

**Attachment 2:
July 25, 2019, Notice of Violation**

North Coast Regional Water Quality Control Board

July 25, 2019

Valentino Dimi and Blagovest Kalinov
3400 Redwood Drive, #1521
Redway, CA, 95560

Intrex Enterprises LLC
c/o Statutory Agent Blagovest Kalinov
1685 N 29th Avenue, Suite 1-508
Phoenix, AZ 85053

Dear Mr. Dimi and Mr. Kalinov:

Subject: Notice of Violation for Humboldt County APN 212-022-013

File: Intrex Enterprises LLC, Salmon Creek, South Fork Eel River Watershed;
Humboldt County. Cannabis Waste Discharge Regulatory Program,
CIWQS Place ID No. 842861

This letter is to notify each of you (collectively, you) of observed violations of the requirements listed below associated with unauthorized discharges to waters of the state and waters of the United States from Humboldt County APN 212-022-013 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) sections 4.1.10, 4.2.1, and 4.2.13
2. Conditions of Enrollment under Tier 2 of Order R1-2015-0023 *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (Order)

Please contact staff of the North Coast Regional Water Quality Control Board (Regional Water Board) as described below within 30 days of the date of this letter to advise as to your plans and schedule to correct the observed violations.

I. Background

On August 8, 2016, Blagovest Kalinov signed a Notice of Intent to enroll the Property for coverage under the Order, identifying "Intrex Enterprises c/o Valentino Dimi" as the

Discharger through Timberland Resource Consultants' (TRC) third party program (WDID No. 1B1611845CHUM). The enrollment was effective as of August 8, 2016.

On February 4, 2017, TRC prepared a Water Resource Protection Plan (WRPP, included with this NOV as Attachment C), as required by the Order, identifying fifty-four locations on the Property where corrective action would be necessary to meet the Standard Conditions of the Order. On March 8, 2018, Regional Water Board staff received the 2017 Annual Monitoring Report for the Property, submitted on your behalf by TRC. The monitoring report indicated that the Property was out of compliance with ten of the eleven Standard Conditions.

On December 20, 2018, staff from the Regional Water Board inspected the Property, accompanied by staff from Humboldt County Division of Environmental Health (DEH) and California Department of Fish and Wildlife (CDFW). The purpose of the inspection was to evaluate site conditions, to identify and assess impacts and/or threatened impacts to the quality and beneficial uses of waters of the state associated with site development and use for cannabis cultivation and associated activities, and to assess compliance with the Order. On February 4, 2019, Regional Water Board staff transmitted to you their report for this inspection (Attachment B). The inspection report documents numerous features or conditions on the Property that are impacting or threatening to impact water quality, including threatened and actual discharges of sediment, potting soil, petroleum products, and human waste to receiving waters.

A. Relevant Requirements

The site conditions observed during inspection of the Property represent violations of water quality requirements and regulations. For your reference, applicable regulatory requirements referred to in this NOV are included as Attachment A - Regulatory Requirements.

B. Observed Violations

The following violations were determined by comparing the applicable requirement (Attachment A) to the site conditions observed by Regional Water Board staff as documented in the inspection report (Attachment B).

1. Basin Plan

- Section 4.1.10 Onsite Waste Treatment Systems (OWTS) Policy, Conditional Waiver of Waste Discharge Requirements 12.0.1
- Section 4.2.1 Action Plan for Logging, Construction, and Associated Activities, Prohibition 1 and 2
- Section 4.2.13 Action Plan to Address Elevated Water Temperatures in the Eel River Watershed

2. Regional Cannabis Order

- Section I.A Standard Conditions: 1.a-f; 2.a-f; 3.b-d; 4.a-c; 6; 7.a & c; 9.a, b, & d; 10; and 11.a
- Section II.A Procedure
- Section III General Terms and Provisions A, B, C, D, G, H, and K
- Section IV General Prohibitions A, B, & C

As described in the Inspection Report (Attachment B), staff observed features that did not meet Regional Cannabis Order Standard Conditions and posed a threat to water quality. The features at locations WQ-3 through WQ-10, summarized below, constitute violations of prohibitions contained within the Basin Plan and the Regional Cannabis Order. The WRPP (Attachment C) identified corrective action at these locations; failure to implement the corrective actions identified in the WRPP is a violation of the Regional Cannabis Order Section II Procedure, A. Site development, disturbance stabilization, and maintenance by you is in violation of Regional Cannabis Order Section III General Terms and Provisions A-D and posed threats to water quality in violation of Section III General Terms and Provisions G, H and K.

- a. An extensive native-surfaced road system with inadequate road drainage structures, long segments of hydrologically connected road, evidence of high runoff velocity in ditches, inadequate road surfacing to control/minimize road surface erosion, evidence of heavy winter use with trucks and equipment, and general lack of maintenance. Staff observed evidence that significant amounts of fine sediment had eroded and been transported from the roads, with threatened and actual delivery to several Class II and III watercourses at inspection points WQ-3, WQ-4, WQ-5, WQ-6, WQ-7, and WQ-9. (Basin Plan Section 4.2.1 Action Plan for Logging, Construction, and Associated Activities, Prohibition 1 and 2).
- b. Constructed flats with recent grading that had not been adequately stabilized with erosion control measures. Staff observed evidence of erosion on fill slopes at inspection points WQ-5, WQ-8, and WQ-10, posing a threat to nearby surface waters. (Basin Plan Section 4.2.1 Action Plan for Logging, Construction, and Associated Activities, Prohibition 2).
- c. Large, uncovered and uncontained piles of spent potting soil and perlite at inspection points WQ-3 through WQ-10, in locations where these materials may enter or be transported into surface waters. Staff observed material that had eroded from several of these piles and migrated towards/into receiving waters. At inspection points WQ-4 and WQ-7, staff observed large piles of plant material associated with cannabis processing, with potential chemical residues (e.g., pesticides and/or fertilizers), at locations where pollutants or wastes may leach into or be transported into receiving waters. (Regional Cannabis Order, Section IV General Prohibitions, A and B).
- d. Petroleum fuels and waste oil at several locations, stored and handled in a manner not protective of water quality, including the generator sheds at

inspection points WQ-4 and WQ-7 and the fuel storage in the vicinity of the residence at inspection point WQ-3. Staff also observed conditions representing a potential for water quality contamination associated with petroleum product storage/containment at inspection points WQ-1 and WQ-6. (Regional Cannabis Order, Section IV General Prohibitions, A and B).

- e. A drainpipe at inspection point WQ-3 extended from the residence down a steep hillside where it discharged onto the hillside, and a black, foul-smelling waste plume extended from the drainpipe discharge point down to a Class II watercourse. (Basin Plan, Section 4.1.10, OWTS Policy, 12.0.1).

C. Potential Liabilities

These observed violations create potential liability enforceable by the Regional Water Board. Discharges or threatened discharges of waste, including earthen material, into waters of the state that create a condition of nuisance or pollution may subject a person to a Cleanup and Abatement Order pursuant to Water Code section 13304. An actual discharge to waters of the state, including waste discharges in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued by a regional board may subject a person to an administrative liability up to \$5,000 per day of violation for each violation, or \$10 for each gallon of waste discharged pursuant to Water Code section 13350.

Within 30 days of this letter please contact Regional Water Board staff Adona White, at 707-576-2672 or, by email at Adona.White@waterboards.ca.gov to advise as to your plans and schedule to correct the observed violations on the Property.

Regional Water Board staff is in the process of assessing these violations and retains its full authority and discretion to bring formal enforcement for all violations.

You may contact me with any questions at Diana.Henriouille@waterboards.ca.gov or (707) 576-2350. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory program in further detail.

Sincerely,

Diana Henriouille, P.E.
Enforcement Unit

190725_Intrex_InspNOV

Dimi, Kalinov, and Intrex Enterprises LLC
Humboldt County APN 221-022-013
December 20, 2018 Inspection
Notice of Violation

July 25, 2019

Enclosures: Attachment A – Regulatory Requirements
Attachment B – December 20, 2018 Inspection Report
Attachment C – Water Resource Protection Plan

Certified Mail – Return Receipt requested

cc:

Department of Fish and Wildlife

Mr. David Manthorne, David.Manthorne@wildlife.ca.gov
Mr. Scott Bauer, Scott.Bauer@waterboards.ca.gov
Mr. Brad Padilla, Bradley.Padilla@wildlife.ca.gov

North Coast Regional Water Quality Control Board

Mr. Kason Grady, Kason.Grady@waterboards.ca.gov
Ms. Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov

Division of Water Rights

Mr. Taro Murano, Taro.Murano@waterboards.ca.gov

Office of Enforcement

Daniel S. Kippen, Esq., Dan.Kippen@waterboards.ca.gov

California Department of Forestry and Fire protection

Mr. Lucas Titus, Lucas.Titus@fire.ca.gov

Humboldt County

Mr. Robert Russell, RRussell@co.humboldt.ca.us
Mr. John Ford, JFord@co.humboldt.ca.us
Mr. John Verbeck, JVerbeck@co.humboldt.ca.us
Adrian C. Kamada, Esq., AKamada@co.humboldt.ca.us

Timberland Resource Consultants

Mr. Jesse Cahill, Jessie.Timberlandresource@gmail.com
Mr. Chris Carroll, Carroll@timberlandresource.com

Attachment A

Regulatory Requirements

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

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

Attachment A – Regulatory Requirements

Regulatory Section	Citation
Basin Plan, Section 4.1.10, OWTS Policy, 12.0.1	Conditions that, “[o]n-site waste treatment and disposal systems shall be located, designed, constructed, and operated in a manner to ensure that effluent does not surface at any time, and that percolation of effluent will not adversely affect beneficial uses of waters of the State.”
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”
Basin Plan Section 4.2.13	“[i]mplement riparian management measures that meet the riparian shade load allocations and water quality standards.”
Regional Cannabis Order Section I.A. Standard Condition 1. Site maintenance, erosion control and drainage features, a-f	<ul style="list-style-type: none"> a. [r]oads shall be maintained as appropriate (with adequate surfacing and drainage features) to avoid developing surface ruts, gullies, or surface erosion that results in sediment delivery to surface waters. b. Roads, driveways, trails, and other defined corridors for foot or vehicle traffic of any kind shall have adequate ditch relief drains or rolling dips and/or other measures to prevent or minimize erosion along the flow paths and at their respective outlets. c. Roads and other features shall be maintained so that surface runoff drains away from potentially unstable slopes or earthen fills. Where road runoff cannot be drained away from an unstable feature, an engineered structure or system shall be installed to ensure that surface flows will not cause slope failure. d. Roads, clearings, fill prisms, and terraced areas (cleared/developed areas with the potential for sediment erosion and transport) shall be maintained so that they are hydrologically disconnected, as feasible, from surface waters, including wetlands, ephemeral, intermittent and perennial streams. e. Ditch relief drains, rolling dip outlets, and road pad or terrace surfaces shall be maintained to promote infiltration/dispersal of outflows and have no apparent erosion or evidence of soil transport to receiving waters. f. Stockpiled construction materials are stored in a location and manner so as to prevent their transport to receiving waters.

Attachment A – Regulatory Requirements

Regulatory Section	Citation
Regional Cannabis Order Section I.A. Standard Condition 2. Stream Crossing Maintenance, a-f	<ul style="list-style-type: none"> a. [c]ulverts and stream crossings shall be sized to pass the expected 100-year peak streamflow. b. Culverts and stream crossings shall be designed and maintained to address debris associated with the expected 100-year peak streamflow. c. Culverts and stream crossings shall allow passage of all life stages of fish on fish-bearing or restorable streams and allow passage of aquatic organisms on perennial or intermittent streams. d. Stream crossings shall be maintained so as to prevent or minimize erosion from exposed surfaces adjacent to, and in the channel and on the banks. e. Culverts shall align with the stream grade and natural stream channel at the inlet and outlet where feasible.¹⁶ f. Stream crossings shall be maintained so as to prevent stream diversion in the event that the culvert/crossing is plugged, and critical dips shall be employed with all crossing installations where feasible.
Regional Cannabis Order Section I.A. Standard Condition 3. Riparian and Wetland Protection and Management, b-d	<ul style="list-style-type: none"> b. [b]uffers shall be maintained at natural slope with native vegetation. c. Buffers shall be of sufficient width to filter wastes from runoff discharging from production lands and associated facilities to all wetlands, streams, drainage ditches, or other conveyances. d. Riparian and wetland areas shall be protected in a manner that maintains their essential functions, including temperature and microclimate control, filtration of sediment and other pollutants, nutrient cycling, woody debris recruitment, groundwater recharge, streambank stabilization, and flood peak attenuation and flood water storage.
Regional Cannabis Order Section I.A. Standard Condition 4. Spoils Management, a-c	<ul style="list-style-type: none"> a. [s]poils shall not be stored or placed in or where they can enter any surface water. b. Spoils shall be adequately contained or stabilized to prevent sediment delivery to surface waters. c. Spoils generated through development or maintenance of roads, driveways, earthen fill pads, or other cleared or filled areas shall not be sidecast in any location where they can enter or be transported to surface waters.
Regional Cannabis Order Section I.A. Standard Condition 6 Irrigation Runoff	<p>[i]rrigation runoff shall be managed so that any entrained constituents, such as fertilizers, fine sediment and suspended organic particles, and other oxygen consuming materials are not discharged to nearby watercourses.</p>
Regional Cannabis Order Section I.A. Standard Condition	<ul style="list-style-type: none"> a. [f]ertilizers, potting soils, compost, and other soils and soil amendments shall be stored in locations and in a manner in which they cannot enter or be transported into surface waters

Attachment A – Regulatory Requirements

Regulatory Section	Citation
7. Fertilizers and Soil Amendments, a & c	<p>and such that nutrients or other pollutants cannot be leached into groundwater...</p> <p>c. Cultivation areas shall be maintained so as to prevent nutrients from leaving the site during the growing season and post-harvest.</p>
Regional Cannabis Order Section I.A. Standard Condition 9. Petroleum products and other chemicals, a, b, & d	<p>a. [p]etroleum products and other liquid chemicals, including but not limited to diesel, biodiesel, gasoline, and oils shall be stored so as to prevent their spillage, discharge, or seepage into receiving waters. Storage tanks and containers must be of suitable material and construction to be compatible with the substance(s) stored and conditions of storage such as pressure and temperature.</p> <p>b. Above ground storage tanks and containers shall be provided with a secondary means of containment for the entire capacity of the largest single container and sufficient freeboard to contain precipitation...</p> <p>d. Discharger(s) shall implement spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite.</p>
Regional Cannabis Order section I.A Standard Condition 10. Cultivation-related wastes	<p>[c]ultivation-related wastes including, but not limited to, empty soil/soil amendment/fertilizer/pesticide bags and containers, empty plant pots or containers, dead or harvested plant waste, and spent growth medium shall, for as long as they remain on the site, be stored at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or ground waters.</p>
Regional Cannabis Order section I.A Standard Condition 11. Refuse and human waste, a	<p>[d]isposal of domestic sewage shall meet applicable County health standards, local agency management plans and ordinances, and/or the State Water Board’s Onsite Wastewater Treatment System (OWTS) policy, and shall not represent a threat to surface water or groundwater.</p>
Regional Cannabis Order Section II Procedure, A.	<p>“[d]ischargers shall implement plans, including the identified management practices in a manner that is protective of water quality.”</p>

Attachment A – Regulatory Requirements

Regulatory Section	Citation
Regional Cannabis Order Section III General Terms and Provisions, A-D, G, H, & K	<p>A. [d]ischargers shall comply with all mitigation measures identified in the accompanying mitigated negative declaration. CEQA mitigation measures shall constitute enforceable conditions under this Order.</p> <p>B. All erosion and sediment control devices, management measures and mitigations prescribed in a water resource protection plan shall be maintained in good working order.</p> <p>C. [a]ctivities that have potentially significant impacts to water quality that cannot be reduced to less than significant levels are not eligible for coverage under this Order and the Discharger(s) will need to submit a Report of Waste Discharge to the Regional Water Board and obtain individual authorization for that activity.</p> <p>D. Dischargers shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for construction projects that disturb one or more acres of soil, specifically for new site preparation and development. Dischargers shall submit to Regional Water Board staff a copy of the Stormwater Pollution Prevention Plan (SWPPP) developed for the site in compliance with that Permit...</p> <p>G. Dischargers shall comply with all applicable water quality standards, requirements, and prohibitions specified in the Basin Plan, and policies adopted by the State Water Board.</p> <p>H. Projects covered under this Order shall not discharge substances in concentrations toxic to human, plant, animal or aquatic life. Projects covered under this Order shall not discharge waste classified as “hazardous” as defined in California Code of Regulations, title 22, section 66261 and Water Code section 13173...</p> <p>K. Dischargers shall not cause a pollution, contamination, or nuisance as defined by Water Code section 13050.</p>
Regional Cannabis Order, Section IV General Prohibitions, A	<p>The placement or disposal of earthen materials, soil, silt, plant waste, slash, or other organic, or inorganic refuse, rubbish, and solid waste, bio-stimulatory substances and/or water containing elevated temperatures above background conditions, and/or chemicals, such as but not limited to pesticides, fertilizers, or other substances into any stream or watercourse is prohibited.</p>
Regional Cannabis Order, Section IV General Prohibitions, B	<p>The placing or disposal of earthen materials, soil, silt, plant waste, slash, or other organic, or inorganic refuse, rubbish, and solid waste, water containing elevated temperatures above background conditions, chemicals, bio-stimulatory substances, and/or chemicals such as but not limited to pesticides, fertilizers</p>

Attachment A – Regulatory Requirements

Regulatory Section	Citation
	or other substances in a location where such may discharge into streams or watercourses is prohibited.
Regional Cannabis Order, Section IV General Prohibitions, C	The discharge of any waste not specifically regulated by this order is prohibited.