North Coast Regional Water Quality Control Board

November 21, 2019

Abel Salzar
1612 Fulton Street, Unit 115
Fresno, CA 93721

Certified Mail No. 7016 2710 0000 2635 9650

Dear Mr. Salzar:

Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for July 16, 2019, Inspection of Mendocino County Assessor's Parcel Nos. 056-340-05 and -11

File: Cannabis Inspections, Mendocino County, 2019, 190716 Abel Salzar 056-340-05 and -11, CIWQS Place ID Nos. 859949 and 859950

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 16, 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 15, 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 16, 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 as inspection points WQ1, WQ2, WQ3, WQ4, WQ5, and WQ6 in the July 16, 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 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 16, 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 Adona White of your intentions, plan, and schedule to implement recommendations in the inspection report. Adona can be reached at (707)576-2672 or, by email at Adona.White@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 Adona White 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: 2019.11.21 13:42:39 -08'00'

Water Boards

Diana Henrioulle, P.E.
Enforcement Unit

191121_ACW_dp_Abel Salzar Inspection_NOV

Attachments: Attachment A – Regulatory Citations
July 16, 2019, Water Quality Inspection Report

cc: **Mendocino County**
Trent Taylor, Daniel Knapp, Brian Webb, Sean Connell, Michael Dygert
taylort@mendocinocounty.org, knappd@mendocinocounty.org, webbb@mendocinocounty.org, connells@mendocinocounty.org, dygertm@mendocinocounty.org

Department of Fish and Wildlife
Wesley Stokes, Wesley.Stokes@wildlife.ca.gov
Angela Liebenberg, angela.liebernberg@wildlife.ca.gov
Douglas Willson, Douglas.Willson@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	"(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).”

North Coast Regional Water Quality Control Board

TO: Diana Henrioulle, PE

FROM: Adona White, PE

DATE: October 14, 2019

Inspection Report for July 16, 2019, Warrant Inspection
Mendocino County Assessor's Parcel Numbers 056-340-05 and 056-340-11

File: Cannabis Program Inspections, Mendocino County, July 2019 MCSO Inspections, Abel Salzar, CIWQS Place IDs. 859949 and 859950

Property information:

County: Mendocino

Physical address: 5750 Simmerly Road, Laytonville, CA 95454

Assessor's Parcel Numbers (APNs): 056-340-05 AND 056-340-11

Owner: Abel Salzar

Transaction History: Last sale January 24, 2013, from Jerome Morphis and James G. Morphis III.

Size**:** Parcel 056-340-05: 16.71 acres; parcel 056-340-11: 21.29 acres.

Watershed: Eel River Hydrologic Unit; Middle Main 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): Roads and structures visible in earliest available imagery (May 1993); minimal visible site disturbance. Patterns indicative of cannabis cultivation in multiple areas visible in May 2014 and continue to the most recent (April 2019) imagery.

Regulatory status with the Regional Water Board:

Site Development: N/A

Applicable programs: soil disturbance of cumulatively more than an acre, Action Plan for Logging Construction, and Related Activities

Onsite activities/operations: N/A.

Applicable programs: Cannabis cultivation waste discharge regulatory program.

Inspection information:

Date/time: July 16, 2019

Type: Mendocino County Sheriff's Office Warrant Inspection

Attendance:
Wesley Stokes, Environmental Scientist (ES), CDFW
Steven Hall, ES, and Akiko Masuda, ES, DIV
Various law enforcement officers, including from the following agencies:
Mendocino County Sheriff Office, National Guard, CalFire, and CDFW

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), 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

Figures 1 and 2 are site maps based on 2016 aerial images of the Property, with outlines of the associated parcels and inspection points identified and discussed below.

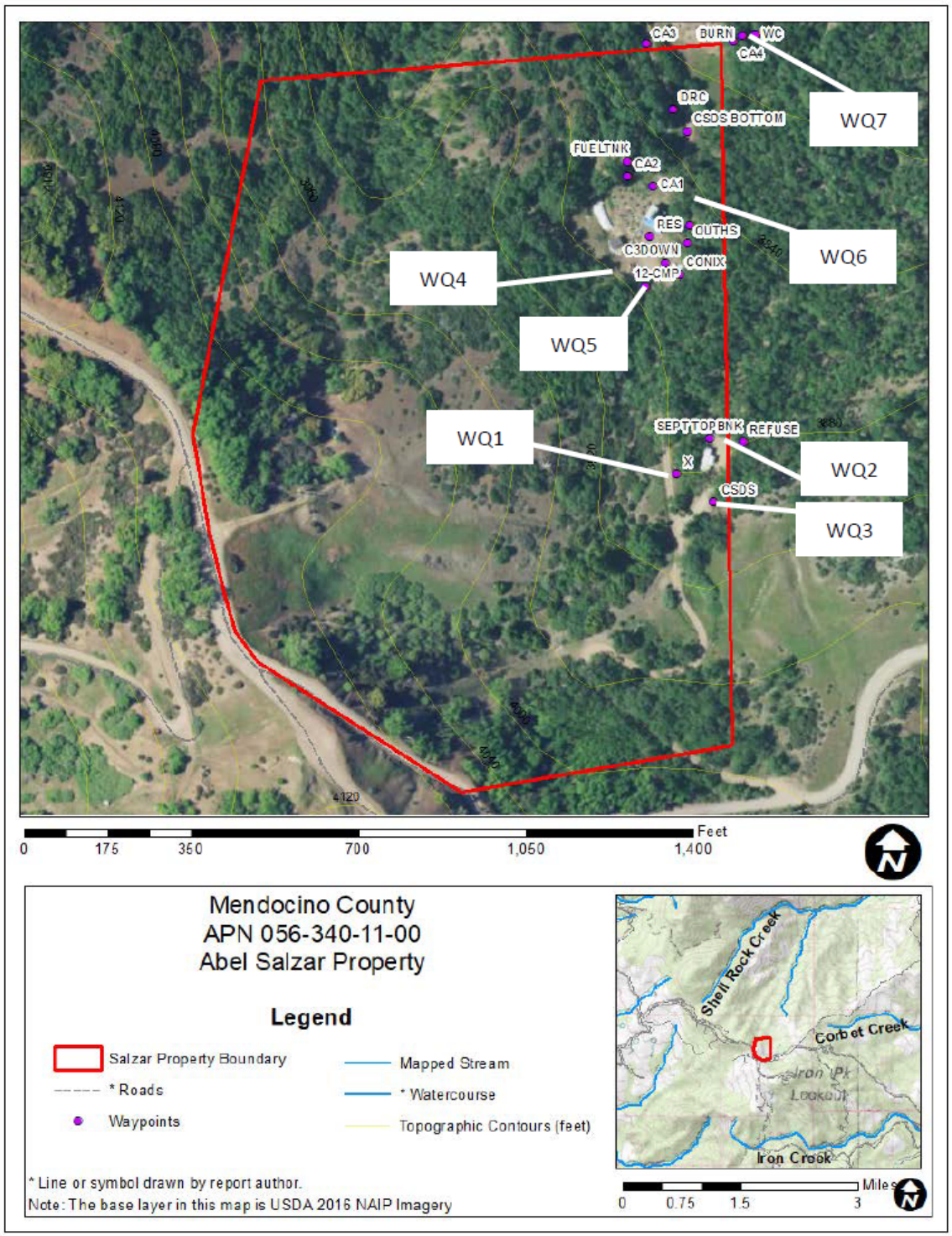

Figure 1. Water quality inspection map of APN 056-340-11. Waypoints represent locations of observed conditions and features; those of concern for water quality are labled with WQX and discussed below.

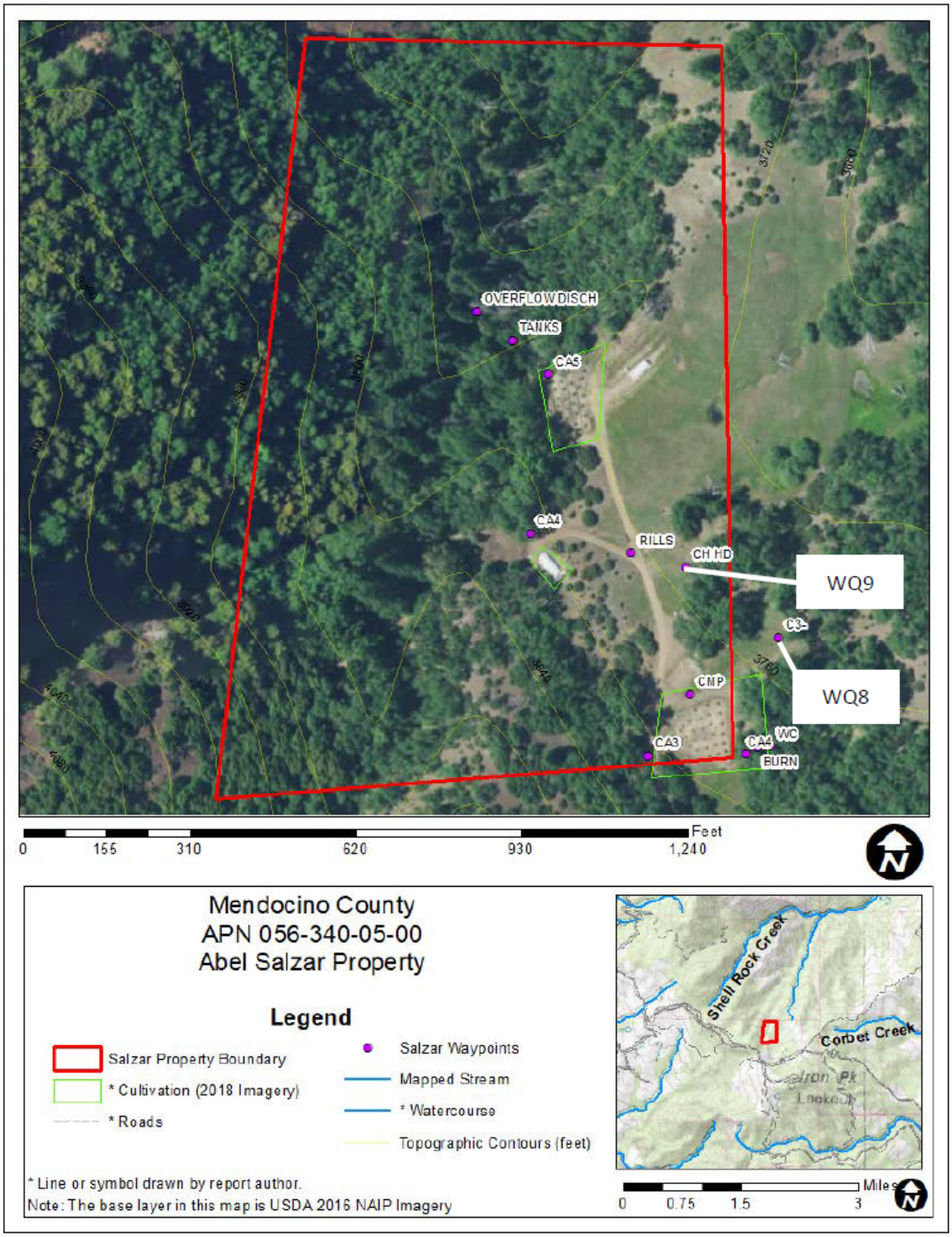

Figure 2. Water quality inspection map of APN 056-340-05. Waypoints represent locations of observed conditions and features; those of concern for water quality are labled with WQX and discussed below.

Inspection Observations:

Development on the property includes several clearings along and connected by an access road/driveway that extends north-south through both parcels. We accessed the southernmost parcel, 056-340-05, from Simmerly Road to the south, and traveled north along the access road, observing the following features:

WQ1: The access road crosses a Class III watercourse which drains from the west and flows under road via a corrugated metal pipe (X) to deliver into a natural drainage channel. The pipe appears undersized to handle the sediment load from the Class III and the road.

WQ2: Just south of WQ1, at WQ3, a spur road diverges to the east from the main access road, and leads to a small cabin and a trailer, downstream of WQ1 along the same Class III watercourse. I observed that the trailer was connected to a septic tank on the top of the bank of the watercourse (SEPT TOPBNK). I also observed refuse in and around the watercourse.

WQ3: On the east side of the spur road, another Class III watercourse runs along the road ditch. A pile of earthen spoils are placed in this watercourse and if not removed, will erode and be transported downstream (CSDS).

North of WQ1 along the access road, the main residential developed area includes older graded surfaces associated with a driveway and turnaround. The primary structure appeared residential in natural, with covered storage/livestock areas behind. Surrounding the structure, I observed cannabis cultivation areas CA1 and CA2. CA 1 is an outdoor area and CA2 is a recently graded greenhouse pad. I did not observe any water quality concerns associated with either of these cannabis cultivation areas.

WQ4: At the southwest edge of the residential developed area, I observed a small Class III watercourse just upslope of a turnaround. In the channel, I observed a small burn pile, marijuana stalks, metal refuse, and plastic irrigation line.

WQ5: The Class III watercourse then is conveyed eastward via a 12-inch corrugated metal pipe (12-CMP) across the driveway, where discharges onto the road surface.

WQ6: The Class III watercourse continues to the northeast, running for approximately 70’ along the road surface and then enters an outboard ditch with sidecast spoils and runs for approximately 150’ (to CSDS BOTTOM).

We observed earth moving equipment, including a mini excavator and a small front loader. Adjacent to and outside of a metal shipping near WQ5 (CONIX), I observed a tote of fertilizers, pesticides, fungicides tipped over on ground.

WQ7, WQ8, and WQ9: North of the residential area, near the southeast corner of parcel 056-340-05, we observed outdoor cannabis cultivation areas CA3 and CA4, both greenhouse cultivation, with access roads that concentrate storm water runoff, as evidenced by rills in the road surfaces. Both cultivation areas CA3 and CA4 drain toward the heads of class III watercourses (WC, C3, & CH HD). I observed uncontained fertilizers and soils in both cultivation areas at locations where they can enter and be transported via storm water runoff into receiving waters.

WQ7: Behind CA3, I observed a burn pile and a Class III watercourse. Downslope, the disturbed area associated with CA3 is within 40' of this watercourse (WC) and upslope, the disturbed area is within 40' of another Class III watercourse (C3).

Surface water is diverted from a Class II watercourse that runs north-south along the western portion of the Property. Overflow is discharged via an overflow pipe back to the Class II watercourse.

I did not observe any water quality concerns associated with the northernmost cannabis cultivation area and associated developed features at inspection point CA5.

Table 1. Description of observed features of concern to water quality.

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
CA1, CA2, CA3, CA4, CA5	Cannabis cultivation areas	CA1 = outdoor CA2 = greenhouse CA3 = greenhouse CA4= greenhouse CA5 = outdoor	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	Figures 27 - 47
WQ1	X - Class III watercourse crossing, 12" CMP	Undersized, picks up road sediment, partially filled with sediment deposition	Discharges and threatened discharges of waste to waters of the state.	Figures 3 - 4

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
WQ2	SEPT TOPBNK - Septic tank installation on top of bank of Class III watercourse	Trailer is connected to a septic installed on top of bank	Threatened discharge of waste to waters of the state. OWTS Policy	Figures 5 - 6
WQ2	REFUSE - Refuse in Class III watercourse	Oxygen tanks and plastic garbage in Class III watercourse	Discharge of waste to waters of the state. Wastes placed in surface water.	Figures 7- 8
WQ3	CSDS - Earthen spoils pile on bank of Class III watercourse	Earthen spoils from road-related construction activities was placed on bank of Class III	Threatened discharge of waste to waters of the state. Construction-related wastes placed where they can enter surface waters.	Figures 9 - 10
WQ4	Burn pile, refuse in Class III watercourse	Class III watercourse channel impacted with placement of plastic refuse, cultivation waste, burned remnants of metal and plastic in burn pile on stream bank	Discharge of waste to waters of the state. Wastes placed in surface water.	Figures 11 - 13
WQ5	12CMP - 20’ Long, 12” CMP for Class III watercourse	Diverts watercourse onto road, undersized, picks up road sediment, partially filled with sediment deposition 12” corrugated metal pipe with crushed inlet. Undersized pipe can plug and discharge sediment to Class III	Discharges and threatened discharges of waste to waters of the state	Figure 14 - 15

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
WQ6	230' foot road segment from C3DOWN to CSDS BOTTOM	Road has been constructed in a manner that has altered the flow path of the Class III watercourse, causing water to run down the road surface for approximately 75' to a gullied roadside channel with earthen spoils, that continues another 155'	Discharges and threatened discharges of waste to waters of the state. Dredge/fill in a surface water. Construction-related wastes placed in and where they can enter surface waters.	Figure 16 - 20
WQ7	WC - Class III channel head	Burn pile, stormwater discharge from CA3	Threatened discharge of waste to waters of the state.	Figure 35
WQ8	C3_Class III - channel head	Stormwater discharge from CA3	Threatened discharge of waste to waters of the state.	Figures 30-33
WQ9	CH HD - Class III channel head	Stormwater discharge from CA4	Threatened discharge of waste to waters of the state.	Figures 41-45

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: Portions of the access road are impacting watercourses by diverting streams from their natural flow paths, side cast earthen spoils have been placed in and near streams, road drainage is causing surface erosion and sediment transport. The road surface had a thick layer of fine dust. Several road segments and developed features have flow paths leading to the stream network. Roads to cultivation areas concentrate stormwater and will readily transport pollutants from the service areas at CA3 and CA4 to Class III channel heads; I observed rills along the flow paths.

2. Stream crossing maintenance and improvement: There are two culverts where the main access road crosses class III watercourses (WQ1 & WQ5). Both pipes are undersized and misaligned and result in actual and threatened discharges of sediment to the stream network.

3. Stream and wetland buffers: The cultivation areas are located outside of watercourse setbacks. However, I observed cultivation wastes and refuse in and near watercourses.

4. Spoils management: Staging areas at CA3 and CA4 included uncontained fertilizers and potting soil. I observed earthen spoils at the road to RV (WQ3), and sidecast earthen spoils on the road to CA3 (WQ6).

5. Water storage and use: Surface water is diverted from a Class II watercourse that runs north-south along the western portion of the Property. Overflow is discharged via an overflow pipe back to the Class II watercourse (OVEFLOWDISCH).

6. Irrigation runoff: Runoff from CA3 and CA4 could transport to the stream network (WQ7, WQ8, and WQ9), potentially delivering entrained pollutants from these areas.

7. Fertilizers and soil amendments: Fertilizers and amendments were stored in a shipping container, outside in totes, and on the ground (CONIX). The lack of consistent and adequate housekeeping poses threats to water quality due to the potential to discharge fertilizers and amendments.

8. Pesticides: I observed various pesticides and chemicals on the ground and in totes outside.

9. Petroleum products and other chemicals: We observed various chemicals inside the shipping container (CONIX). We also observed agricultural chemicals outside on ground without proper containment. A gas-powered pump for water diversion, at the Class II watercourse, was sitting on the ground without secondary containment (photo 48).

10. Cultivation-related wastes: I observed stalks placed in watercourses for burning.

11. Refuse and human waste: As mentioned above, I observed a septic tank on the bank of a Class III watercourse. Siting a septic tank adjacent to a watercourse is inconsistent with the OWTS Policy in the Basin Plan and poses a threat of discharge of waste to receiving waters. I observed an outhouse located near the CONIX shipping container; it did not appear to pose a threat to surface water or ground water (OUTHOUSE).

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, including at WQ1, WQ3, WQ5, WQ6, WQ7, WQ8, and WQ9, 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. Retain a qualified professional to develop a workplan and schedule to remove the undersized culverts associated with WQ1 and WQ4, removed the earthen spoils at WQ3, and remove the sidecast sediment from WQ6, and restore the channels to their natural state. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters.

3. 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.

4. 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

5. 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

6. 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/

7. Discontinue use of and dismantle septic and outhouse/pit toilet features and work with Mendocino County to ensure that all domestic and human wastes are collected and disposed of consistent with applicable County requirements.

8. 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.

9. 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

WQ1, Crossing:

Figure 2. Class III watercourse, upstream of culvert X.

Figure 3. Culvert outlet with sediment deposition restricting capacity.

WQ2, Septic and Refuse:

Figure 4. Septic on top of bank of watercourse.

Figure 5. Septic on top of bank of watercourse.

Figure 6. Refuse near watercourse.

Figure 7. Refuse in watercourse.

WQ3, CSDS:

Figure 8. Controllable sediment delivery site on bank of watercourse

Figure 9. CSDS on bank of watercourse

WQ4: Refuse in Class III

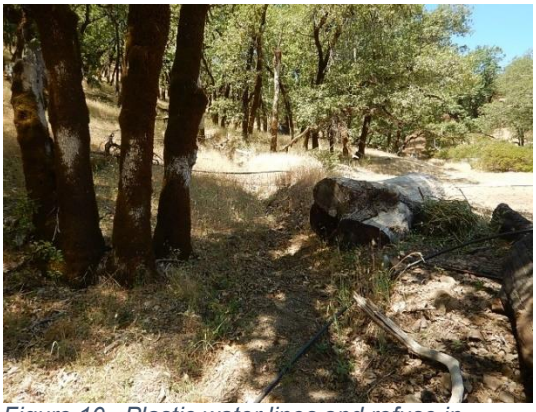

Figure 10. Plastic water lines and refuse in watercourse.

Figure 11. Metal and plastic refuse in burn pile in watercourse.

Figure 12. Cultivation waste in burn pile in watercourse.

WQ5, CMP:

Figure 13. 20' long 12"-CUMP outlet for Class III watercourse.

Figure 14. Class III, looking upstream to culvert outlet.

Figure 15. Looking downstream, gullied flow path on road surface from diverted Class III watercourse.

Figure 16. . Class III runs along outboard ditch

Figure 17. Class III runs along outboard ditch

Figure 18. Class III channel increases in dimension downstream from C3-OFFRD

Figure 19. Road continues to impact Class III with side cast and surface erosion sediment delivery.

Figure 20. Sidecast into class III watercourse.

Amendment Storage:

Figure 21. Metal shipping container (CONIX) used for storage of fertilizers, including high concentration water soluble fertilizers Grow More Hula Bloom (0-50-30) and Grow More Mendocino Producers Choice (10-52-10). The box contains liquid amendments too, including stacked 3 high.

Figure 22. High concentration water soluble fertilizer Grow More Mendocino Producers Choice (10-52-10).

Figure 23. Totes and supplies stored next to shipping container on ground.

Figure 24. On ground are spilled totes with amendments on the ground, including pesticides and fungicides.

Figure 25. On ground are spilled totes with amendments on the ground, including pesticides and fungicides.

CA2:

Figure 26. CA2, some recent grading for greenhouse. Appears stable.

Figure 27. Grading of CA2 greenhouse pad.

CA3:

Figure 28. Access road continues to CA3 and beyond.

Figure 29. Drainage from the access road flows by the entrance to CA3 where a pile of potting soil is stored uncontained; soil has been transported.

Figure 30. A 12" CMP is buried

Figure 31. Water is directed out into a meadow where a path of fine sediment deposition is evident associated with road runoff.

Figure 32. I identified a Class III channel approximately 150' downstream along the flow path from CMP.

Figure 33. on the backside of CA3, potting soil is staged and uncontained.

Figure 34. Below CA3, a watercourse forms. A burn pile including stalks is in the watercourse. A tree is cut up in the watercourse.

Figure 35. Below CA3, a watercourse forms. A tree is cut up in the watercourse.

CA4:

Figure 36. Interior of a greenhouse at CA4.

Figure 37. Potting soil stock-piled, uncontained, and spread around exterior of greenhouses.

Figure 38. The end of the greenhouses at CA4 are exposed; fertilizers appeared to be mixed in buckets and irrigated onto plants in potting soil bags.

Figure 39. Fertilizers and mixing containers are on ground and the setup appears to readily allow for spills and overfills.

Figure 40. Portions of the area of CA4 drain toward the road; exposed potting soil, nutrients, and other constituents can ready become mobilize and transport down the stream road.

Figure 41. Concentrated water has formed rills in the road surface to CA4.

Figure 42. The road to CA4 intersects the main access road.

Figure 43. The road to CA4 intersects the main access road; runoff from the greenhouse has a flow path of approximately 230 feet to a channel head.

Figure 44. Channel that receives runoff from the CA4 area.

Figure 45. CA5 cultivation area with outdoor plants in grow bags.

Figure 46. Runoff from CA5 has a flow path toward a channel head.

Water diversion and storage:

Figure 47. Gas powered water pump used to divert water from watercourse to tanks.

Figure 48. Oil is stored in a plastic tote; the plastic tote is cracked and would readily leak spilled material.

Figure 49. Discharge pipe for overflow water from water diversion to tank.

Figure 50. Watercourse below overflow pipe.