North Coast Regional Water Quality Control Board

NOTICE OF VIOLATION

October 4, 2019

Hunter Barber
2440 Garland Street
Eureka, CA 95501

Certified Mail Number 7016 2710 0000 2635 9315

Callcre 3001, LLC
4694 Excelsior Rd
Eureka, CA 95503

Certified Mail Number 7016 2710 0000 2635 9322

Attn: Dean Holter
Agent for Service of Process
Callcre 3001, LLC
100 Shoreline Highway STE B100
Mill Valley, CA 94941

Certified Mail Number 7016 2710 0000 2635 9339

Dear Mr. Barber and Mr. Holter:

Subject: **Notice of Violation (NOV),** Directive to Comply with Cannabis Waste Discharge Regulatory Program Requirements, transmittal of February 9, 2018, Inspection Report

File: Callcre 3001 LLC, 26670 Mad River Road, Mad River, CA 95552, Trinity County Assessor's parcel number (APN) 021-200-05-00
CIWQS Place ID 845727

This letter is to notify you of observed violations of the requirements, listed in section II below, for unauthorized discharges to the South Fork Mad River and its unnamed tributary from the above-referenced Property.

As detailed below, this letter requires that within 30 days, you either take action to obtain regulatory coverage, file a report of waste discharge, or provide a written response explaining non-applicability.

I. Background

On February 9, 2018, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) accompanied by personnel from the State Water Resources Control Board Division of Water Rights (Division), the California Department of Fish and Wildlife's (CDFW) Watershed Enforcement Team and Trinity County Environmental Health, inspected 26670 Mad River Road, Mad River, CA 95552, Trinity County Assessor's parcel number (APN) 021-200-05-00 (the Property). The purpose of the inspection was to observe site conditions, including roads and developed areas, onsite activities and overall site maintenance, as well as water diversion and use on the Property, in order to evaluate impacts and potential impacts to the water quality and beneficial uses of receiving waters in the South Fork Mad River watershed.

Based upon observations made during the inspection, Staff identified several locations with conditions that represent water quality violations or threatened violations requiring corrective action (see Section II. Observed Violations, below). Staff observations, site assessment, and recommendations are contained in the attached February 9, 2018, water quality inspection report (Inspection Report) included as Attachment A. Please review the Inspection Report carefully and completely.

II. Observed Violations

As documented in the attached February 9, 2018, Inspection Report, Staff observed violations of the Basin Plan and California Water Code as follows:

A. **Basin Plan**

1. The constructed pond buttress and stream crossing in, and encroaching on, an unnamed tributary to the South Fork Mad River and an associated wetland, resulted in the discharge of soil, silt, and earthen material to surface waters in violation of the Basin Plan section 4.2.1. Prohibition 1., the Action Plan for Logging, Construction, and Associated Activities. Prohibition 1 states that, "[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 is prohibited. Staff documented discharges in violation of Prohibition 1 during the February 9, 2018 inspection (see photos 1-8 in the attached Inspection Report).

2. The constructed pond buttress, and large-scale cleared/graded, poorly-compacted earthen pads/flats on steep slopes, drain towards watercourses, without apparent erosion or sediment controls in place. These features pose a threat of earthen material discharging into a watercourse in an amount that could be deleterious to fish, wildlife, or other beneficial uses. These actions are prohibited by Basin Plan section 4.2.1 Prohibition 2., the Action

Plan for Logging, Construction, and Associated Activities . Prohibition 2 states that, "[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." Staff documented threats of discharge that violate Prohibition 2 during the February 9, 2018 inspection (see photos 1-8, 13-20, and 39-40 in the attached Inspection Report).

B. **California Water Code**

1. Earthen pads were constructed and used for cannabis cultivation, at locations identified as MP 4 and MP 5 in the Inspection Report, without complying with Water Code section 13260, which requires a person who discharges or proposes to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system, to file a report of the discharge with the appropriate regional board.

III. Directive to Comply with Cannabis Waste Discharge Regulatory Program Requirements

Based on the observations detailed in the attached inspection report, the Regional Water Board has determined that you are required to comply with Water Code section 13260 by either: 1) obtaining regulatory coverage under the State Water Resources Control Board (State Water Board) Order No. WQ-2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Statewide General Order); or 2) filing a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your Property, or 3) providing information demonstrating that regulatory coverage is not needed for your Property.

Accordingly, you **must** take **one** of the following actions within **15 calendar days of this letter:**

1) Enroll the Property under the Statewide General Order by providing the information required in the online application process. The application can be accessed at: https://www.waterboards.ca.gov/water_issues/programs/cannabis/

   You must also submit an application fee to the State Water Board within 30 days of submitting the online application. The fee must be submitted to one of the following addresses, based on the method of delivery.

By U.S. 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

OR

2) File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your Property.

   Please submit the appropriate documents and payments to:

   North Coast Water Board
   Attn: Brian Fuller
   Cannabis Waste Discharge Regulatory Program
   5550 Skylane Boulevard, Suite A
   Santa Rosa, CA 95403

   OR

3) If you believe regulatory coverage is not required under any of the options listed above, either because there is no cultivation or associated activities occurring, 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. Staff may contact you to verify your response.

IV. Future Enforcement Action

The Regional Water Board is in the process of assessing violations of the Porter Cologne Water Quality Control Act, and the Basin Plan. We retain our full enforcement authority and discretion to bring formal enforcement for all violations and threatened violations. Any efforts the Discharger takes to voluntarily comply will be considered as we assess the violations and paths to compliance.

If you fail to take one of the actions described in section III., above, the Regional Water Board will refer this matter for formal enforcement and may impose penalties of up to $1,000 per day for each day after the date by which the Directive Letter required action, pursuant to Water Code section 13261.

Water Code section 13261 states, in relevant part:

(a) Any person failing 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).
(b) (1) Civil liability may be administratively imposed by a regional board … in an amount that may not exceed one thousand dollars ($1,000) for each day in which the violation occurs.

For general information about the State Water Board's Cannabis Cultivation Regulatory Program, including enrollment and program information and resources, please visit:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/index.html

Furthermore, the unpermitted development on the Property, and the onsite conditions created by that development work, represent violations of the 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 liabilities may be assessed 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.

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.

For any technical questions on this matter, please contact Brian Fuller at 707-576-2806 or Brian.Fuller@waterboards.ca.gov. For legal questions, please contact Heather Mapes at 916-341-5163 or at Heather.Mapes@waterboards.ca.gov.

Additionally, we are available to meet with you if you wish to discuss this letter, the inspection report, or our cannabis program in further detail.

Sincerely,

Digitally signed by
Claudia Villacorta
Date: 2019.10.04
10:10:40 -07'00'

Kason Grady, P.E., Supervisor
Cannabis and Compliance Assurance Division

191004_BMF_dp_Callcre_3001_NOV

Attachment: February 9, 2018, Water Quality Inspection Report

cc: **Department of Fish and Wildlife**
Lt. DeWayne Little, DeWayne.Little@wildlife.ca.gov
Warden Brendan Lynch, Brendan.Lynch@wildlife.ca.gov
Mr. Ryan Bourque, Ryan.Bourque@wildlife.ca.gov

North Coast Regional Water Quality Control Board
Ms. Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Mr. Kason Grady, Kason.Grady@waterboards.ca.gov
Ms. Diana Henrioulle, Diana.Henrioulle@waterboards.ca.gov
Ms. Adona White, Adona.White@waterboards.ca.gov
Mr. Brian Fuller, Brian.Fuller@waterboards.ca.gov

State Water Resources Control Board
Mr. Taro Murano, Taro.Murano@waterboards.ca.gov
Ms. Heather Mapes Heather.Mapes@waterboards.ca.gov

Trinity County
Sgt. Nate Trujillo, NTrujillo@trinitycounty.org
Ms. Kristalynne Anderson, KAnderson@trinitycounty.org

Ryan Heddinger / Callcre 3001, LLC. Property
CIWQS Inspection Report Place ID No. 845727
Inspection Date: February 9th, 2018

Property Information

Inspection Date: February 9, 2018

Time: 11:00 to 13:30

Location: Trinity County Assessor's Parcel Number (APN): 021-200-05-00
26670 Mad River Road, Ruth CA

Property Representative Information

Consent Provided? No, WET Team search warrant.

Notified of Inspection? No, WET Team search warrant.

Names of On-Site Representatives and/or Consenting Parties: Two individuals present on property. See interview notes below.

Property Owner: According to Land Vision, the property is owned by Callcre 3001, LLC. The statement of information (Limited Liability Company) filed with the California Secretary of State identifies Ryan Heddinger (DOB 11/24/91) as the manager or sole member of Callcre 3001, LLC.

Mailing Address: 4694 EXCELSIOR RD, EUREKA, CA, 95503-7924 (Land Vision, Secretary of State, Parcel Quest).

Attending Agency Representatives:

- California Department of Fish and Wildlife (CDFW):
  Lt. DeWayne Little; Warden Brendan Lynch; Warden Steve Crowl; Warden Paul Cardoza; Warden Aaron Galwey; Warden Greg Horne; Warden Travis Jarrett; Warden Barry Powel; and Senior Environmental Scientist Ryan Bourque.

- Trinity County Sheriff's Office:
  Sgt. Nate Trujillo; Deputy Seth Ruiz
- SWRCB Division of Water Rights:
  Chris Van de Wyngard, Zach Gomer, Ryan Babb
- Regional Water Board:
  Brian Fuller, Adona White
- Trinity County Environmental Health:
  Kristy Anderson

Inspection Report Information

Report Prepared By: Brian Fuller, Engineering Geologist North Coast Regional Water Quality Control Board (Regional Water Board), initially drafted February 23, 2018; revised October 26, 2018

Report Reviewed By: Diana Henrioulle, on February 26, 2018 and November 19, 2018.

Photos Taken: All photographs taken by either Brian Fuller or Adona White.

Samples Taken: none.

California Integrated Water Quality System (CIWQS) Inspection ID: 31855250

Enrollment Status

Water Board Permits: No record of enrollment under any Regional or State Water Board Order.

Enrollment Date: N/A

Pre-Inspection Compliance Status: None

Enrolled Cannabis Cultivation Area: None

Property Ownership and Development Background

Parcel Ownership Information: Callcre 3001, LLC purchased property April 4, 2018 and sold to Hunter Barber on April 6, 2018 (Landvision).

Historic Imagery Reviewed: Google Earth Pro: 5/2014 and 8/2017; NAIP 2016

Historic Site Development: Google Imagery from 5/2014 shows the only development on parcel is a house-type structure. NAIP 2016 shows two large clearings with greenhouses. On May 13, 2016, TCSO served a search warrant on the parcel. During the service of that warrant, inspectors documented over 4,000 cannabis plants on the parcel. January 18, 2018, CDFW received a complaint regarding a recently constructed

off-channel pond. Per interview with Mr. Steinwand, pond was constructed after mid-December 2017.

Watershed

Ruth Hydrologic Area, Mad River Hydrologic Unit (109.40)

Lost Creek-Mad River
South Fork Mad River
HUC-12: 180101020201
CalWater: 1109.400103 and 1109.400101

Section 303(d) Listings

Mad River

sediment/turbidity and high water temperatures

TMDL Development

Mad River:
US EPA established Sediment and Turbidity technical TMDL December 21, 2007.

Beneficial Uses and Threatened and Endangered Species

109.40 Ruth Hydrologic Area:

Existing: Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Service Supply (IND), Industrial Process Supply (PRO) Groundwater Recharge (GWR), Freshwater Replenishment (FRSH), Navigation (NAV), Hydropower Generation (POW), Water Contact Recreation (REC1), Non-Contact Water Recreation (REC2), Commercial or Sport Fishing (COMM), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species (RARE), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN) and
Potential: Aquaculture (AQUA)

Mad River Watershed Listed Species:

- Southern Oregon/Northern California Coast Coho Salmon evolutionary significant unit (ESU)
- California Coastal Chinook Salmon ESU
- Northern California Steelhead Distinct Population Segment (DPS)

Inspection Map

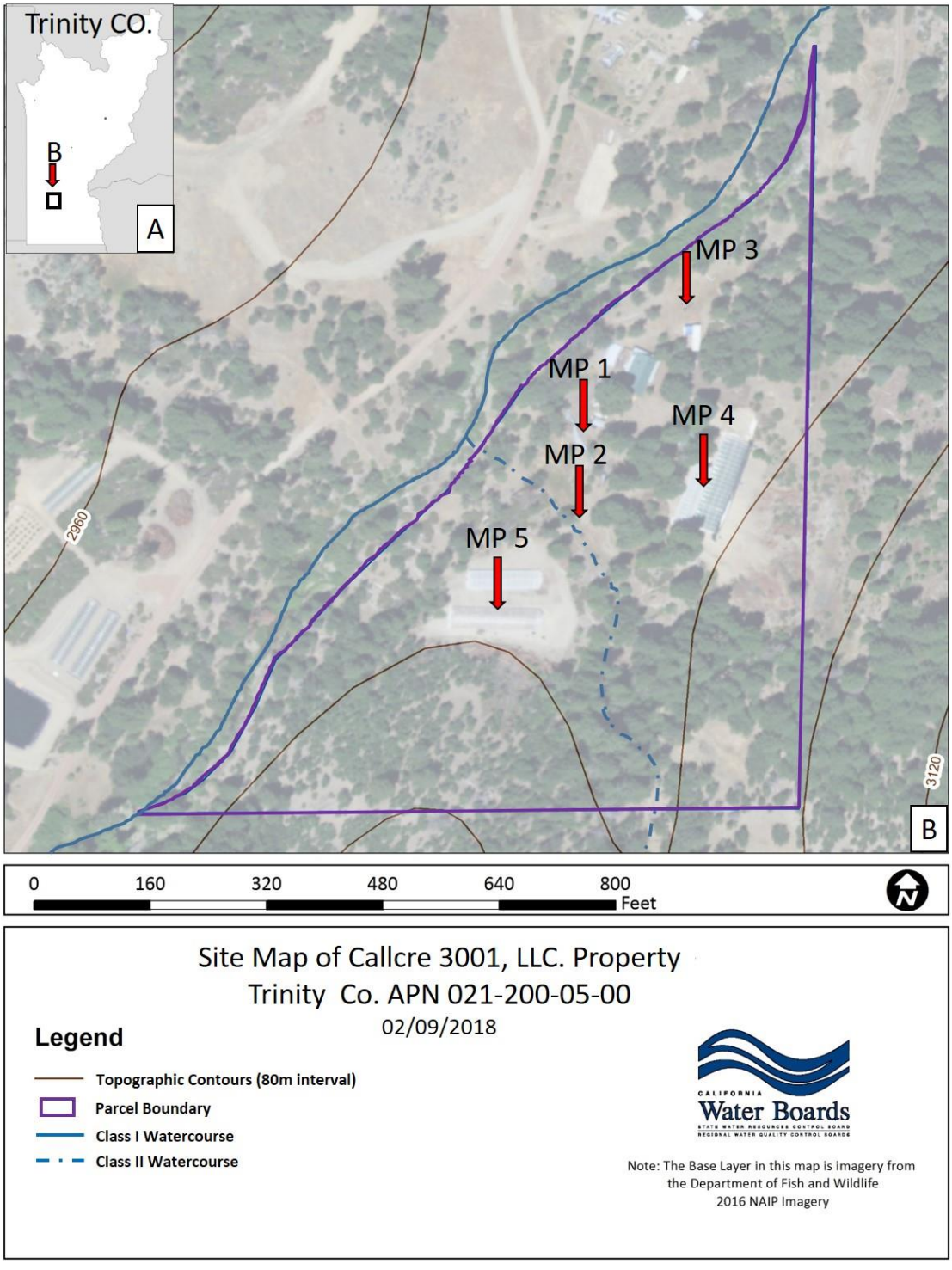


Figure 1A: Map of Trinity Co. California showing location of site visit (Figure 1B).

Overview

On February 9, 2018, staff from the North Coast Regional Water Board participated in an inspection of Trinity County Assessor's parcel number 021-200-05-00 (the Property). During the inspection, staff observed a number of existing water quality issues.

The property's northwest boundary follows the South Fork Mad River northeast as it flows downstream towards the confluence with the Main Stem Mad River, which is less than 1,000 feet from the edge of the property boundary (Figure 1). This segment of the South Fork Mad River appears to be a natural (without modification to form by heavy equipment) riffle-pool channel with native riparian vegetation. Another channel, entering the property from the south, flows into the South Fork Mad River at a point approximately halfway along the northwest property line. This channel has a well-defined gravel/cobble bed in the steeper section at the south of the property (Photo 6), and is associated with an area with wetland features (suspected wetland) in the middle of the property (Photo 7), and then incises into the steeper right-bank of the South Fork Mad River (Photo 4). The eastern and southern portions of the property have hillslopes steeply dipping west and north respectively (Photos 14 and 17).

There were two areas that showed signs of recent soil disturbance by heavy equipment. The first area includes a recently constructed pond (Map Point 1) with an earthen berm (Photos 1-4), a recently constructed stream crossing (Map Point 2) comprised of two side-by-side plastic culverts and earthen fill (Photos 5-7), all encroaching on a class II watercourse and an associated suspected wetland (Photos 3, 4, 6 – 8 and 13). In another area (Map Point 3), I observed earthen fill spread over an area that had wetland vegetation and connection to the adjacent bank of the South Fork Mad River (Photos 9-12). Two cannabis cultivation areas are located at Map Points 4 and 5. Both of these areas were on slopes formerly vegetated with mixed conifer and hardwood trees, and now terraced, with cut and fill construction (Photos 13-20). I observed potting soil, chemicals, fertilizers, cultivation waste, and cultivation-related refuse in locations and in a manner where they are likely to migrate or be transported off the cultivation areas, down steep road segments, and into areas that could deliver to surface waters (Photos 25-40).

Inspection Observations

1. **Recently constructed Pond (Map point 1):**
   The pond buttress is constructed of loose mixed sediment (Photo 1) and there is a cut—1.5 feet deep and 3 feet wide—for a spillway on the west side with no piping or armoring of the fill (Photo 2). The west pond buttress encroaches onto the suspected wetland downstream from the above-mentioned stream crossing (Photos 3 and 4). I estimated the length and width—including buttress—of the pond to be 120 feet and 80 feet, respectively, and the buttress top to be 12 feet wide with slopes—both inward and outward—averaging 25 degrees on the north and south sides and 30 degrees on the east and west side. These measurements result in a plan view area of 0.2 acre and a volume of 1,500 cubic yards.

2. **Recently constructed Stream Crossing (Map point 2):**
   The crossing fill consisted of loose, mostly fine material containing roots and large branches. There were cracks in the fill material (Photo 5) and little rock armoring at the downstream end of two side-by-side 18-inch diameter culverts (each 20 feet long). I measured the length of the fill by counting paces; the top was 30 paces or 75 feet, and the bottom portion—within the channel floodplain—was 8 paces, or 20 feet long. I measured the width of the fill with a tape measure to be 13 feet ± 2 feet and I estimated the height to be 4 feet. These measurements result in a plan view area of 0.05 acre and a volume of approximately 200 cubic yards. Additionally, immediately upstream from the crossing, the channel had been scraped (Photo 6). Further upstream, the channel had a well-defined gravel/cobble bed and a bank-full width of ~5 feet. The channel banks sloped gently onto an active floodplain that was ~20 feet wide. Downstream from the crossing, the channel is less defined, and I observed water disappearing into the subsurface and later resurfacing farther downstream (Photos 3, 4 and 7). I also observed Juncus and other wetland vegetation, along with standing water (Photo 8).

3. **Northern Graded Area (NGA) (Map point 3):**
   I observed a recently graded 150-foot long 40-foot wide area (0.14 acres) northeast of the house, near the top of the right bank of the South Fork Mad River. The mixed fine material in this graded area was loose and recently placed, with heavy equipment tracks still evident (Photo 9). I observed Juncus and other wetland vegetation on the northwest, southwest and southeast sides of the disturbed area (Photos 9, 10 and 12), and a 4-foot tall berm of sediment at the northeast corner (Photo 11). A spring emerges within a couple feet of the fill.

4. **Greenhouse 1 flat (GH 1) (Map point 4):**
   This single-level flat area, cut into the west-facing hillslope on the eastern side of the property, (Photos 13 – 16) is identifiable in the NAIP 2016 imagery. I drew a polygon around this area with Arc GIS, resulting in an area of 0.47 acres.

5. **Greenhouse 2 flats (GH 2) (Map point 5):**
   This flat area, comprised of two terraces cut into the north-facing hillslope on the southern side of the property, (Photos 17 – 20 and 39, 40) is identifiable in the NAIP 2016 imagery. Using ArcGIS, I drew a polygon around this area, resulting in an area of 0.56 acres.

6. **Improperly stored Fertilizers, Pesticides and Chemicals:**
   I observed many containers of fertilizers that were not properly covered or contained, and I observed pesticide and fertilizer containers littered about the parcel (Photos 27 – 38). I observed an open bag of concentrated phosphorous and potassium-rich fertilizer partially filled with water (Photo 28). At one location, I observed an open tank subject to stormwater collection which appeared to have been used for dissolving fertilizers and/or chemicals; the drain valve of the tank was open allowing its contents to drain onto the ground (Photos 25 – 26).

Interview

After we inspected the site, I interviewed two men who were at the property when the warrant was served. I introduced myself as being from the Regional Water Board, I offered my business card which the older of the two men took, and I mentioned that I was concerned with the site development's impact on water quality. I asked who the men were. The older man told me his name was Bill Steinwand and that he was an electrical worker. The younger man did not speak. I asked Mr. Steinwand if he had any information about how the site had been developed and he said he did not know about the grading or pond construction. After I asked about when he had visited the site in the past, Mr. Steinwand said that he had been to the parcel on the other side of the creek about 6 months earlier and he remembered that the greenhouses were there at that time. Mr. Steinwand told me that he had first visited the Property—where we were that day—in mid-December when he came to scope an electrical job. Mr. Steinwand stated that the pond had not been present on the site at that time. When asked who his contact was for working at the site, Mr. Steinwand gave the name Ryan Heddinger.

Summary of Site Relative to Standard Conditions

1. **Site maintenance, erosion control and drainage features**

   Greenhouse flats lack an adequate drainage strategy: there is a high potential for run-on stormflow from the areas up-slope (Photos 14 – 17), the cut slopes are steep, rilled, and not protected from erosion (Photos 15 – 20, 39 and 40). The fill material composing the flats is loose, with tension cracks (Photo 15) evident at the top of the flats near the downslope edges. Sediment and pollution associated with cultivation will flow directly towards the Class II/ suspected wetland (Photos 39 – 40).

2. **Stream crossing Maintenance**

   The recently constructed stream crossing was not permitted by either CDFW or the Regional Water Board. The two 18" culverts appear too small to accommodate the natural flow regime of a five foot wide channel with active floodplain. The earthen fill is not protected from erosion (Photo 5). I expect the entire crossing would fail in a large flow event, delivering most of the fill material to surface waters.

3. **Riparian and wetland protection and management**

   Recent grading has included placement or delivery of sediment directly into a suspected wetland (Photos 4, 5 and 9 – 12), and has destroyed portions of a suspected wetland (Photos 3, 6). Furthermore, the disturbed area associated with greenhouse flat 2 is less than 50 feet from a suspected wetland, and the topography is contoured in such a way that stormwater runoff will deliver pollutants from the flat, across the intervening buffer strip, and into the suspected wetland (Photos 39 – 40).

4. **Spoils management**

   Recent grading has included placement of earthen material on suspected wetlands. In addition, I observed earthen spoils piled in locations where they may enter or be transported into surface waters, as mentioned in 3, above.

5. **Water storage and use**

   I observed tanks cumulatively comprising 11,500 gallons on a non-level ledge near greenhouse flat 1 and tanks cumulatively comprising ~4,000 gallons near greenhouse flat 2. I observed no evidence of a well or rain catchment system. CDFW reviewed the point of diversion from surface water but Regional Water Board staff did not.

6. **Irrigation runoff**

   I observed areas of high algae concentration surrounding greenhouses, indicative of irrigation runoff and/or spilled fertilizers (Photos 16, 33 and 39).

7. **Fertilizers and soil amendments**

   Concentrated fertilizers are improperly stored (Photos 27 – 40) and show evidence of being exposed to rain (Photo 28) and discharging onto the ground (Photos 16, 25, 26 and 39).

8. **Pesticides and herbicides**

   Pesticides and fungicides are improperly stored (Photos 33 – 38).

9. **Petroleum products and other chemicals.**

   Unknown chemicals mixed in tanks show evidence of spillage/leakage onto the ground (Photos 25 – 26).

10. **Cultivation related wastes**

    Cultivation waste was observed at a location where it can be delivered into the SF Mad River (Photo 23) and in a big pile with pulled tree stumps and other waste (Photo 24).

11. **Refuse and human waste**

    Garbage/litter throughout the property (Photos 27 – 38), burn pile (Photos 21, 22)—with hazardous waste—on slope dipping towards SF Mad River, 120 feet away. We observed paint cans and insulation in the burn pile. We observed evidence of a septic system recently installed within 150 feet of SF Mad River. Trinity County Code Enforcement indicated that they did not have a septic permit on-file with the county.

Preliminary Violation Assessment and Recommendations

1. Potential Water Quality Violations

Conditions observed by staff and reported above that appear to represent water quality violations included the following:

a. Improperly contained/controlled refuse at various locations. (potential Water Code)

b. Uncontained chemicals, soil and soil amendments throughout site (potential Water Code)

c. Stream crossing was sized and constructed incorrectly (Basin Plan prohibition, Water Code)

d. Potential unauthorized discharge of waste to waters of the state (potential Water Code)

e. Waste earthen material and organic material placed in or where it can enter into waters of the state and the United States (potential or active violations of Basin Plan, Water Code, and Clean Water Act).

2. Recommendations

a. Developed Areas, Roads, and Crossings
   i. Retain an appropriately licensed professional to design a plan to assess and remediate developed features, roads, and crossings throughout the parcel as necessary. Implement management measures, both temporary and permanent, to control and minimize erosion and sediment delivery to watercourses. Refer to and ensure that remediation work on developed areas, roads, and/or stream crossings brings these features into compliance with standard conditions 1, 2, and 3 of Order No. R1-2015-0023.

b. Chemicals
   i. Store and contain all chemicals, including petroleum, fertilizer and/or compost tea mixtures properly to prevent spillage and discharge to receiving waters. Provide secondary containment for all petroleum products. Refer to and ensure that proposed improvements and measures will meet standard conditions 7, 8, and 9 of Order No. R1-2015-0023.

c. Refuse
   i. Contain and properly dispose of all refuse. Refer to and ensure that proposed improvements and measures will meet standard conditions 10 and 11 of Order No. R1-2015-0023.

d. Site maintenance, erosion control, drainage features
   i. Retain an appropriately licensed professional to design a plan to assess and remediate unstable areas, including those with unconsolidated spoils that may discharge waste into waters of the state. Implement management measures, both temporary and permeant, to control and minimize erosion and sediment delivery to watercourse as a result of these features.

e. Water Use
   i. Ensure that all water use is appropriately authorized by both the Division of Water Rights and the Department of Fish and Wildlife. Additionally, ensure that water storage and use is reasonable and not wasteful. Refer to and ensure that proposed improvements and measures will meet standard condition 5 of Order No. R1-2015-0023.

3. Permit Requirements

a. If the landowner intends to continue cultivating cannabis or to allow the cultivation of cannabis on the property, the landowner and/or Property tenants must enroll for coverage under State Water Resources Control Board Order WQ 2017-0023-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities. https://www.waterboards.ca.gov/water_issues/programs/cannabis/docs/finaladoptedcango101717.pdf

*P*hoto Appendix

Photo 1

Newly constructed pond (looking northwest). The South Fork Mad River flows from left to right in the background of this image and its tributary passes along the left berm.

Photo 2

Newly constructed pond (looking southwest). Note berm on top of pond where earthen material was excavated for a spillway.

Photo 3

Area adjacent to watercourse that has wetland indicators on southwest side of newly constructed pond (looking west).

Photo 4

Pond southwest buttress encroaching on area with wetland indicators (looking northwest).

Photo 5

Pictures of north (downstream) and south (upstream) sides of newly constructed crossing (looking east). Note tension cracks near buttress tops and rills on both upstream and downstream slope faces suggesting crossing is susceptible to failure.

Photo 6

Channel upstream from newly constructed crossing (looking south). Note grading has removed vegetated floodplain and altered channel. Upstream channel width of five feet suggests the two 18-inch diameter culverts are too small to accommodate the natural flow regime.

Photo 7

Channel downstream from crossing (looking south). Note the established wetland vegetation and standing water adjacent to the watercourse channel.

Photo 8

Up-close picture taken of Juncus (a wetland plant) in area with wetland indicators shown in photo 7.

Photo 9

Photo looking north of the northern graded area (NGA). Note proximity to South Fork Mad River on upper left side of image.

Photo 10

Photo of west side of NGA (looking northeast). Note disturbed soil and spoils encroaching on wetland vegetation on left and foreground of image.

Photo 11

Photo taken at northeastern edge of NGA looking southwest. Annotated scale shows ~4 foot depth of fill.

Photo 12

Photo taken from southern side of NGA looking north, showing encroachment on wetland vegetation in the foreground.

Photo 13

Photo looking east towards GH1 (upper left portion of image) from suspected wetland at downstream end of newly constructed crossing.

Photo 14

Photo looking north towards GH1.

Photo 15

Photo looking south along western edge of GH1. Note tension cracks suggesting fill is unstable.

Photo 16

Photo of northeast corner of GH flat 1 note green coloration on ground near greenhouse suggesting nutrient-rich runoff leading to high algae concentrations.

Photo 17

Eastern side of GH2 flats looking west. Note cut hillslope on left side of image.

Photo 18

Eastern side of GH2 flats looking west. Note fill in middle of image.

Photo 19

Western side of GH2 flats looking east.

Photo 20

Western side of GH2 flats looking east. Note scale of fill.

Photo 21

Photo showing burned trash, including plastic, paint cans and other assorted waste, upslope from the right bank of the SF Mad River.

Photo 22

Closer view showing trash in burn pile pictured in photo 21.

Photo 23

Cultivation spoils uncovered near NGA

Photo 24

Recently pulled tree stumps and other waste near GH1.

Photo 25

Chemical mix tank with top partially covering tank and drain valve open. Photo 26 provides a view inside of the tank.

Photo 26

Inside tank shown in photo 25.

Photo 27

Soil amendment bag.

Photo 28

Rain-saturated bag of concentrated phosphorous and potassium-rich fertilizer. Location noted in photo 39.

Photo 29

Fertilizer bag.

Photo 30

Fertilizer bags and other trash.

Photo 31

Fertilizer bag.

Photo 32

Soil amendment container.

Photo 33

Soil amendments and pesticides improperly stored. Location noted in photo 39.

Photo 34

Open pesticide container exposed to elements. Contents and label shown in photos 35 and 36. Location noted in photo 40.

Photo 35

View inside of container shown in photos 34 and 36. Location noted in photo 40.

Photo 36

Label of pesticide container shown in photos 34 and 35. Location noted in photo 40.

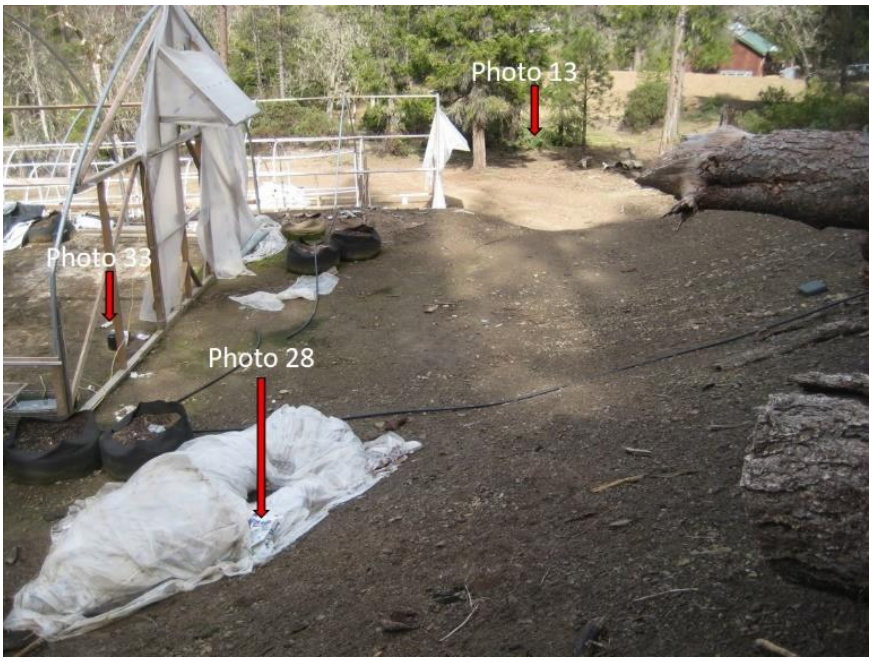
Photo 37

Fungicide container.

Photo 38

Pesticide container.

Photo 39



Looking north from southeast corner of GH flat 2. Note rain-saturated containers of fertilizers (Photo 28) and pesticides (Photo 33) within run-off path to suspected wetland (Photo 13).

Photo 40

Looking south from northeast corner of GH flat 2. Note gullying, which is evidence of storm run-off and incorrectly stored pesticides in path of run-off.