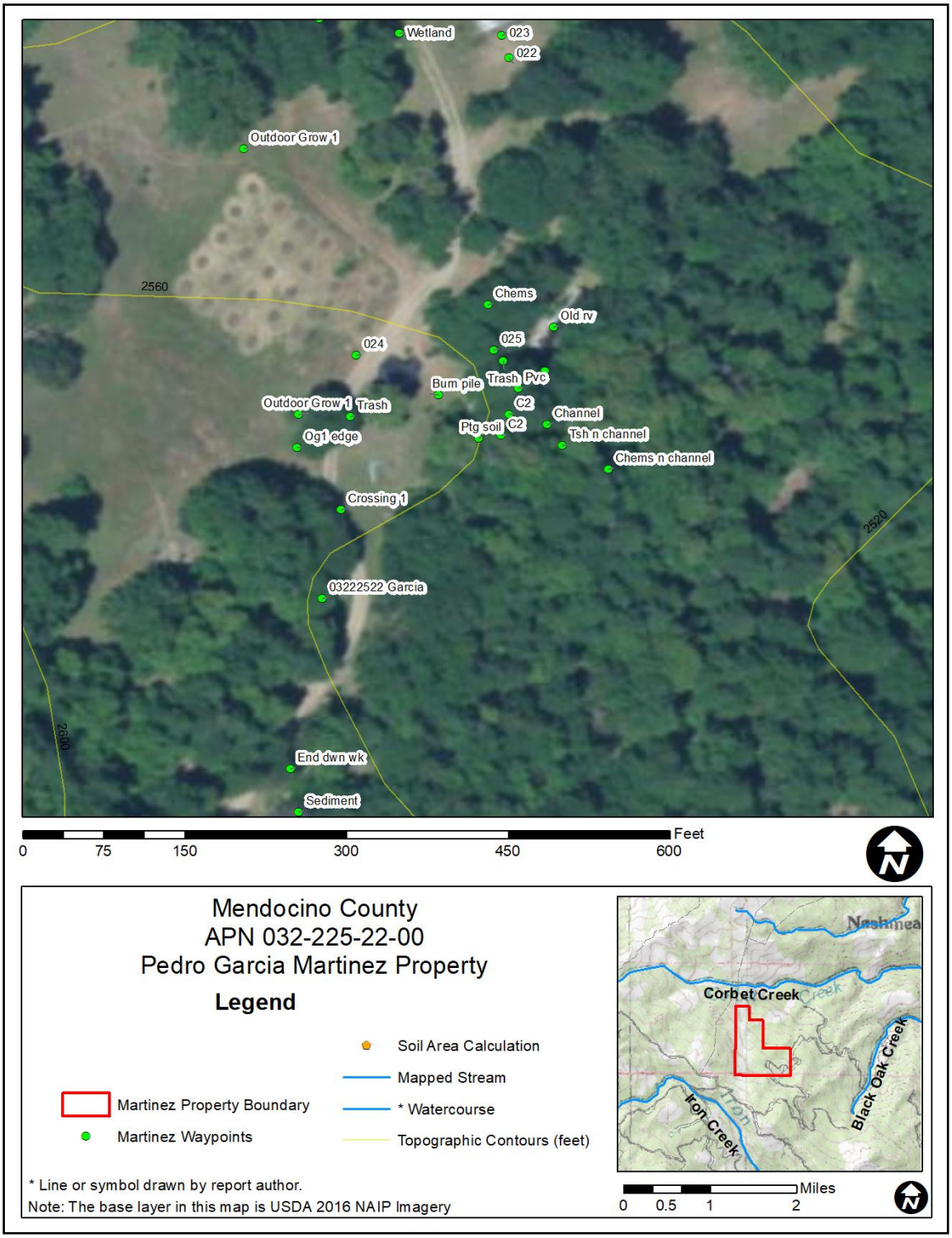

Wetland
023
022
Outdoor Grow 1
2560
Chems
Old rv
025
024
Bum pile
Trash
Pvc
C2
Outdoor Grow 1
Trash
Channel
Ptg soil
C2
Tsh 'n channel
Og1 edge
Chems 'n channel
Crossing 1
2520
03222522 Garcia
2600
End dwn wk
Sediment
0 75 150 300 450 600 Feet
Mendocino County
APN 032-225-22-00
Pedro Garcia Martinez Property
Legend
Martinez Property Boundary
Martinez Waypoints
Soil Area Calculation
Mapped Stream
* Watercourse
Topographic Contours (feet)
* Line or symbol drawn by report author.
Note: The base layer in this map is USDA 2016 NAIP Imagery
Corbet Creek
Black Oak Creek
Iron Creek
0 0.5 1 2 Miles

Figure 3

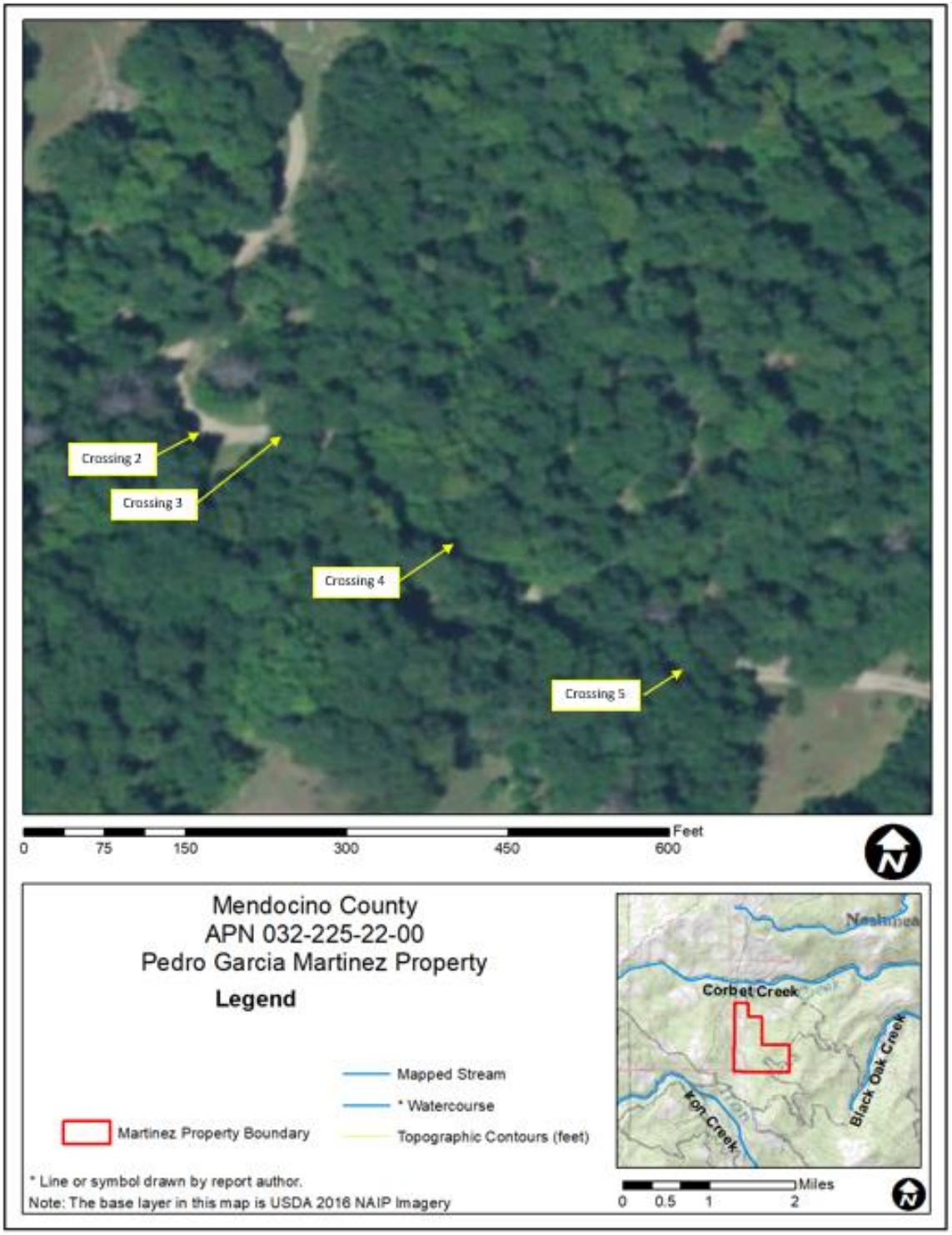
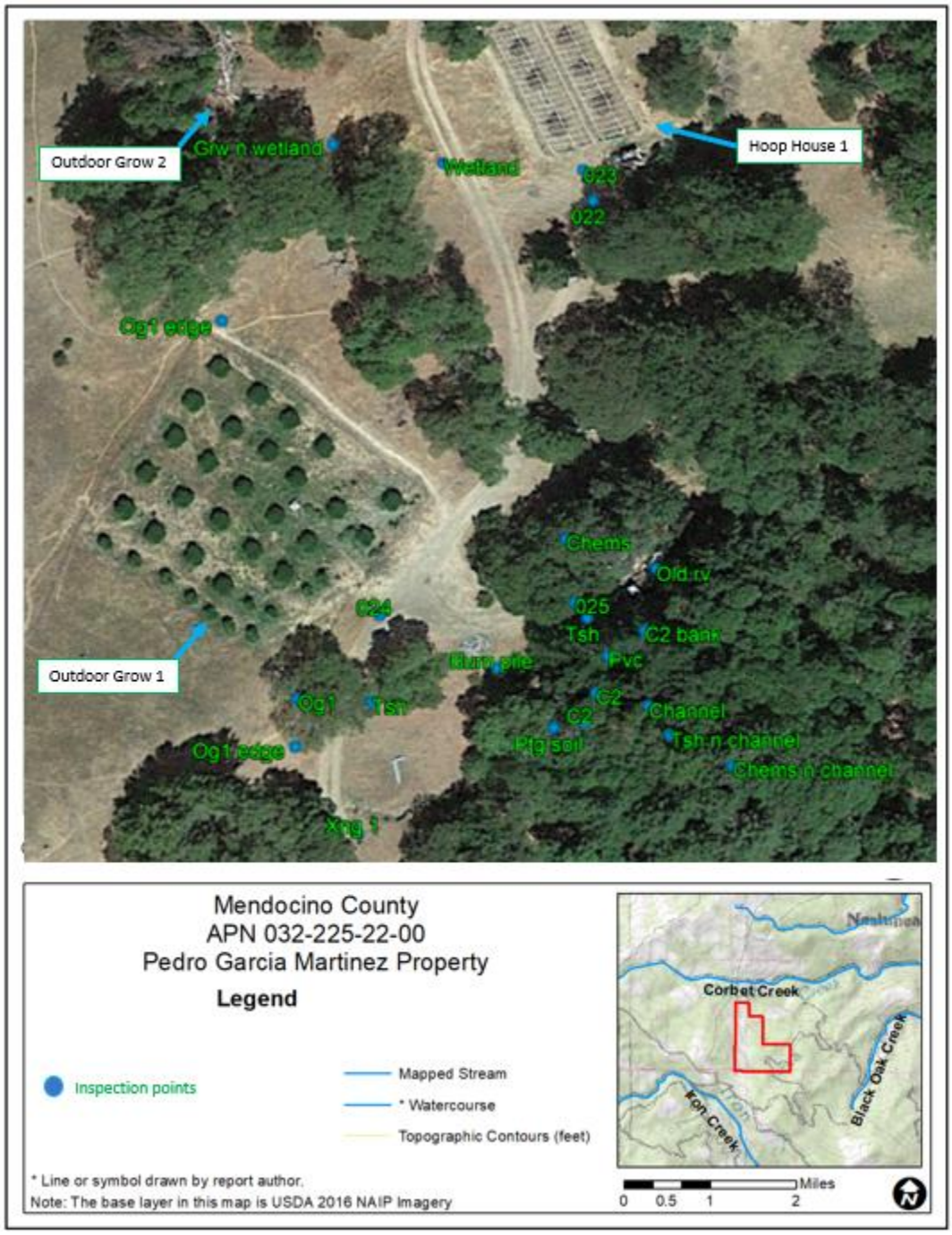

Crossing 2
Crossing 3
Crossing 4
Crossing 5
0 75 150 300 450 600 Feet
N
Mendocino County
APN 032-225-22-00
Pedro Garcia Martinez Property
Legend
Mapped Stream
* Watercourse
Martinez Property Boundary
Topographic Contours (feet)
* Line or symbol drawn by report author.
Note: The base layer in this map is USDA 2016 NAIP Imagery
Corbet Creek
Black Oak Creek
Ron Creek
0 0.5 1 2 Miles
N

Figure 4


Chms n pnd
Instrl pnd
Chem n pnd
Google Earth
Mendocino County
APN 032-225-22-00
Pedro Garcia Martinez Property
Legend
Disturbed area
Inspection points
Mapped Stream
* Watercourse
Topographic Contours (feet)
* Line or symbol drawn by report author.
Note: The base layer in this map is USDA 2016 NAIP Imagery
Corbet Creek
Black Oak Creek
Miles
0 0.5 1 2

Figure 5


Outdoor Grow 2
Grw n wetland
Wetland
Hoop House 1
023
022
Og1 edge
Chems
Old ry
025
C24
Tsh
C2 bank
Outdoor Grow 1
Pvc
Og1
Tsh
C2
C2
Channel
Tsh n channel
Pig soil
Og1 edge
Chems n channel
Xng 1
Mendocino County
APN 032-225-22-00
Pedro Garcia Martinez Property
Legend
Inspection points
Mapped Stream
* Watercourse
Topographic Contours (feet)
* Line or symbol drawn by report author.
Note: The base layer in this map is USDA 2016 NAIP Imagery
Corbet Creek
Black Oak Creek
Iron Creek
Miles
0 0.5 1 2

Inspection Observations:
Figures 1-5, above, show inspection points discussed below. Development on the site includes multiple cannabis cultivation areas/features (Outdoor Grow 1, Hoop House 1, and Outdoor Grow 2), towards the middle of the parcel, to either side of an access road that continues north to a large, recently disturbed area around an onstream pond feature.

Outdoor Grow 1 area
At Outdoor Grow 1 (Photo 1), I measured a cannabis cultivation area of approximately 16,000 ft^2. I observed hydrophytic plants (Juncus) within the cultivation area indicating that the cultivation area had been sited in a wetland area. Aerial imagery from 2009 (see Image 1, below) shows signs of wetland hydrology in this area.

South-southeast of the cultivation area, I observed a number of features of concern, shown on Figure 5. These include chemicals on the ground near the banks of a Class 2 watercourse ("chems," photos 52, 68, 69); a pile of burned waste ("Burn pile," photo 59) at a location where material could be transported into the watercourse; and trash, slash and potting soil along the banks of the watercourse ("Tsh" and "Ptg soil," photos 60, 61, 62, 67, 70, 71, 72, and 73). In this area, I also observed a decrepit, deteriorating RV trailer ("old RV") within 25 feet of the watercourse bank.

Within the stream channel, I observed trash and chemical containers. One nutrient container was hanging up, indicating it may have been used to mix nutrients within the watercourse. ("Tsh n channel" and "Chems n channel," photos 55, 56 and 63).

Hoop House 1
At Hoop House 1, I observed four hoop houses (photo 51). Surrounding this area, I observed trash lying on the ground. However, due to the distance to the watercourse trash in this area did not appear likely to present a threat to water quality.

Outdoor Grow 2
West of the hoop houses, I observed Outdoor Grow 2 (photos 53-55). As measured in the field, this cultivation area is about 2000 ft^2. Similar to my observations at Outdoor Grow 1, I observed hydrophytic plant species (Juncus) in this area, and aerial imagery (Image 1) suggests that this area also has wetland hydrology and that it is hydrologically connected to Outdoor Grow 1.

Southeast Access Road
Along the access road south of the three cultivation areas, I observed 5 watercourse crossings (Crossings 1-5, Figure 3), and steep cut banks with loose and eroding sediment (photo 12 and 30). Based on recent heavy equipment marks on the surface and no vegetation growth it appears that this road was built and/or widened fairly recently.

Crossing 1
Crossing 1 (shown on Figure 2, Figure 3, and photos 4-7), consisted of an undersized culvert. I observed evidence of sediment discharge from the road into the watercourse at this location and I observed trash in the watercourse as well (Photo 7).

Crossing 2
At Crossing 2 (Figure 3, photos 8-11 and 13-21), the access road is built through a Class III watercourse, with no constructed feature to allow for stable conveyance of stream flows. At this crossing, I saw evidence (photos 9-11) of recent heavy equipment work in the watercourse (bucket tracks). Fill material extended several feet into the stream channel beyond the roadway (photos 13-21). The volume of fill placed in the watercourse was approximately 2500 ft^3, based on field measurements.

Crossing 3
South of Crossing 2, I observed Crossing 3 (Figure 3, photos 22-25), also comprised of earthen fill placed in a watercourse with no culvert or other installed stream crossing. Here, again, I observed evidence of recent heavy equipment work within the channel (photo 25). The volume of fill placed in this watercourse (photos 24-26) was approximately 240 ft^3, based on field measurements.

Crossing 4
About 200 feet southeast of Crossing 3, I observed Crossing 4 (Figure 3, photos 26-29), a Class III crossing showing signs of recent earthwork. I did not take measurements of the volume of fill at this crossing due to time restraints. I observed a culvert protruding out from the downstream end of the filled road prism, approximately 2-3 feet above the channel bottom (Photo 26). The culvert was undersized for the size of the channel. The upstream end of the culvert appeared to be buried. Like the other crossings in this area, I saw earthen fill extending into the watercourse channel beyond the roadway (photo 26).

Crossing 5
The last crossing I observed along this stretch of road was Crossing 5 (photos 31-34). This crossing was also filled with earthen material, and did not have any culvert or other type of watercourse crossings installed. Due to time constraints, I was unable to measure fill volume in the watercourse at this location. I observed evidence of discharge of sediment from the access road into the watercourse (photo 34).

Pond Area
North of the cultivation areas, I observed the On Stream Pond and Disturbed area (Figures 1 and 4). The pond measured as being approximately 2000 ft^2. As noted in the aerial imagery review above, the pond was visible throughout the photo series reviewed. However, in the area surrounding the pond (as outlined in the images and

figures above), I observed bare, disturbed soil, partially covered with straw. The recently disturbed area measured approximately 53,000 ft^2 (1.2 acres

I observed diversion pumps and irrigation lines (photos 44 and 45) coming from the instream pond area indicating that the pond is the apparent water source for the cultivation area. Photos 44 and 45 also show petroleum staining on the edge of the pond. I also observed chemical containers in the pond and on the banks of the pond (photos 36-38, 42).

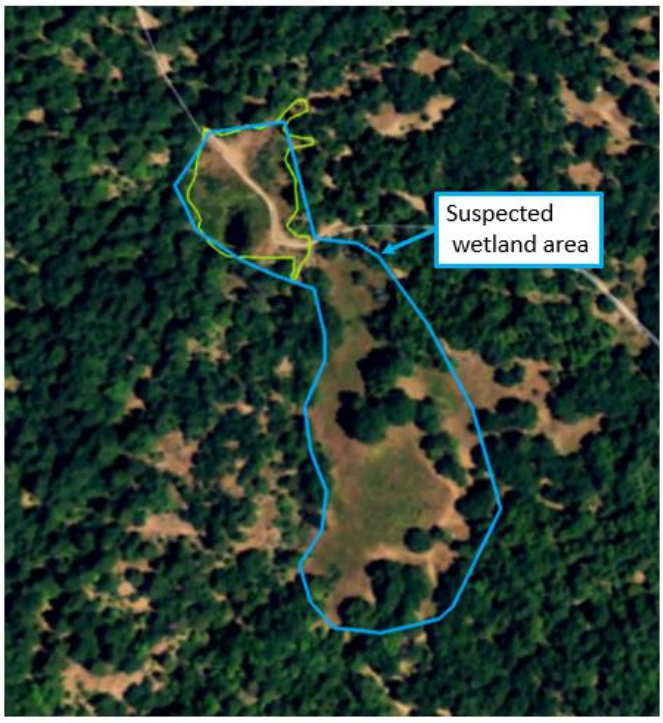
Based on the presence of the pond, features visible in previous aerial images, and wetland indicators observed in the field (plants and soil moisture (photo 39)), it appears likely that the disturbed area is all or mostly in wetland. Image 1 shows the suspected wetland boundary.

In the watercourse channel downstream of the pond, I observed sediment deposits likely associated with the recent nearby earthwork (photos 43, 50).

Crossing 6

To the west of the pond I observed Crossing 6, with a 32" cement culvert that appeared undersized when compared to the channel (photos 46, 47). I also noticed sediment deposited into the watercourse here (photo 48), likely associated both with the recent earthwork and with drainage from the hydrologically connected roadside ditch (photos 46, 47, 49).

IMAGE 1 (Google Earth 2009)



Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
Outdoor grow 1	Cannabis cultivation	Outdoor cultivation area. Wetland indicators observed in this area.	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order Possible dredge/fill in a surface water.	1; 56-58
Crossing 1	Culverted watercourse crossing	Stream crossing culvert undersized	Threatened discharge of waste to waters of the State.	3
Crossing 1	Road-related sediment delivery into a watercourse	Sediment delivery into a Class 3 watercourse	Discharge of waste to waters of the State	4,5,6
Crossing 1	Trash in watercourse	Trash bag and pipes in watercourse	Discharge of waste to waters of the State	7
Crossing 2	Road built through watercourse	Fill placed in stream channel at and adjacent to the roadway.	Discharge of waste to waters of the State. Dredge/fill in a surface water. Construction-related waste placed in or where it can enter surface waters.	8-11 and 13-21

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
Crossing 2	Road-related sediment delivery into a watercourse	Sediment discharged into road drainage ditch leading to watercourse	Discharge of waste to waters of the State.	12
Crossing 3	Road built through watercourse	Fill placed in stream channel at and adjacent to the roadway.	Discharge of waste to waters of the State. Dredge/fill in a surface water. Construction-related waste placed in or where it can enter surface waters.	22-34
Crossing 4	Road built through watercourse	Fill placed in stream channel at and adjacent to the roadway. Culvert visible in fill, but not functional.	Discharge of waste to waters of the State. Dredge/fill in a surface water. Construction-related waste placed in or where it can enter surface waters.	26-29
Crossing 5	Road built through watercourse	Fill placed in stream channel at and adjacent to the roadway.	Discharge of waste to waters of the State. Dredge/fill in a surface water. Construction-related waste placed in or where it can enter surface waters.	31-34

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
Crossing 5	Erodible material on sloped surface	Highly erodible soils on very steep slopes from recent road work	Threatened discharge of sediment into a water of the State	30
Pond area	Chemical containers and petroleum staining	Chemical containers in and adjacent to the onstream pond. Petroleum staining adjacent to the pond.	Discharge and threatened discharge of waste to waters of the State.	38, 42, 44, and 45
Pond area	Large area of bare, disturbed soil around the pond	More than 1 acre of recently disturbed soil, not adequately stabilized to prevent erosion/sediment discharges. Wetland features observed. Fill and sediment delivery in stream channel below pond.	Dredge/fill in surface water. An acre or more of land disturbance without coverage under Construction General Permit. Discharges and threatened discharges of waste earthen material to waters of the State. Construction-related waste earthen material placed in and where it can enter surface waters.	35-37, 39-41, and 50

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
Crossing 6	Culverted crossing	Evidence of recent road construction/ widening. Fill placed in stream channel at and adjacent to the roadway. Culvert present, but undersized and partially buried.	Discharge and threatened discharge of waste to waters of the State. Dredge/fill in a surface water. Construction-related waste placed in or where it can enter surface waters.	46 and 47
Crossing 6	Road-related sediment	Evidence of sediment transport/ delivery from the road into the watercourse	Discharge of waste to waters of the State.	49
023	Cannabis cultivation area	Outdoor cultivation area	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	50
Hoop House 1	Cannabis cultivation area	Outdoor cultivation area	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	51

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
Outdoor Grow 2	Cannabis cultivation area	Outdoor cultivation area with wetland indicators	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order Possible dredge/fill in a surface water.	53-55
Burn Pile	Burn pile	Burned waste in an area where it could be transported into receiving waters	Threatened discharge of waste to waters of the State	59
Tsh/Trash (various)/ PVC	Trash in the vicinity of OG1	Uncovered/ uncontained trash observed at various locations around OG1 in and near surface waters.	Discharge and threatened discharge of waste to waters of the State	61-63, 73
Channel	Sediment in watercourse	Sediment deposits observed in stream channel	Discharge of waste to waters of the State	64
Chems in channel	Nutrient containers	Nutrients and trash discharged into watercourse	Discharge of waste to waters of the State	65,66
Ptg soil	Amended soil	Amended soil piled on the bank of a Class II watercourse	Threatened discharge of waste to waters of the State	67

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
Chems	Trash, slash and potting soil	Trash, slash and potting soil sitting on the bank of a watercourse	Threatened discharge of waste to waters of the State	68,69
Old RV	Old RV and trash	Old RV and trash next to a watercourse	Threatened discharge of waste to waters of the State	70,71,72

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: The access road going towards Outdoor Grow 1 had been recently worked on, leaving loose and erodible sediment in areas that drain to receiving waters. Along this road were steep erodible cut banks with no erosion or sediment controls, and with evidence of transport and delivery into the road drainage ditch that was hydrologically connected to several watercourses. The access road west of Crossing 6 had a drainage ditch hydrologically connected to the Class II stream. The roads I observed on this property during the inspection were not maintained and did not have adequate sediment and erosion controls to prevent sediment discharge into receiving waters. As mentioned above, I observed a large area of recent land disturbance in the vicinity of the pond. A portion of the disturbed area was covered with straw but much of it remained exposed. I observed evidence of sediment transport/delivery from this area into receiving waters.

2. Stream crossing maintenance and improvement: I observed six watercourse crossings. Two had undersized or non-functional culverts; the remaining four had no constructed feature to provide stable conveyance of stream flows. All showed evidence of recent dredge/fill activities in stream channels, and all showed evidence of sediment discharge into waters of the State due to the poor construction.

3. Stream and wetland buffers: As mentioned above, I observed wetland indicators in two of the cultivation areas. A large portion of the vegetation in these areas appears to have been removed to accommodate the cannabis plants.

4. Spoils management: I observed potting soil and slash on the banks of the Class II watercourse, in areas where they could enter or be transported into the watercourse.

5. Water storage and use: I observed pumps near the pond, and irrigation lines going from the pond towards the cultivation areas; this appeared to be the primary water source for irrigation. I observed several small water tanks near the hoop house area.

6. Irrigation runoff: Staff did not see any concerns associated with irrigation runoff.

7. Fertilizers and soil amendments: As noted above, I observed amended potting soil on the banks of the Class II watercourse, and nutrients hanging in the Class II watercourse, possibly in order to mix nutrients within the watercourse. I observed nutrient containers uncovered and uncontained in areas where spills/leaks could enter or be transported into receiving waters.

8. Pesticides: Staff did not note any concerns regarding pesticide storage and use.

9. Petroleum products and other chemicals: I observed petroleum products on the banks of the Class II watercourse and on the edge of the pond. I also observed spilled fuels on the edge of the pond.

10. Cultivation-related wastes: I observed slash along the banks of the Class II watercourse.

11. Refuse and human waste: I observed refuse, uncovered and uncontained, in various locations throughout the parcel, including locations in and where it could enter receiving waters.

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 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. 1) Engage an appropriately licensed, qualified professional to conduct a U.S. Army Corps verified forensic wetland delineation of the entire Property.
   2) Engage an appropriately qualified professional with relevant experience in wetland restoration to prepare and submit a wetland restoration plan which includes but is not limited to, a project description, goal of restoration,

implementation plan and schedule, plan for monitoring and site maintenance following restoration, and contingency measures addressing the diversity index of wetland/ non-wetland native plant species occurring on the Property. The plan should include proposed mitigation to address the temporal and permanent losses of wetland value and function. The plan should include specifications for debris removal and disposal.

3. In the case that the landowner intends to keep or replace the impoundment observed at location P1, ensure that the assessment described under recommendation 1., above, includes review by an appropriately qualified, licensed professional, certifying that the impoundment meets, or specifying necessary work to ensure that the impoundment will meet the following standards:

    a. Interior and exterior embankment slopes are no steeper than a 2:1 ratio
    b. 90% compaction of earthen slopes
    c. The pond must have a liner. If a geosynthetic membrane liner is deemed unacceptable for biological resources, then a proper dry bentonite application may be proposed, including specifications and oversight on bentonite amount, application, mix with soil, hydration, and compaction.
    d. The impoundment must have no discernible cracks in any portion of the berm.
    e. The impoundment must be designed, constructed, and maintained to ensure a 2-foot elevational freeboard above the outlet structure.
    f. The outlet structure must have a minimum capacity adequate to accommodate the expected 100-year peak inflow plus debris.
    g. A stability analysis must demonstrate that the factor of safety for the critical slope is at least 1.5 under dynamic conditions and include a description of the method used to calculate the factor of safety and a description of the assumptions used in the stability analysis.

4. Retain a qualified professional to develop a workplan and schedule to remove crossings 1-6, and to restore the channel to its natural state. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.

5. 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.

6. Prior to conducting any instream work associated with the recommendations 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

7. 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/finaladoptedcango101717.pdf

8. 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/

9. Collect and dispose of or contain all refuse and cultivation-related wastes in a location and manner to minimize potential for these wastes to enter or be transported into receiving waters.

10. 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.

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 – Outdoor Grow 1

Photo 1.1 – Outdoor Grow 1


Photo 2 – Crossing 1 Downstream


Photo 3 –Crossing 1 Upstream (undersized culvert)


Photo 4 –Sediment in Crossing 1


Photo 5 –Sediment in Crossing 1


Photo 6 – Sediment in Crossing 1

Photo 7 – Trash in Crossing 1

Photo 8 – road fill in crossing (Crossing 2)


Photo 9 – Fill in crossing (Crossing 2)

Photo 10 – Filled in crossing (Crossing 2)


Photo 11 – Fill in crossing (Crossing 2)

Photo 12 – Sediment from road work in ditch

Photo 13 – Fill in crossing (Crossing 2)

Photo 14 –Sediment in Class 3 (Crossing 2)

Photo 15 – Sediment in Class 3 (Crossing 2)


Photo 16 –Sediment in Class 3 (Crossing 2)

Photo 17 – Sediment in Class 3 (Crossing 2)


Photo 18-Sediment in Class 3 (Crossing 2)


Photo 19 – Sediment in Class 3 (Cross 2)

Photo 20 – Sediment in Class 3 (Crossing 2)

Photo 21 – Sediment in Class 3 (Crossing 2)

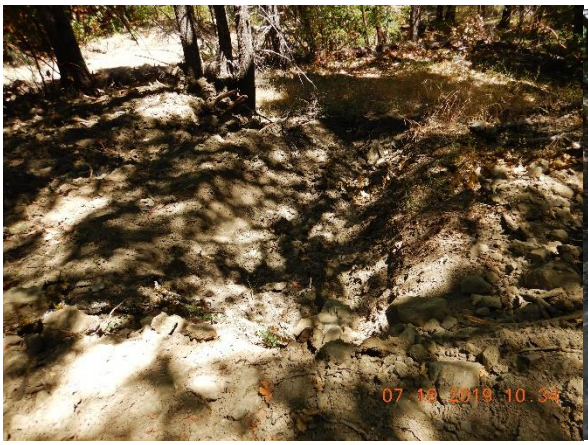


Photo 22 – Sediment in Class 3 (Crossing 3)

Photo 23 – Road prism built in Crossing 3

Photo 24 – Sediment in Class 3 (Crossing 3)


Photo 25 – Sediment in Class 3 (Crossing 3)

Photo 26 – Sediment in Class 3 (Crossing 4)

Photo 27 –Road fill in Crossing 4

Photo 28 –Upstream culvert buried Crossing 4

Photo 29 – Upstream culvert buried Crossing 4

Photo 30 –Erosion from steep unstable cuts

Photo 31 – Class 3 watercourse (Crossing 5)

Photo 32 – Class 3 watercourse (Crossing 5)

Photo 33 – Class 3 watercourse (Crossing 5)

Photo 34 –Sediment in Class 3 (Crossing 5)

Photo 35 – Instream Pond

Photo 36 – White container in pond

Photo 37 – White container in pond

Photo 38 – Chemicals on pond edge

Photo 39 – Pond and disturbed area

Photo 40 –Disturbed area with straw BMP

Photo 41 – Disturbed area with straw BMP

Photo 42 - Chemicals near pond

Photo 43 – Sediment in Class 3 (pond outflow)

Photo 44 – Petroleum staining (pond edge)

Photo 45- Pump and diversion pipes (pond edge)

Photo 46 –partially obstructed and undersized culvert (Crossing 6)

Photo 47 – Fine sediment deposits from pooled water showing impeded flow (upstream Crossing 6)

Photo 48 – Downstream Crossing 6

Photo 49 – roadside ditch leading to Crossing 4 showing sediment transport.

Photo 50 – Sediment discharge into Class 3 from pond outflow

Photo 51 – hoop houses ("023" on figure 5)

Photo 52 – Chemicals near hoop houses

Photo 53 –Outdoor cultivation area in potential wetland ("Outdoor Grow 2" on Figure 5)

Photo 54 –Outdoor cultivation area in potential wetland (“Outdoor Grow 2” on Figure 5)

Photo 55 –Outdoor cultivation area in potential wetland (“Outdoor Grow 2” on Figure 5)

Photo 56 –Outdoor cultivation area in potential wetland (“Outdoor Grow 1” on Figure 5)

Photo 57 –Outdoor cultivation area in potential wetland (“Outdoor Grow 1” on Figure 5)


Photo 58 –Outdoor cultivation area in potential wetland (“Outdoor Grow 1” on Figure 5). Photo showing possible hydrophytic vegetation (Juncus)


Photo 59 – Burn Pile (Figure 5)

Photo 60 – Trash on Class 2 bank (Figure 5)

Photo 61 – Trash, slash and potting soil on Class 2 bank (Figure 5)

Photo 62 – Trash, slash and potting soil on Class 2 bank (Figure 5)

Photo 63 – Trash in Class 2 watercourse (Figure 5)

Photo 64 – Sediment in Class 2 watercourse (Figure 5)

Photo 65 – Nutrients in Class 2 watercourse (Figure 5)

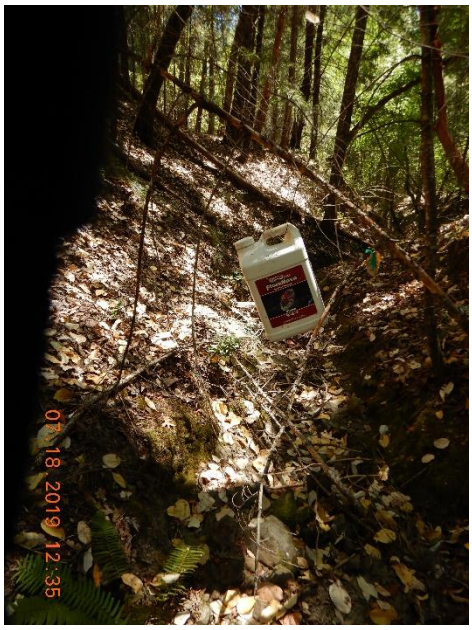


Photo 66 – Nutrients in Class 2 watercourse (Figure 5)


Photo 67 – Amended soil on bank of Class 2 (Figure 5)


Photo 68 – Trash, fuels and chemicals adjacent to Class 2 (Figure 5)

Photo 69 –Nutrients adjacent to Class 2 (Figure 5)

Photo 70 –Refuse not properly disposed of adjacent to Class 2 (Figure 5)

Photo 71 –Refuse and trailer falling apart adjacent to Class 2 watercourse (Figure 5)

Photo 72 –Refuse and trailer falling apart adjacent to Class 2 watercourse (Figure 5)

Photo 73 –Trash on bank of Class 2 watercourse (Figure 5)