North Coast Regional Water Quality Control Board

TO: Diana Henrioulle

FROM: Brian Fuller

DATE: February 19, 2020

Inspection Report for September 18, 2019 Warrant Inspection, Humboldt County Assessor's Parcel Number 211-361-007-000

File: Cannabis Program Inspections, Humboldt County, September 2019
HCSO/Green Wave Humboldt County Inspections, Paul Thompson,
CIWQS Place ID 861375

Property information:

County: Humboldt

Physical address: Unknown address, approximately 3.5 miles northeast of Miranda.

APN: 211-361-007-000

Owner: AJT Strategies
27450 Ynez RD STE 228,
Temecula, CA 92591

Transaction History (per LandVision): On March 8, 2013, Paul Thompson purchased the property from Derek Heiderbrecht. On January13, 2020, Paul Thompson sold/transferred the property to AJT Strategies.

Size: 40 acres.

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

Aerial Imagery Notes (Google Earth Pro): Full tree canopy; no development visible, August 1998. Roads and landing with logs visible November 2004. Additional roads and signs of logging throughout the parcel visible August 2005.
Two large clearings and new and/or reopened roads visible June 2009; one hoop house on each of the two clearings. Additional hoop house, structure, and a reservoir in the south east visible September 2010. Patterns suggestive of cannabis cultivation visible

at various locations. Additional hoop houses and an additional reservoir, north of the older reservoir, are visible in April 2019.

Regulatory status with the North Coast Regional Water Quality Control Board (Regional Water Board):

Site Development: N/A

Applicable programs:
Regional Water Board's Clean Water Act section 401 Water Quality Certification permit for dredge/fill activities in a surface water

Onsite activities/operations: N/A

Applicable programs: State Water Board Order WQ 2019-0001-DWQ (Statewide General Order).

Inspection information:

Date/time: September 18, 2019/ morning

Type: Humboldt County Sheriff's Office (HCSO)/Green Wave Humboldt County Warrant Inspection.

Attendance:
Kalyn Bocast, California Department of Fish and Wildlife (CDFW)
Personnel from, California Department of Food and Agriculture (CalCannabis)
Cann Doan, State Water Resources Control Board Division of Water Rights (DIV)
Christopher Van de Wyngard, DIV
Brian Fuller, Regional Water Board
Kate Hawken, Regional Water Board
Multiple Law Enforcement Officials (LEO), HCSO

Background/Objective:
North Coast Regional Water Board (Regional Water Board) staff participated with staff of the Humboldt County Sheriff's Office (HCSO), California Department of Fish and Wildlife (CDFW), State Water Board's Division of Water Rights (DIV), California Department of Food and Agriculture CalCannabis (CalCannabis), and personnel from various law enforcement agencies in four days of inspections of multiple cannabis cultivation sites in Humboldt County, on September 17-19, 2019.

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

Inspection Map

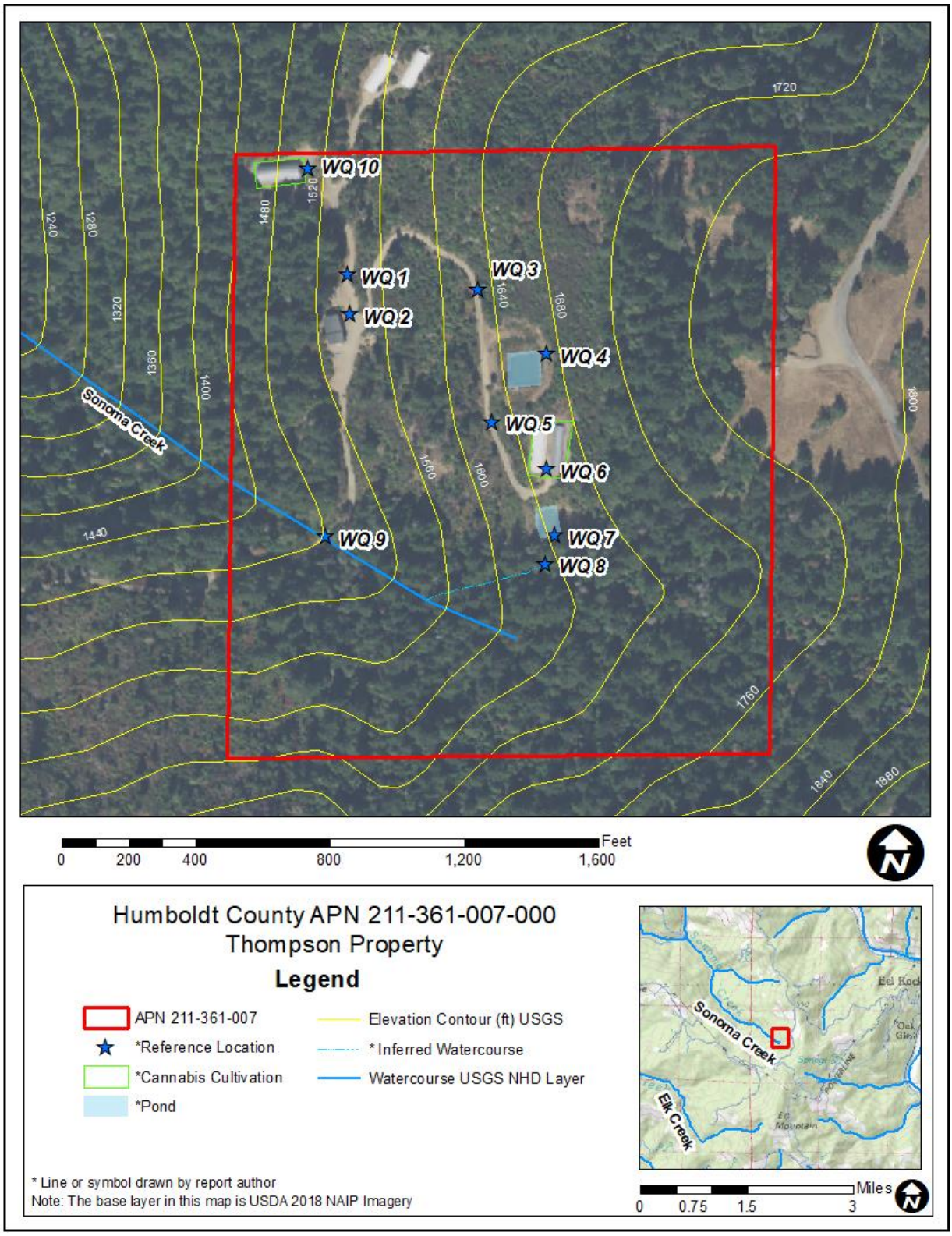

Figure 1: Map of Property, including inspection points of interest.

Inspection Observations:
On September 18, 2019, I inspected the above-referenced property. Figure 1, above, shows inspection points discussed below. I accessed the property from the west and parked at WQ 1. It was raining lightly and I observed stormwater entering the road from the east (Photo 1) and flowing over the edge of the road to the west (Photo 2). I walked south and observed more stormwater flowing from the east at WQ 2 (Photo 3) and past loosely contained refuse to the west (Photo 4). I walked up another road and observed stormwater running off the road in the direction of WQ 1 (Photo 5) and a 350-foot length of hydrologically-connected road upstream from this location to WQ 3 (Photo 6).

At the top of the road I observed a lined reservoir at WQ 4 (Photo 7) with no apparent outlet and a seep or spring at the east side (Photo 8). I estimated the wetted area of the reservoir was 7,000 square feet and the reservoir-full depth was 20 feet. South of the reservoir, I observed stormwater flowing down a 150-foot road segment at WQ 5 (Photo 9). I observed two greenhouses, each approximately 2,500 square feet, at WQ 6 (Photo 10). I observed a reservoir at WQ 7 (Photo 11) with an outflow pipe that discharges towards a suspected tributary to Sonoma Creek (Photo 12).

I walked back to WQ 2 and observed rilling on the road to the south (Photo 13) and a bathing structure located where it would discharge to the road (Photo 14). I followed the path of stormwater approximately 300 feet south and observed an old dip in the road that was no longer blocking the water, which continued another 100 feet to the riparian area of Sonoma Creek at WQ 9. I observed the corrugated metal culvert at WQ 9 from the road (Photo 15) and estimated the diameter was 42 inches and that the culvert appeared to be in line with the watercourse.

I walked back north along the same road and observed scour marks on a steep section of road (Photo 16) leading to another greenhouse at WQ 10 (Photo 17). I estimate the area of the greenhouse was 4,000 square feet. Northeast of the greenhouse I observed a pit toilet (Photo 18).

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
WQ 6 and WQ 10	Cannabis cultivation areas	Approximately 9,000 square feet of cannabis cultivation in hoop houses.	Cannabis cultivation/discharge of waste without a report of waste discharge and/or coverage under State Water Board regulatory order	Photo 10 and Photo 17

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
WQ 1, WQ 2, WQ 3, WQ 5, and WQ 10	Deficient road drainage	Stormwater flows down road surfaces for lengths as long as 350 feet without interruption.	Threatened discharge of waste to receiving waters	Photo 1 through Photo 6, Photo 9 and Photo 16
WQ 9	Road Hydrologically-connected to riparian area	Approximately 400 feet of road are hydrologically-connected to area riparian to Sonoma Creek	Threatened discharge of waste to receiving waters	Photo 13
WQ 4	Reservoir	Recently constructed reservoir has no outfall	Threatened discharge of waste to receiving waters	Photo 7 and Photo 8
WQ 7	Reservoir	Reservoir does not have a liner and discharges towards a suspected tributary to Sonoma Creek	Threatened discharge of waste to receiving waters	Photo 11 and Photo 12
WQ 2	Refuse	Refuse is loosely contained in and adjacent to the path of concentrated stormwater flow.	Threatened discharge of waste to receiving waters	Photo 4
WQ 10	Pit toilet	Toilet discharges waste to the ground.	Threatened discharge of waste to ground waters.	Photo 18

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:
Roads are hydrologically-connected for long distances, resulting in scouring by stormwater. The rolling dip north of the crossing at WQ 9 requires maintenance to effectively divert water. The reservoir at WQ 4 does not appear to have a means for managing the water surface elevation other than the irrigation diversion lines.

2. Stream crossing maintenance and improvement:
Other than the drainage issues associated with the road and discussed above, I did not observe any water quality issues associated with the stream crossing at WQ 9.

3. Stream and wetland buffers:
I did not investigate the conditions between the reservoir outlet at WQ 8 and the suspected tributary to Sonoma Creek. The dischargers should ensure that polluted water from the reservoir is not discharged into the creek. I did not observe water quality concerns associated with where the cultivation areas were located relative to water course and wetlands.

4. Spoils management: I did not observe water quality concerns associated with spoils management.

5. Water storage and use: Other than observing the reservoirs, I did not review water storage and use at the Property.

6. Irrigation runoff: I did not observe water quality concerns associated with irrigation runoff.

7. Fertilizers and soil amendments: I did not observe water quality concerns associated with storage or use of fertilizers and soil amendments.

8. Pesticides: I did not identify any pesticides.

9. Petroleum products and other chemicals: I did not observe any chemicals or petroleum products.

10. Cultivation-related wastes: I did not observe any water quality issues associated with storage or disposal of cultivation related waste.

11. Refuse and human waste: Stormwater flows past refuse at WQ 2. The pit-toilet at WQ 20 was the only location that I observed for collecting human waste. The bathing area south of WQ 2 discharges to the road, which is hydrologically-connected to the riparian area adjacent to Sonoma Creek.

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, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected so as to minimize the potential for these features to cause adverse impacts to water quality and beneficial uses. Dispose of all development and restoration-related earthen spoils in a manner to prevent/minimize transport and delivery to receiving waters

2. 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 Statewide General Order (Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities). More information about the

   Statewide General Order can be found at this hyperlink:

   https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf

3. 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/

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

5. 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.

6. In the case that the landowner intends to keep or replace the impoundments observed at location WQ 4 and WQ 7, ensure that the assessment described under recommendation 1., above, includes review by an appropriately qualified, licensed professional, certifying that the impoundments meet, or specifying necessary work to ensure that the impoundments 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 reservoir 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.

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—Looking east at stormwater flowing across road at WQ 1

Photo 2—Water pictured in previous image before it flows off the road.

Photo 3— Looking east at stormwater flowing across road at WQ 2.

Photo 4—Looking west from WQ 2 where stormwater pictured in previous image flows past refuse before continuing down the hillslope.

Photo 5— Looking north along the switchbacks east of WQ 1.Stormwater from WQ 3 flows down the road surface, exits the road in the lower left of the image and continues to WQ 1.

Photo 6—Looking north at WQ 3. The picture shows the break in slope of the road where hydrologic connectivity with WQ 1 begins.

Photo 7—Looking northeast at the lined reservoir located at WQ 4. The reservoir has no apparent outlet.

Photo 8—Looking at the cut-bank on the eastern side of the reservoir at WQ 4. Ground water is seeping from the bank and the plant species juncus is growing.

Photo 9—Picture shows stormwater flowing off of the road at WQ 5.

Photo 10—Looking north from WQ 6 at an area between two greenhouses used for cannabis cultivation. The greenhouses are approximately 2,500 square feet each.

Photo 11— Looking north at reservoir located at WQ 7. The reservoir outlet is in the front left of the image.

Photo 12—Looking south from WQ 8, towards the direction of the outlet for the reservoir pictured in the previous image. The outlet discharges into a suspected tributary to Sonoma Creek.

Photo 13—Concentrated stormwater rilling road surface north of WQ 9. There was a critical dip before the crossing at WQ 9, however it has lowered over time and no longer intercepts stormwater flowing over the road surface.

Photo 14—Looking at a structure used for bathing approximately 400 feet north of WQ 9. Water from the structure may flow into the road and mix with stormwater before discharging to the riparian area adjacent to Sonoma Creek at WQ 9.

Photo 15—Looking at an approximate 42" diameter corrugate metal culvert conveying Sonoma Creek below the road at WQ 9.

Photo 16—Stormwater concentrating and scouring road surface east of WQ 10.

Photo 17— Looking at an approximate 4,000 square foot greenhouse at WQ 10.

Photo 18—A pit-toilet located in the vicinity of WQ 10.