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## North Coast Regional Water Quality Control Board

April 19, 2021

Richard Melvoin  
RM Properties and Holdings LLC  
760 Redwood Drive #25  
Garberville, CA 95542  
[yenu73@gmail.com](mailto:yenu73@gmail.com)

Certified Mail 7016 2710 0000 2653 4002

Charles Adam Perry  
827 Redwood Dr, Suite C  
Garberville, CA 95542  
[adam.perry702@gmail.com](mailto:adam.perry702@gmail.com)

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Dear Richard Melvoin and Charles Perry,

**Subject: Notice of Violation and Transmittal of Inspection Report for March 11, 2021 Inspection of Trinity County Assessor's Parcel 022-200-28**

**File:** Cannabis Program Inspections, Trinity County, March 2021,  
CIWQS Place ID 873461

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Trinity County Assessor's Parcel Numbers: 022-200-28 (the Property):

1. State Water Resources Control Board Order WQ 2019-0000-DWQ General Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities (Cannabis General Order) various provisions
2. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
3. California Water Code (Water Code) Section 13260 and 13264
4. Federal Clean Water Act Section 301

According to our records, the cannabis cultivation operation located on this Property is enrolled for coverage under the Cannabis General Order as Tier 1, Low Risk to water quality.

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GREGORY A. GIUSTI , CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

On March 11, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff (Staff) inspected the Property and observed cannabis cultivation greenhouses in wetlands. Accordingly, this letter directs you to, reassess the risk designation for this Property, and address the violations noticed herein.

## **Background**

Effective January 26, 2018, parcel 022-200-28 was enrolled under Regional Cannabis Order R1-2015-0023, with Discharger Charles Adam Perry, WDID 1A170395CTRI.

On June 28, 2019, Charles Perry submitted information through the State Water Resources Control Board's (State Water Board's) online portal for discharges of waste associated with cannabis cultivation related activities for APN 022-200-28-00, and listed Richard Melvoin as landowner of the Property; the same mailing address was provided for both parties. Based on the information submitted by Charles Perry, the cannabis cultivation activities are classified as Tier 1 Low Risk. Effective June 28, 2019, the Property was transitioned into State Cannabis Order WQ 2019-0001-DWQ, WDID 1\_53CC419163.

LandVision records show that the Property was sold to Richard Melvoin, by Open Door Capital LLC, on May 5, 2019.

On June 6, 2020, Charles Perry submitted a request to transfer the responsibility for State Cannabis Order enrollment to RM Property Holding LLC c/o Richard Melvoin. The CA secretary of State lists RM Properties and Holdings LLC as registered on March 16, 2020, active status, with Richard Melvoin as Agent for Service of Process in the state of California.

On October 1, 2020, the California Department of Fish and Wildlife (CDFW) sent a Notice of Violation of Fish and Game Code 1602 and 5650 to Richard Melvoin and Adam Charles Perry.

On March 11, 2021, staff from the Regional Water Board, accompanied by staff of CDFW) State Water Board Division of Water Rights, and personnel of various law enforcement agencies, inspected the Property. The purpose of the inspection was to evaluate onsite development and conditions, and to identify and assess any impacts or threatened impacts to the quality and beneficial uses of waters of the state.

Attached is a copy of the water quality inspection report (Attachment B – March 11, 2021 Facilities Inspection Report and Attachment C – Inspection Map and Photolog). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and advises you of the Regional Water Board permits necessary for instream work and projects/activities that result in discharges of waste to receiving waters.

## **Relevant Requirements**

During the inspection, Regional Water Board staff identified several features and conditions on the Property that represent violations of water quality requirements and regulations. Attachment A – Regulatory Citations, provides references to these, and related, requirements and regulations.

## **Observed Violations**

As documented in the March 11, 2021 inspection report, Regional Water Board staff observed violations of the California Water Code 13264 (a), and federal Clean Water Act Section 301(a). In addition, staff observed violations of the State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #25-27, 32, and 37 and Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation # 3-4, 7-8, 12, 15-17, 22, 26, 28, 31, 48-51, 53, 56-57, 59, 61-64, 76, 85, 90, 104, 113, 117, 119-120, 123, 126, and 130. Staff observed these violations at Property locations identified in the inspection report as WQ1 through WQ7.

## **Legal requirements and directive to reassess and modify enrollment in the Cannabis General Order**

Charles Perry, in his application for enrollment under the Cannabis General Order, in June 2019, indicated that no portion of the disturbed area was located within the required setbacks from surface waters, and he self-certified the site as a Tier 1 Low Risk site. The transfer of enrollment in May 2020 does not relieve any Discharger and/or property owner of responsibility to control waste discharges related to cultivation or related activities and certifies that Richard Melvoin has been notified of and accepts all responsibilities associated with the Order.

During the March 11, 2021, inspection, staff observed and documented cultivation areas, water storage facilities, and associated land disturbances within and adjacent to surface waters. This does not meet requirements to be considered a Low Risk site.

For the purposes of Cannabis General Order, land disturbance is defined as including all activities whatsoever associated with developing or modifying land for cannabis cultivation, related activities, or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, water storage areas, excavation, grading, and site clearing. Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. All access roads and water crossings that have not been designed, constructed, and maintained consistent with the Handbook for Forest, Ranch, and Rural Roads and Attachment A of the Cannabis General Order, are considered disturbed areas, as well.

If any land disturbance activities have occurred or are occurring within the riparian setback, as defined within the Cannabis General Order, you must revise your enrollment under that order to reflect that the site is a High-Risk site.

Note that the High Risk designation is considered to be a temporary condition, with the requirement that enrollees of High Risk sites will take steps to develop and implement Disturbed Area Stabilization Plans to stabilize the disturbed area and cease all cannabis cultivation-related activities located within the riparian setback. Once the riparian setback area is stabilized and the Regional Water Board approves the work, you can request to reclassify the site as either low or moderate risk, depending upon the site conditions, allowing a lower annual fee to be assessed. Your High-Risk designation is therefore temporary until you reconfigure your operations to comply with the riparian setback requirements, per an approved plan.

Pursuant to Water Code section 13260 and Cannabis General Order Provision C.2.i, the Regional Water Board requires you to modify your application information by doing the following:

**Within 30 days of the date of this letter you must** obtain appropriate coverage under the Cannabis General Order, representative of disturbed area based on tier and risk level.

- a. To modify enrollment, you must handwrite in your selection on pages seven and eight of the enclosed Application Summary (Attachment D) and sign and date next to the handwritten change.
- b. Submit a copy of the edited summary to [NorthCoast.Cannabis@waterboards.ca.gov](mailto:NorthCoast.Cannabis@waterboards.ca.gov).

If you fail to take the action described above, the Regional Water Board may impose penalties of up to \$1,000 per day pursuant to Water Code section 13261 for violations of section 13260. In addition, pursuant to Cannabis General Order Provision C.2.h, the Regional Water Board Executive Officer may terminate a Discharger's coverage under the Cannabis General Order for cause including, but not limited to, any of the following:

- i. Violation of any of the terms or conditions contained in the General Order.
- ii. Obtaining the General Order by misrepresentation, or failure to disclose fully all relevant facts.
- iii. A change in any condition that results in either a temporary or permanent need to reduce or eliminate the authorized discharge activities.
- iv. A material change in the activity, character, location, or volume of discharge.
- v. Adoption of a TMDL amendment, new TMDL, or TMDL alternative.

Be aware that termination of coverage under the Cannabis General Order may impact your ability to maintain a cannabis cultivation license with the California Department of Food and Agriculture.

### **Site Management Plan (SMP)**

Pursuant to the Cannabis General Order, all enrollees must submit a Site Management Plan within 90 days of enrollment. As of the date of this letter, no SMP has been submitted. Additionally, and the deadline for submitting your SMP has passed.

### **Additional Potential Liabilities**

The Regional Water Board is in the process of considering whether the violations of the Water Code and the Basin Plan warrant further enforcement. We encourage you to take steps, to correct the violations as soon as possible, securing any applicable permits from this and other agencies prior to conducting work. Please note that the existing conditions, as observed and documented in the Inspection Report, may represent continuing violations of the Water Code and Basin Plan.

Please note that correcting the conditions of non-compliance at the Property does not preclude enforcement for the violations alleged in this notice. As noted above, the Regional Water Board reserves its right to fully enforce the law against any violation and threatened violation by taking enforcement actions such as a cleanup and abatement order, time schedule order, administrative civil liabilities, and referral to the California Attorney General's office. Administrative civil liabilities may be assessed on a daily basis in the amount up to \$5,000 for each day the violation occurs or up to \$10 per gallon, but not both pursuant to Water Code section 13350.

### **Inspection Report Recommendations**

As mentioned above, the March 11, 2021 Inspection Report provides recommendations to correct the alleged violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Regional Water Board staff Adona White of your intentions, plan, and schedule to implement recommendations in the inspection report. If you have questions about what is required of you to comply with the requirements outlined above, and to advise as to your plan and schedule to correct the alleged violations, please contact Regional Water Board staff Adona White by email at [Adona.White@waterboards.ca.gov](mailto:Adona.White@waterboards.ca.gov) or by phone at (707) 576-2672.

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.

You may also contact me at [Diana.Henrioylle@waterboards.ca.gov](mailto:Diana.Henrioylle@waterboards.ca.gov) or by phone at (707) 576-2350. Additionally, we are available to meet with you if you wish to discuss this letter or our waste discharge regulatory programs in further detail.

Sincerely,

Diana Henriouille, P.E.  
Enforcement Unit  
210419\_ACW\_dp\_Melvoin\_NOV

Attachments: Attachment A - Regulatory Citations  
Attachment B – March 11, 2021 Facilities Inspection Report  
Attachment C – March 11, 2021 Inspection Maps and Photolog  
Attachment D – General Cannabis Order Application Summary

Certified Mail – Return Receipt requested

**cc: North Coast Regional Water Quality Control Board**

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)  
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**Department of Fish and Wildlife**

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**Division of Water Rights**

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)  
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**Trinity County Sheriff's Office**

Sargent Nathaniel Trujillo, [ntrujillo@trinitycounty.org](mailto:ntrujillo@trinitycounty.org)

**Trinity County Environmental Health**

Kristy Anderson, [kanderson@trinitycounty.org](mailto:kanderson@trinitycounty.org)

**Humboldt County Sheriff's Office**

Sergeant Conan Moore, [cmoore@co.humboldt.ca.us](mailto:cmoore@co.humboldt.ca.us)

**Attachment A – Regulatory Citations**

<b>Regulatory Section</b>	<b>Citation</b>
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	Prohibits “[t]he placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which could be deleterious to fish, wildlife, or other beneficial uses.”
California Water Code Section 13260	“(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information that may be required by the regional board:  (1) A person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system. (2) A person who is a citizen, domiciliary, or political agency or entity of this state discharging waste, or proposing to discharge waste, outside the boundaries of the state in a manner that could affect the quality of the waters of the state within any region.”
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).”
California Water Code Section 13264 (a)	“No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 and no person shall take any of these actions after filing the report but before whichever of the following occurs first:”
California Water Code Section 13265(a)	“Any person discharging waste in violation of Section 13264 , after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b). Each day of such discharge shall constitute a separate offense.”
California Water Code Section 13350	“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with

Regulatory Section	Citation
	waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #25	Cannabis cultivators shall not discharge waste in a manner that creates or threatens to create a condition of pollution or nuisance, as defined by Water Code section 13050.

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #26	<p>Except as allowed and authorized in this Policy, cannabis cultivators shall not discharge:</p> <ul style="list-style-type: none"> <li>• irrigation runoff, tailwater, sediment, plant waste, or chemicals to surface water or via surface runoff;</li> <li>• waste classified as hazardous (California Code of Regulations, title 23, section 2521(a)) or defined as a designated waste (Water Code section 13173); or</li> <li>• waste in violation of, or in a manner inconsistent with, the appropriate Water Quality Control Plan(s).</li> </ul>
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #27	<p>Unless authorized by separate waste discharge requirements, the Cannabis Cultivation General Order, or a CWA section 404/401 permit, the following discharges are prohibited:</p> <ul style="list-style-type: none"> <li>• any waste that could affect the quality of the waters of the state; or</li> <li>• wastewater from cannabis manufacturing activities defined in Business and Professions Code section 26100, indoor grow operations, or other industrial wastewater to an onsite wastewater treatment system (e.g., septic tank and associated disposal facilities), to surface water, or to land.</li> </ul>
State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #32	<p>Tier 1 or 2 cannabis cultivators with any portion of the disturbed areas existing within the setbacks shall submit a Disturbed Area Stabilization Plan to the Regional Water Board Executive Officer. The Disturbed Area Stabilization Plan shall be approved by the applicable Regional Water Board Executive Officer prior to the cannabis cultivator initiating any land stabilization activities. This requirement does not apply to disturbed areas resulting from activities authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.</p>

Regulatory Section	Citation		
<p>State Cannabis Order Attachment A, Section 1 - General Requirements and Prohibitions #37</p>	<p>Cannabis cultivators shall comply with the minimum riparian setbacks described below for all land disturbance, cannabis cultivation activities, and facilities (e.g., material or vehicle storage, petroleum powered pump locations, off-stream water storage areas, and chemical toilet placement). The riparian setbacks shall be measured from the waterbody’s bankfull stage (high flow water levels that occur every 1.5 to 2 years) or from the top edge of the waterbody bank in incised channels, whichever is more conservative. Riparian setbacks for springheads shall be measured from the springhead in all directions (circular buffer). Riparian setbacks for wetlands shall be measured from the edge of wetland as delineated by a Qualified Professional with experience implementing the Corps of Engineers Wetlands Delineation Manual (with regional supplements). The Regional Water Board Executive Officer may require additional riparian setbacks or additional requirements, as needed, to meet the performance requirement of protecting surface water from discharges that threaten water quality. If the cannabis cultivation site cannot be managed to protect water quality, the Executive Officer of the applicable Regional Water Board may revoke authorization for cannabis cultivation activities at the cannabis cultivation site.</p>		
<p>Common Name</p>		<p>Watercourse Class</p>	<p>Distance</p>
<p>Perennial watercourses, waterbodies (e.g. lakes, ponds), or springs<sup>4</sup></p>		<p>I</p>	<p>150 ft.</p>
<p>Intermittent watercourses or wetlands</p>		<p>II</p>	<p>100 ft.</p>
<p>Ephemeral watercourses</p>		<p>III</p>	<p>50 ft.</p>
<p>Man-made irrigation canals, water supply reservoirs, or hydroelectric canals that support native aquatic species</p>		<p>IV</p>	<p>Established Riparian Vegetation Zone</p>
<p>All other man-made irrigation canals, water supply reservoirs, or hydroelectric canals</p>		<p>IV</p>	<p>N/A</p>

Regulatory Section	Citation
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #3	Cannabis cultivators shall not drive or operate vehicles or equipment within the riparian setbacks or within waters of the state unless authorized under 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board. This requirement does not prohibit driving on established, maintained access roads that are in compliance with this Policy.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #4	Cannabis cultivation land development and access road construction shall be designed by Qualified Professionals. Cannabis cultivators shall conduct all construction or land development activities to minimize grading, soil disturbance, and disturbance to aquatic and terrestrial habitat.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #7	Cannabis cultivators shall stage and store equipment, materials, fuels, lubricants, solvents, or hazardous or toxic materials in locations that minimize the potential for discharge to waters of the state. At a minimum, the following measures shall be implemented: a) Designate an area outside the riparian setback for equipment storage, short-term maintenance, and refueling. Cannabis cultivator shall not conduct any maintenance activity or refuel equipment in any location where the petroleum products or other pollutants may enter waters of the state as per Fish and Game Code section 5650 (a)(1). b) Frequently inspect equipment and vehicles for leaks. c) Immediately clean up leaks, drips, and spills. Except for emergency repairs that are necessary for the safe transport of equipment or vehicles to an appropriate repair facility; performing equipment or vehicle repairs, maintenance, and washing onsite is prohibited. d) If emergency repairs generate waste fluids, ensure they are contained and properly disposed or recycled off-site. e) Properly dispose of all construction debris off-site. Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. Sweep up, contain, and properly dispose of spilled dry materials.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #8	The cannabis cultivator shall use appropriate erosion control measures to minimize erosion of disturbed areas, potting soil, or bulk soil amendments to prevent discharges of waste. Fill soil shall not be placed where it may discharge into surface water. If used, weed-free straw mulch shall be applied at a rate of two tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #12	Cultivation sites constructed on or near slopes with a slope greater than or equal to 30 percent shall be inspected for indications of instability. Indications of instability include the occurrence of slope failures at nearby similar sites, weak soil layers, geologic bedding parallel to slope surface, hillside creep (trees, fence posts, etc. leaning downslope), tension cracks in the slope surface, bulging soil at the base of the slope, and groundwater discharge from the slope. If indicators of instability are present, the cannabis cultivator shall consult with a Qualified Professional to design measures to stabilize the slope to prevent sediment discharge to surface waters.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #15	Access roads shall be constructed consistent with the requirements of California Code of Regulations Title 14, Chapter 4. The Road Handbook describes how to implement the regulations and is available at <a href="http://www.pacificwatershed.com/PWA-publications-library">http://www.pacificwatershed.com/PWA-publications-library</a> . Existing access roads shall be upgraded to comply with the Road Handbook.

Regulatory Section	Citation
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #16</p>	<p>Cannabis cultivators shall obtain all required permits and approvals prior to the construction of any access road constructed for cannabis cultivation activities. Permits may include section 404/401 CWA permits, Regional Water Board WDRs (when applicable), CDFW LSA Agreement, and county or local agency permits.</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #17</p>	<p>Cannabis cultivators shall ensure that all access roads are hydrologically disconnected to receiving waters to the extent possible by installing disconnecting drainage features, increasing the frequency of (inside) ditch drain relief as needed, constructing out-sloped roads, constructing energy dissipating structures, avoiding concentrating flows in unstable areas, and performing inspection and maintenance as needed to optimize the access road performance.</p>
<p>State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #22</p>	<p>Cannabis cultivators shall ensure that access road surfacing, especially within a segment leading to a waterbody, is sufficient to minimize sediment delivery to the wetland or waterbody and maximize access road integrity. Road surfacing may include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. All access roads that will be used for winter or wet weather hauling/traffic shall be surfaced. Steeper access road grades require higher quality rock (e.g., crushed angular versus river-run) to remain in place. The use of asphalt grindings is prohibited.</p>

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #26	Cannabis cultivators shall ensure that access roads are not allowed to develop or show evidence of significant surface rutting or gulying. Cannabis cultivators shall use water bars and rolling dips as designed by a Qualified Professional to minimize access road surface erosion and dissipate runoff.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #28	Access road storm water drainage structures shall not discharge onto unstable slopes, earthen fills, or directly to a waterbody. Drainage structures shall discharge onto stable areas with straw bales, slash, vegetation, and/or rock riprap.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #31	Cannabis cultivators shall ensure that all permanent watercourse crossings that are constructed or reconstructed are capable of accommodating the estimated 100-year flood flow, including debris and sediment loads. Watercourse crossings shall be designed and sized by a Qualified Professional.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #48	Cannabis cultivators shall ensure that watercourse crossings are designed by a Qualified Professional.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #49	Cannabis cultivators shall ensure that all access road watercourse crossing structures allow for the unrestricted passage of water and shall be designed to accommodate the estimated 100-year flood flow and associated debris (based upon an assessment of the streams potential to generate debris during high flow events). Watercourse crossings shall be designed and sized by a Qualified Professional. Consult CAL FIRE 100-year Watercourse Crossings document for examples and design calculations, available at: <a href="http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf">http://calfire.ca.gov/resource_mgt/downloads/100%20yr%20revised%208-08-17%20(final-a).pdf</a>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #50	Cannabis cultivators shall ensure that watercourse crossings allow migration of aquatic life during all life stages supported or potentially supported by that stream reach. Design measures shall be incorporated to ensure water depth and velocity does not inhibit migration of aquatic life. Any access road crossing structure on watercourses that support fish shall be constructed for the unrestricted passage of fish at all life stages, and should use the following design guidelines: <ul style="list-style-type: none"><li>• CDFW’s Culvert Criteria for Fish Passage;</li><li>• CDFW’s Salmonid Stream Habitat Restoration Manual, Volume 2, Part IX: Fish Passage Evaluation at Stream Crossings; and</li><li>• National Marine Fisheries Service, Southwest Region Guidelines for Salmonid Passage at Stream Crossings.</li></ul>

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #51	Cannabis cultivators shall conduct regular inspection and maintenance of stream crossings to ensure crossings are not blocked by debris. Refer to California Board of Forestry Technical Rule No. 5 available at: <a href="http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf">http://www.calforests.org/wp-content/uploads/2013/10/Adopted-TRA5.pdf</a> .
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #53	Cannabis cultivators shall ensure that culverts used at watercourse crossings are designed to direct flow and debris toward the inlet (e.g., use of wing-walls, pipe beveling, rock armoring, etc.) to prevent erosion of road fill, debris blocking the culvert, and watercourses from eroding a new channel.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #55	Cannabis cultivators shall compact access road crossing approaches and fill slopes during installation and shall stabilize them with rock or another appropriate surface protection to minimize surface erosion. When possible, cannabis cultivators shall ensure that access roads over culverts are equipped with a critical dip to ensure that, if the culvert becomes blocked or plugged, water can flow over the access road surface without washing away the fill prism. Access road crossings where specific conditions do not allow for a critical dip or in areas with potential for significant debris accumulation, shall include additional measures such as emergency overflow culverts or oversized culverts that are designed by a Qualified Professional.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #56	Cannabis cultivators shall ensure that culverts used at watercourse crossings are: 1) installed parallel to the watercourse alignment to the extent possible, 2) of sufficient length to extend beyond stabilized fill/sidecast material, and 3) embedded or installed at the same level and gradient of the streambed in which they are being placed to prevent erosion.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #57	Cannabis cultivators shall store soil, construction, and waste materials outside the riparian setback except as needed for immediate construction needs. Such materials shall not be stored in locations of known slope instability or where the storage of construction or waste material could reduce slope stability.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #59	Cannabis cultivators shall store erodible soil, soil amendments, and spoil piles to prevent sediment discharges in storm water. Storage practices may include use of tarps, upslope land contouring to divert surface flow around the material, or use of sediment control devices (e.g., silt fences, straw wattles, etc.).

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #61	For soil disposal sites cannabis cultivators shall: • revegetate soil disposal sites with a mix of native plant species, • cover the seeded and planted areas with mulched straw at a rate of two tons per acre, and • apply non-synthetic netting or similar erosion control fabric (e.g., jute) on slopes greater than 2:1 if the site is erodible.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #62	Cannabis cultivators shall haul away and properly dispose of excess soil and other debris as needed to prevent discharge to waters of the state.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #63	Cannabis cultivators shall not disturb aquatic or riparian habitat, such as pools, spawning sites, large wood, or shading vegetation unless authorized under a CWA section 404 permit, CWA section 401 certification, Regional Water Board WDRs (when applicable), or a CDFW LSA Agreement.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #64	Cannabis cultivators shall maintain existing, naturally occurring, riparian vegetative cover (e.g., trees, shrubs, and grasses) in aquatic habitat areas to the maximum extent possible to maintain riparian areas for streambank stabilization, erosion control, stream shading and temperature control, sediment and chemical filtration, aquatic life support, wildlife support, and to minimize waste discharge.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #76	Cannabis cultivators shall not obstruct, alter, dam, or divert any portion of a natural watercourse prior to obtaining all applicable permits and approvals. Permits may include a valid water right, 404/401 CWA permits, a CDFW LSA Agreement, coverage under the Cannabis Cultivation General Order water quality certification, or site-specific WDRs issued by the Regional Water Board.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #82	Cannabis cultivators shall not use water storage bladders unless the bladder is safely contained within a secondary containment system with sufficient capacity to capture 110 percent of a bladder's maximum possible contents in the event of bladder failure (i.e., 110 percent of bladder's capacity). Secondary containment systems shall be of sufficient strength and stability to withstand the forces of released contents in the event of catastrophic bladder failure. In addition, secondary containment systems that are open to the environment shall be designed and maintained with sufficient capacity to accommodate precipitation and storm water inputs from a 25-year, 24-hour storm event.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #85	<p>Cannabis cultivators shall not use reservoirs and ponds to store water for cannabis cultivation unless they are sited and designed or approved by a Qualified Professional in compliance with Division of Safety of Dams (DSOD), county, and/or city requirements, as applicable. If the DSOD, county, and/or city do not have established requirements, they shall be designed consistent with the Natural Resource Conservation Service National Engineering Manual. Reservoirs shall be designed with an adequate overflow outlet that is protected and promotes the dispersal and infiltration of flow and prevents channelization.</p> <p>All off-stream storage reservoirs and ponds shall be designed, managed, and maintained to accommodate average annual winter period precipitation and storm water inputs to reduce the potential for overflow.</p> <p>Cannabis cultivators shall plant native vegetation along the perimeter of the reservoir in locations where it does not impact the structural integrity of the reservoir berm or spillway. The cannabis cultivator shall control vegetation around the reservoir berm and spillway to allow for visual inspection of berm and spillway condition and control burrowing animals as necessary.</p>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #90	<p>Water storage tanks, bladders, and other off-stream water storage facilities that are closed to the environment shall not be located in a riparian setback or next to equipment that generates heat. Cannabis cultivators shall place water storage tanks, bladders, and other off-stream water storage facilities that are closed to the environment in areas that allow for ease of installation, access, maintenance, and minimize road development.</p>

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #95	Cannabis cultivators shall on a monthly basis, at a minimum, inspect their entire water delivery system for leaks and immediately repair any leaky faucets, pipes, connectors, or other leaks.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #104	Cannabis cultivators shall keep and use absorbent materials designated for spill containment and spill cleanup equipment on-site for use in an accidental spill of fertilizers, petroleum products, hazardous materials, and other substances which may degrade waters of the state. The cannabis cultivator shall immediately notify the California Office of Emergency Services at 1-800-852-7550 and immediately initiate cleanup activities for all spills that could enter a waterbody or degrade groundwater.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #113	Cannabis cultivators shall ensure that potting soil or soil amendments, when not in use, are placed and stored with covers, when needed, to protect from rainfall and erosion, to prevent discharge to waters of the state, and to minimize leaching of waste constituents into groundwater.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #117	Cannabis cultivators shall store petroleum, petroleum products, and similar fluids in a manner that provides chemical compatibility, provides secondary containment, and protection from accidental ignition, the sun, wind, and rain.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #119	Cannabis cultivators shall contain and regularly remove all debris and trash associated with cannabis cultivation activities from the cannabis cultivation site. Cannabis cultivators shall only dispose of debris and trash at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Cannabis cultivators shall not allow litter, plastic, or similar debris to enter the riparian setback or waters of the state. Cannabis plant material may be disposed of onsite in compliance with any applicable CDFA license conditions.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #120	Cannabis cultivators shall only dispose, or reuse spent growth medium (e.g., soil and other organic media) in a manner that prevents discharge of soil and residual nutrients and chemicals to the riparian setback or waters of the state. Spent growth medium shall be covered with plastic sheeting or stored in watertight dumpsters prior to proper disposal or reuse. Spent growth medium should be disposed of at an authorized landfill or other disposal site in compliance with state and local laws, ordinances, and regulations. Proper reuse of spent growth medium may include incorporation into garden beds or spreading on a stable surface and revegetating the surface with native plants. Cannabis cultivators shall use erosion control techniques, as needed, for any reused or stored spent growth medium to prevent polluted runoff.

<b>Regulatory Section</b>	<b>Citation</b>
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #123	Cannabis cultivators shall ensure that debris, soil, silt, bark, slash, sawdust, rubbish, creosote-treated wood, raw cement and concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to any life stage of fish and wildlife or their habitat (including food sources) does not contaminate soil or enter the riparian setback or waters of the state.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #126	Cannabis cultivators shall implement all applicable Erosion Control and Soil Disposal and Spoils Management Requirements in addition to the Winterization Requirements below by the onset of the winter period.
State Cannabis Order Attachment A, Section 2 - Requirements Related to Water Diversions and Waste Discharge for Cannabis Cultivation #130	Cannabis cultivators shall maintain all culverts, drop inlets, trash racks and similar devices to ensure they are not blocked by debris or sediment. The outflow of culverts shall be inspected to ensure erosion is not undermining the culvert. Culverts shall be inspected prior to the onset of fall and winter precipitation and following precipitation events that produce at least 0.5 in/day or 1.0 inch/7 days of precipitation to determine if maintenance or cleaning is required.