North Coast Regional Water Quality Control Board

TO: Diana Henrioulle

FROM: Brian Fuller

DATE: April 16, 2021

Report of March 25, 2021 Warrant Inspection of
Humboldt County Assessor's Parcel Number (APN): 208-281-032-000

File: Cannabis Program Inspections, Humboldt County, 2021,
CIWQS Place ID: 829092

Property information:
County: Humboldt

Physical address: 2000 Bear Creek Road, Bridgeville

APN: 208-281-032-000 (the Property)

Owner: Korey McMurphy
6258 Pembroke Drive
San Diego, CA 92115

Transaction History (per LandVision):

- On June 5, 2016 Jack D and Susan A Rogers sold the property to Korey McMurphy.

Size: 40 acres.

Watershed:

Eel River Hydrologic Unit, Van Duzen River Hydrologic Area, Bridgeville Hydrologic Subarea (HU/HA/HSA; 111.22 Table 2-1, Water Quality Control Plan for the North Coast Region).

Aerial Imagery Notes:

- June 23, 1993 imagery shows reservoirs in the middle part of property, but no reservoir in the southeastern part of property.
- August 12, 1998, a reservoir is apparent in the southeastern part of the property.
- May 24, 2009, a pad northeast of the reservoirs in the middle of the property appears to have been graded.

- August 20, 2014, no cultivation is visible in the southeastern or northwestern portions of the property.
- June 9, 2015, grading visible at future sites of cannabis cultivation in the southeastern and northwestern portions of the property.
- May 23, 2018, cultivation area in northeastern portion of property expanded to approximately one acre.
- November 7, 2018, the reservoir in the southeastern portion of the property appears to have been enlarged.
- Most recent imagery from August 2, 2020, shows outdoor cannabis cultivation in the southeastern and northwestern portions of the property. The reservoirs in the middle and southeastern portions of the property are visible.

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

Site Development: none

Applicable programs:

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

- State Water Board's Construction General Stormwater permit for projects involving the disturbance of an acre or more of land

Onsite activities/operations: Discharger Korey McMurphy enrolled the property for coverage under Regional Water Board Order No. R1-2015-0023, (Regional Cannabis Order), effective dates September 30, 2016 to May 20, 2019, obtaining WDID: 1B161432CHUM. Korey McMurphy transitioned enrollment to the State Water Board Order WQ 2019-0001-DWQ (Statewide General Order) effective on May 20, 2019 with WDID: 1_12CC403948.

Applicable programs: Statewide General Order.

Inspection information:

Date: March 25, 2021

Type: Warrant.

Attendance:
Branden Howton, Code Compliance Officer, Humboldt County Planning and Building
Ryan Bourque, Senior Environmental Scientist (ES) Specialist, CDFW
Jordan Filak, Environmental Scientist (ES) Regional Water Board
Brian Fuller, Engineering Geologist (EG), Regional Water Board

Background/Objective:
Objectives for Regional Water Board staff (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

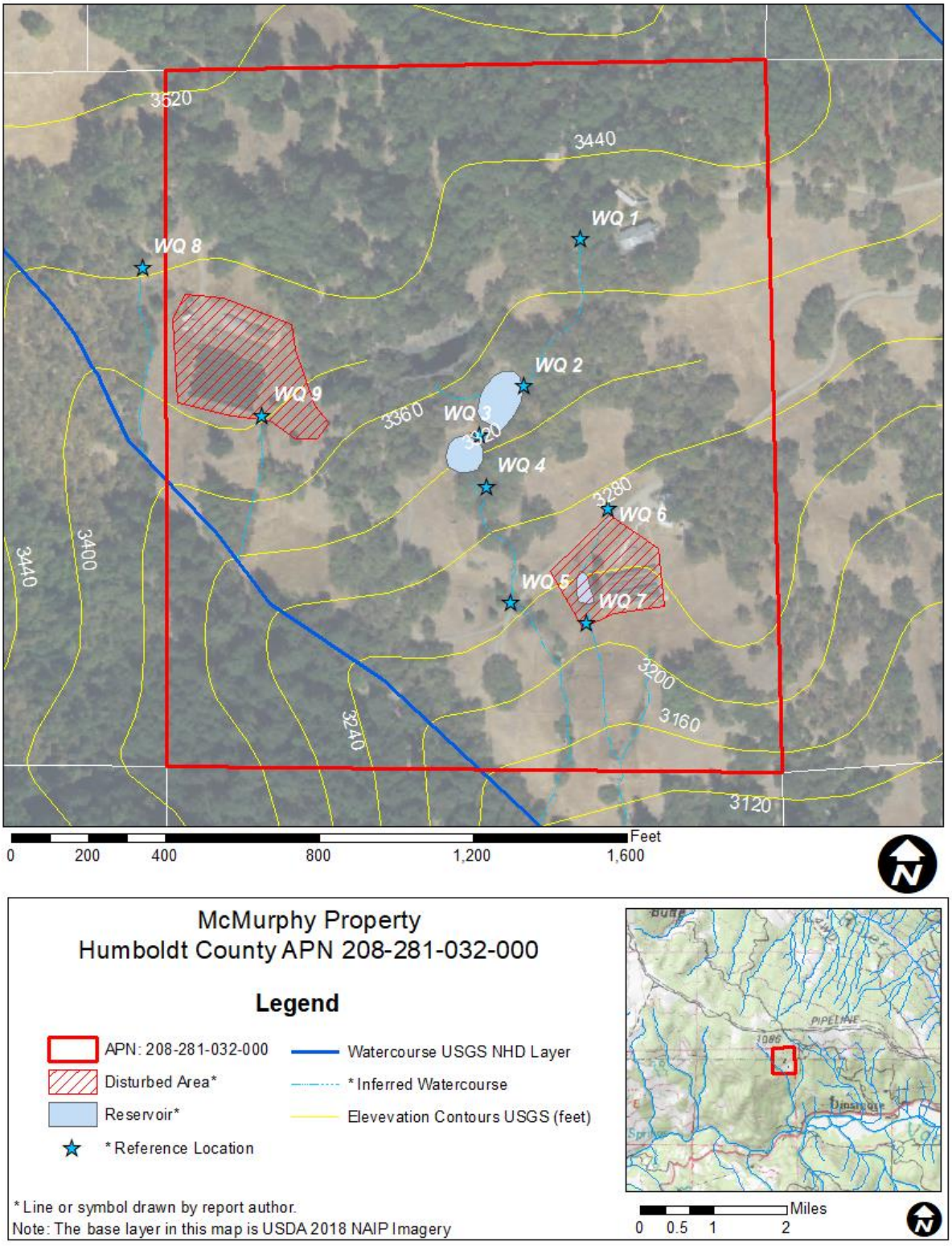

Figure 1: Map of Property, including inspection points of interest.

Inspection Observations:
Participants accessed the northeastern corner of the property from the east and parked vehicles east of WQ 1. From the vehicles I walked west, and observed groundwater emanating from a pipe at the head of a watercourse at WQ 1 (Photo 1 and Photo 2). From this location, I walked south, and observed the watercourse was interrupted by an excavated pad (Photo 3) which aerial imagery shows was constructed as early as 2009 but may have been constructed decades earlier when the reservoirs were constructed. I continued walking south, and observed a pipe extending from the graded area and directed to the uppermost reservoir at WQ 2 (Photo 4).I walked west across the southern bank of the reservoir, and observed a broken pipe where the upper reservoir discharges to a lower reservoir at WQ 3 (Photo 5 and Photo 6). I did not observe cracking or sloughing on the reservoir buttress. The pipe connecting the upper to lower reservoir was broken, exposing the outboard face to surface flow, however I did not observe signs of erosion.

From the lower reservoir, I walked south and observed a pump surrounded by used oil containers at WQ 4 (Photo 7). Immediately to the west of WQ 4, I observed spring water emanating from the ground (Photo 8). I walked south from WQ 4 and onto a road. I observed that the road had a slight slope toward the outboard side; however, I also observed scour marks along the road axis exposing a coarser aggregate (Photo 9 and Photo 10), which suggests stormwater concentrates and runs down the road instead of across the road. The road intersects a watercourse at WQ 5 (Photo 11 and Photo 12). I observed the pipe outlet was perched above a patch of small boulders, but I did not look for or observe the inlet.

East of WQ 5, I observed an area that appeared to have been recently graded between the road and a greenhouse pad (Photo 13). Aerial imagery shows a reservoir was present in this area as recently as August 2, 2020. I walked to the northern extent of the graded area and observed a spring north of the road at WQ 6. Springwater is culverted below the road, and the culvert outlet was buried in the graded area (Photo 14). I walked south and downhill, and observed flowing water and a braided channel network at the former reservoir location (Photo 15 and Photo 16). At the southern edge of the graded area, the braided channel intersects hay bales, downstream from which the watercourse is a single thread (Photo 17).

I walked approximately 100 feet east of WQ 7 and observed another watercourse originating south of the greenhouse pad (Photo 18 and Photo 19). I observed waste plastic, including fertilizer bags, within 50 feet of the watercourse (Photo 20). I walked to the greenhouse pad and observed potting soil uncovered outside of the greenhouse along the entire southern edge of the pad (Photo 21) and plastic netting and soil bags uncontained.

I returned to WQ 1, then walked west to WQ 8 and observed plastic waste including fertilizer bags in a watercourse (Photo 22). East of WQ 8, the road dips to the south (Photo 23) leading to a cultivation pad and surrounding area totaling more than an acre

that had been recently graded. I observed wheel ruts on the road (Photo 24). I observed rills from stormwater at the southern edge of the disturbed area (Photo 25 and Photo 26). I observed the head of a watercourse at WQ 9 (Photo 27), with only a small patch of sparse straw between the graded area and the watercourse. Along the eastern edge of the greenhouse pad, I observed mores rills (Photo 28 and Photo 29).

I walked back to WQ 1, and observed a shed storing fuels with a roof and an earthen floor with no secondary containment for fuels and chemicals (Photo 30). The inspection ended at this point.

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
WQ 1	Fuel and chemical storage	Storage shed has an earthen floor with no secondary containment for fuels and chemicals.	threatened discharge of waste to receiving waters	Photo 30
WQ 3	Reservoir outlet	Outlet pipe is broken exposing the outboard face to surface flow.	threatened discharge of waste to receiving waters	Photo 6
WQ 4	Waste oil containers	Used oil containers are uncontained on bare ground.	threatened discharge of waste to receiving waters	Photo 7
Road west of WQ 5	Steep road segments	Rills forming along the road axis	threatened discharge of waste to receiving waters	Photo 9 and Photo 10

Map point	*Feature*	*Brief Description*	*Water Quality Concern*	*Associated Photo(s)*
WQ 6	Onstream reservoir removal	Onstream reservoir removed without restoration of watercourse.	discharge of waste to receiving waters	Photo 14 through Photo 17
East of WQ 6 and WQ 7	Cultivation within setbacks	Cannabis cultivation within 50 feet of an ephemeral watercourse.	threatened discharge of waste to receiving waters	Photo 13
WQ 8	Cultivation waste in Watercourse	Fertilizer bags and other plastic waste in a watercourse.	discharge of waste to receiving waters	Photo 22
WQ 9	Disturbed area exposed to stormwater	Unvegetated area exceeding one acre with visible rills. The downhill edge of the disturbed area borders a watercourse.	threatened discharge of waste to receiving waters	Photo 23 through Photo 29

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:
This report does not cover the roads accessing the property from the east. The roads northwest of WQ 5 display rills from concentrated stormwater, but the aggregate is coarse. The disturbed area where the reservoir was removed south of WQ 6 has significantly impacted a watercourse and continues to threaten discharge of fine sediment to receiving waters. The graded area associated with the cultivation area at

WQ 9 exhibits rills from erosion by stormwater and threatens to discharge sediment laden stormwater to watercourse to the south.

2. Stream crossing maintenance and improvement:
The crossing at WQ 5 may not be adequately sized and should be assessed by a qualified professional. The crossing at WQ 6 is buried at the outlet.

3. Riparian and wetland protection and management:
Disturbed area associated with cultivation in the vicinity of WQ 7 overlaps, and discharges to a watercourse. The disturbed area associated with cultivation in the vicinity of WQ 9 abuts and threatens to discharge sediment to a watercourse.

4. Spoils management:
Spoils associated with the land disturbance north of WQ 7 and north of WQ 9 threaten to discharge to receiving waters.

5. Water storage and use:
Water is stored in the onstream reservoirs at WQ 3 and in hard-walled storage tanks on the property. I did not observe evidence of instability associated with the reservoirs, however, onstream reservoirs impact many Beneficial Uses of receiving waters.

6. Irrigation runoff:
Trenches in the greenhouse at WQ 7 connect the greenhouse to the neighboring watercourse to the west, allowing irrigation runoff to reach receiving waters.

7. Fertilizers and soil amendments:
Fertilizers south of the greenhouse east of WQ 7 are uncontained and threaten to spread downslope to receiving waters.

8. Pesticides:
Staff did not observe anything they identified as pesticides on the property.

9. Petroleum products and other chemicals:
Staff observed waste oil containers uncontained on the ground at WQ 4, and fuel cans stored covered without secondary containment at WQ 1.

10. Cultivation-related wastes:
Cultivation related wastes, including soil bags and netting, are uncontained at WQ 7, WQ 8, and WQ 9.

11. Refuse and human waste:
Other than the cultivation waste discussed above, staff did not observe refuse or human waste, nor did staff observe facilities for collecting human waste.

Recommendations

1. Revise enrollment under the Cannabis General Order to Tier 2, high risk, reflecting actual total site disturbance and site conditions.

2. Retain a licensed professional to inventory, assess, and develop a workplan and schedule to implement measures to ensure that all developed features, roads, watercourse crossings, and cultivation areas throughout the Property are corrected, restored, and/or maintained in conditions that prevent or minimize erosion, sediment transport/delivery, and adverse impacts to water quality and beneficial uses. Include measures to ensure that unstable features caused or affected by onsite development and operations are removed or otherwise protected 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.

3. Retain a licensed professional to develop a work plan to restore the segment of watercourse between WQ 6 and WQ 7.

4. Prior to conducting any instream work associated with recommendation 3, 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. 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. 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.

7. Comply with requirements/directives from CDFW and the Division of Water Rights with respect to appropriate permitting/licensing for water source(s), diversion(s), storage, and use, and ensure that water storage features are modified/maintained so as to minimize the potential for adverse impacts to water quality and beneficial uses.

8. In the event that the property owner and/or tenant(s) propose in the future to develop or use the Property in a manner or method that will or may result in a discharge of waste to waters of the state in the future, staff recommend that the owner(s)/tenant(s) be aware of and comply with relevant regulatory requirements for water quality protection. For example, Water Code section 13260 requires that a

person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system shall file with the appropriate regional board a report of the discharge. Further, Water Code section 13264 states, in part: "No person shall initiate any new discharge of waste or make any material changes in any discharge…prior to the filing of the report required by Section 13260." In addition, projects involving the disturbance of an acre or more of land are subject to regulation under the State Water Board's Construction General Stormwater permit, and projects involving dredge or fill in waters of the United States are subject to regulation under Clean Water Act section 401. For more information about Water Board permits that may apply to proposed site development or land use activities, refer to this link:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/permit/

The statewide cannabis 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) can be found at this link:

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

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 south towards spring at WQ 1.

Photo 2—Looking south at spring discharging into the head of a watercourse located at WQ 1.

Photo 3—Looking south towards reservoirs located at WQ 2. A historical pad is visible between the spring and the reservoir.

Photo 4—Looking north from reservoir at WQ 2 toward spring at WQ 1. A pipe from below the historical pad discharges into a channel upstream from the reservoir

Photo 5—Looking west across upper level reservoir towards the eastern berm at WQ 3. A pipe connecting the upper reservoir to a lower reservoir is visible in the top center of the image.

Photo 6—Looking southwest towards the lower reservoir from the berm separating the two reservoirs at WQ 3.

Photo 7—Looking north at pump located at WQ 4. Used oil containers are uncontained on bare ground.

Photo 8—Water emanating from the ground in the vicinity of WQ 4. The water flows south to a watercourse crossing a road through a culvert at WQ 5.

Photo 9—Looking west along a road west of WQ 5. Stormwater concentrating on road surface has exposed a coarse aggregate of rock.

Photo 10— Looking east along a road west of WQ 5. Stormwater concentrating on road surface has exposed a coarse aggregate of rock.

Photo 11—Looking south at culvert outlet located at WQ 5. The channel is obscured by vegetation, small boulders are visible armoring the channel at the outlet.

Photo 12—Looking north upstream from WQ 5.

Photo 13—Looking west at location of former onstream reservoir. The photographer is standing on a greenhouse pad with the greenhouse to their back. A trench draining the greenhouse is visible in the lower right of the image and connects to the reestablishing watercourse in the center of the image.

Photo 14—Looking south at a spring located at WQ 6. Springwater passes below the road through a culvert with a buried outlet.

Photo 15—Looking south at the graded area downstream from the spring at WQ 6.

Photo 16— Looking south at the graded area downstream from the spring at WQ 6. This picture is farther south and downstream from the previous image.

Photo 17—Looking south at haybales separating graded area from receiving watercourse located at WQ 7. This picture is farther south and downstream from the previous image.

Photo 18—Looking north towards greenhouses from watercourse east of WQ 7.

Photo 19—Looking south and downstream along the same watercourse east of WQ 7 that is pictured in the previous image.

Photo 20—Buried soil bag east of WQ 7.

Photo 21—Looking west along the southern edge of the greenhouse located northeast of WQ 7. Note white speckled perlite in the soils along the edge of the greenhouse.

Photo 22—Looking south along watercourse at WQ 8. Note waste soil bag in watercourse near the center of the image.

Photo 23—Looking south towards cultivation area at WQ 9. The person to the left of the shed in the top center of the image is standing in the approximate location as the photographer in the following image.

Photo 24—Looking south towards cultivation area in the vicinity of WQ 9.

Photo 25—Looking south at rills from stormwater at the southern edge of the disturbed area in the vicinity of WQ 9.

Photo 26— Looking south at rills from stormwater at the southern edge of the disturbed area in the vicinity of WQ 9.

Photo 27—Photo taken at WQ 9, looking south at watercourse. The edge of the disturbed area is immediately to the left of the photographer.

Photo 28— Looking north along the eastern side of the graded area in the vicinity of WQ 9.

Photo 29— Looking north along the eastern side of the graded area in the vicinity of WQ 9. Note rills formed from stormwater flowing over the graded earth.

Photo 30—Looking at the fuel storage area north of the house near WQ 1. The shed has an earthen floor with no secondary containment for fuels and chemicals.