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## North Coast Regional Water Quality Control Board

August 20, 2021

Certified Mail 7016 0750 0001 0048 6092

Anthony Beltran  
12802 W Vernon AVE  
Avondale AZ, 85392

Dear Mr. Beltran:

**Subject: Notice of Violation and Transmittal of Inspection Report for July 20, 2021 Inspection of Humboldt County Assessor's Parcel Number (APN) 216-244-001-000 and Directive to Respond within 30 days**

**File:** Cannabis Program Inspections, Humboldt County, July 20, 2021, CIWQS Place ID 875456

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County APN 216-244-001-000 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1
2. California Water Code (Water Code) section 13260 and 13264

On July 20, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed cannabis cultivation outdoors with a disturbed area exceeding 15,000 square feet. Accordingly, this letter directs you to, address the violations noticed herein. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

### **Background**

On July 20, 2021, Regional Water Board staff, accompanied by personnel from CDFW, State Water Board Division of Water Rights, and 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.

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

Attached is a copy of the water quality inspection report (Attachment B –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 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 July 20, 2021 inspection report, Regional Water Board staff observed violations of the California Water Code 13260 and 13264 at Property location identified in the inspection report as WQ2, WQ3 and WQ6, and Basin Plan Section 4.2.1, Prohibition 2 for threatened discharges of fine sediment associated with the condition of the road north of WQ3 and the stream crossing at WQ5.

### **Directive to Respond Within 30 Days**

Based on the observations detailed in the attached inspection report, the Regional Water Board has determined that, pursuant to Water Code sections 13260<sup>1</sup> and 13264<sup>2</sup>, you are required to respond to this NOV within 30 days by EITHER:

- 1) Enrolling the Property under the Cannabis General Order by submitting the appropriate fee (see below) and providing the information required in the online application: [https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/water_issues/programs/cannabis/)

Upon completion of the application through the online portal, you will receive a Notice of Receipt confirming your application and providing you a Fee Payment

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<sup>1</sup> Water Code section 13260 states, in relevant part: (a) All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board: (1) Any 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.

<sup>2</sup> Water Code section 13264 states, in relevant part: (a) 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 and no person shall take any of these actions after filing the report but before whichever of the following occurs first: (1) The issuance of waste discharge requirements pursuant to Section 13263.

Application Number. When you submit the fee for this enrollment, you must include the Fee Payment Application Number on your electronic payment, check, or money order(s). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered by U.S. Mail to: Accounting Office, Attn: Water Quality Fees – Cannabis General Order, P.O. Box 1888, Sacramento, CA 95812-1888;

- 2) Filing a Report of Waste Discharge to obtain individual Waste Discharge Requirements (WDRs) specific to the Property and submitting the appropriate fee. Since this option is project-specific, you will need to contact staff at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) for further instructions and to determine the appropriate application fee;

OR

- 3) Providing information demonstrating why regulatory coverage is not needed for the parcel identified above. **If you have received a Notice to Abate Nuisance from the County**, will no longer be cultivating cannabis, and will restore the Property in compliance with the Water Boards' Cannabis Cultivation Policy (Policy), please provide a written response, including a copy of the County's notice and any other supporting documentation, including photos if relevant, explaining why you are not seeking regulatory coverage for the parcel identified above and how the Property will be restored in compliance with the Policy.

Application fees submitted pursuant to Options 1 or 2, above, must be submitted to the State Water Board within 30 days of submitting the online application or Report of Waste Discharge. Failure to submit the application fee within 30 days will result in the application being voided and will thus constitute a failure to comply with the above directive pursuant to Water Code sections 13260 and 13264.

Failure to comply with Water Code sections 13260 and 13264 may result in an administrative civil liability under Water Code sections 13261 and 13265 not to exceed \$1,000 per violation for each day in which each violation occurs.

### **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 July 20, 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 Brian Fuller 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 Brian Fuller by email at [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov) or by phone at (707) 576-2806.

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 by email at [Diana.Henrioulle@waterboards.ca.gov](mailto:Diana.Henrioulle@waterboards.ca.gov). 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 Henrioulle, P.E.  
Enforcement Unit

210820\_BMF\_Beltran\_NOV

Attachments:        Attachment A – Regulatory Citations  
                          Attachment B – Facilities Inspection Report  
                          Attachment C – Inspection Maps and Photolog

Certified Mail – Return Receipt requested

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

[Northcoast.Cannabis@waterboards.ca.gov](mailto:Northcoast.Cannabis@waterboards.ca.gov)

Claudia Villacorta, [Claudia.Villacorta@waterboards.ca.gov](mailto:Claudia.Villacorta@waterboards.ca.gov)

Kason Grady, [Kason.Grady@waterboards.ca.gov](mailto:Kason.Grady@waterboards.ca.gov)

Brian Fuller, [Brian.Fuller@waterboards.ca.gov](mailto:Brian.Fuller@waterboards.ca.gov)

Colton Trent, [Colton.Trent@Waterboards.ca.gov](mailto:Colton.Trent@Waterboards.ca.gov)

**Division of Water Rights**

Stormer Feiler, [Stormer.Feiler@waterboards.ca.gov](mailto:Stormer.Feiler@waterboards.ca.gov)

Karen Kramer, [Karen.Kramer@Waterboards.ca.gov](mailto:Karen.Kramer@Waterboards.ca.gov)

Taro Murano, [Taro.Murano@waterboards.ca.gov](mailto:Taro.Murano@waterboards.ca.gov)

Gagan Bhullar, [Gagan.Bhullar@Waterboards.ca.gov](mailto:Gagan.Bhullar@Waterboards.ca.gov)

**Department of Fish and Wildlife**

David Manthorne, [David.Manthorne@wildlife.ca.gov](mailto:David.Manthorne@wildlife.ca.gov)

Scott Bauer, [Scott.Bauer@wildlife.ca.gov](mailto:Scott.Bauer@wildlife.ca.gov)

**Humboldt County Code Enforcement**

Brady Wylie, [BWylie@co.humboldt.ca.us](mailto:BWylie@co.humboldt.ca.us)

**Humboldt County Hazardous Materials**

Dean Adams, [DAdams@co.humboldt.ca.us](mailto:DAdams@co.humboldt.ca.us)

**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 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	<p>“(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:</p> <p>(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.</p> <p>(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.”</p>
California Water Code Section 13261(a)	“A person who fails to furnish a report or pay a fee under <a href="#">Section 13260</a> 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)	<p>“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:”</p> <p>(1) The issuance of waste discharge requirements pursuant to Section 13263.</p>
California Water Code Section 13265(a)	“Any person discharging waste in violation of <a href="#">Section 13264</a> , 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.”

**FACILITIES INSPECTION REPORT**

Region/Office: 1	Status: Performed	Reg. Measure ID: 444337
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/20/2021	

**Discharger Information**

Party ID: 626409	Discharger Organization Name: Beltran, Anthony	
Address: 12802 Vernon Avenue	City, State, Zip: Avondale, AZ 85392	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

**Facility Information**

Place ID 875456	Facility Name: Anthony Beltran		
Address: 3333 Steelhead	City, State, Zip: Garberville, CA 95542		
County: Humboldt	Latitude: 40.16451	Longitude: -123.649	Method: Map Interpolation (digital)

**Lead Inspector Information**

Lead Inspector Party ID: 568606	Lead Inspector Name: Brian Fuller		
Inspector Type:	<input checked="" type="checkbox"/> State	<input type="checkbox"/> State Contractor	<input type="checkbox"/> EPA Contractor
	<input type="checkbox"/> EPA and State (EPA Lead)	<input type="checkbox"/> EPA and State (State Lead)	<input type="checkbox"/> EPA (Regional)

**INSPECTION TYPE**

Inspection Type: Complaint inspection

**VIOLATIONS**Were Violations noted during this inspection?  Yes  No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1093261	Other Codes	07/20/2021	B	California Water Code section 13260 and 13264 for unauthorized cannabis cultivation at location WQ2, WQ3 and WQ6.
1093262	Basin Plan Prohibition	07/20/2021	B	Section 4.2.1 for threatened discharge associated with the condition of the road north of WQ3 and the stream crossing at WQ5.

### INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Prior to cultivating cannabis or developing the property for cannabis cultivation, obtain required authorizations.
2. Engage a qualified professional to develop and submit a work plan to correct the roads and crossings on the Property to conform with the Cannabis Policy.
3. Submit application for and obtain 401 WQC from Water Board before performing any instream work associated with Recommendation 2 above.

### GENERAL NOTES (OPTIONAL) (2000 character limit)

My inspection was associated with a criminal search warrant and I viewed only portions of the Property. See the attached Map and photos for locations and details about features of concern to water quality.

I accessed the property on foot from the south along a road west of Powers Creek. I observed an approximate 15,000 square foot disturbed area with outdoor cannabis cultivation north of WQ2 and east of WQ3. I observed waste cannabis stalks in a plant drying area at WQ4.

I walked along a dirt road north of WQ3 then west towards WQ5. The road leads west of the mapped parcel lines, but I am not aware of the actual parcel boundary. The road ends at a cannabis cultivation site at WQ6, and the only associated human habitation area is in the vicinity of WQ4, leading me to conclude that the two cultivations areas are part of the same operation and may be on the same Property. The dirt road was steep, unarmored and vulnerable to erosion from stormwater.

I observed a water tank and plastic pipes within the banks of a watercourse at WQ5 and observed that the watercourse was obstructed by the dirt road to the north. At WQ6, I observed an above ground pool with fertilizers, pesticides, petroleum products and other wastes uncontained on the bare ground where they threatened to discharge to Steelhead Creek to the north. At WQ 7, I observed abandoned bags of imported potting soil threatening to discharge to Steelhead Creek to the north.

**For Internal Use (Optional)**

Reviewed By:	(1)	(2)	(3)
CIWQS Entry Date:		Regional Board File Number:	CIWQS Inspection ID:

**Inspection Maps and Photolog for inspection conducted, July 20, 2021**

Map and photo selection completed by Brian Fuller, PG, Engineering Geologist

**Inspection Map**

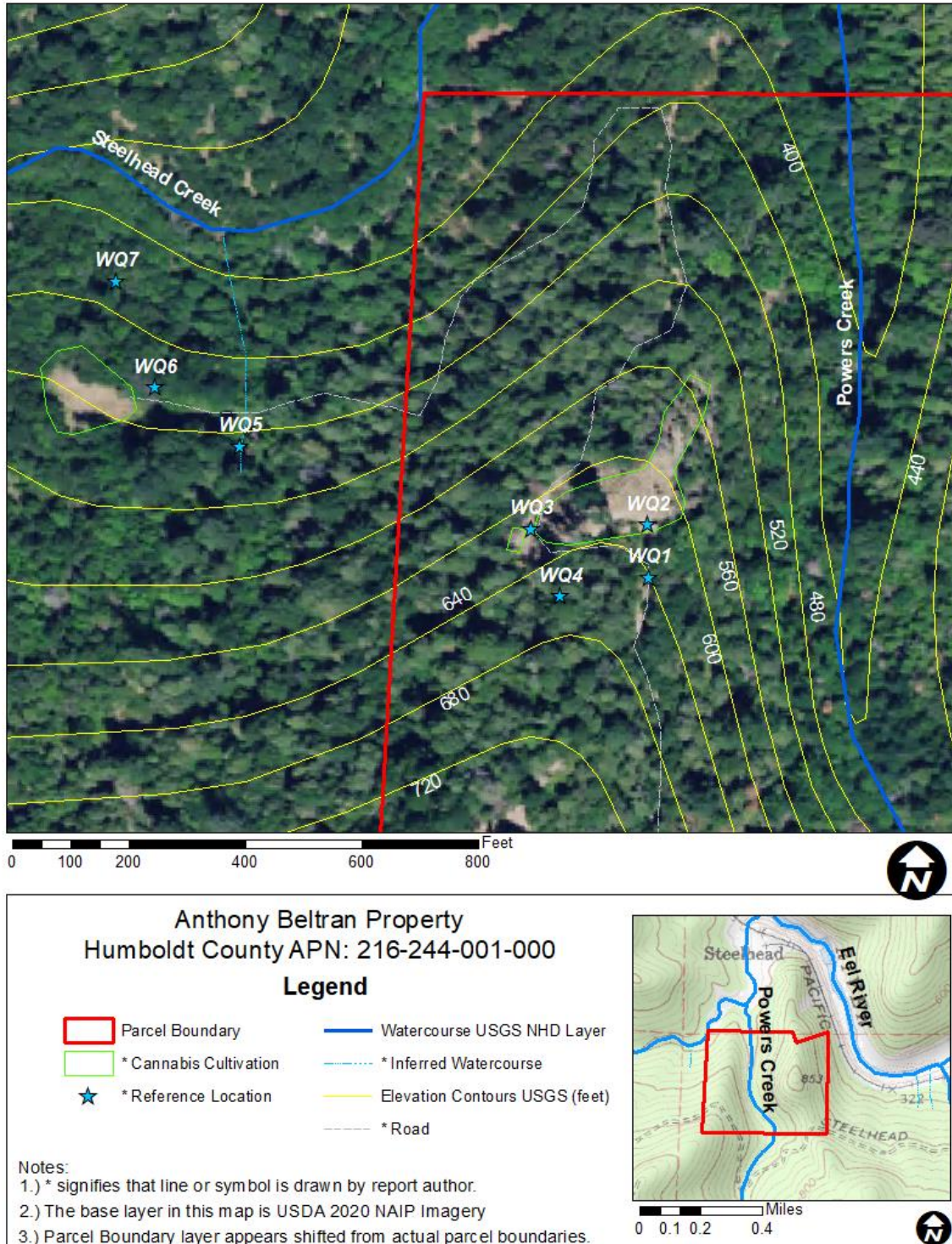


Figure 1: Map of Property, including inspection points of interest.

**Photo Appendix:**



Photo 1—Looking east at cultivation waste located at WQ1. Waste is uncontained and perched above a steep hillside where it threatens to disperse offsite.



Photo 2—Outdoor cannabis cultivation in this vicinity of WQ2.



Photo 3—Outdoor cannabis cultivation in this vicinity of WQ3.



Photo 4—Outdoor cannabis cultivation in this vicinity of WQ3.



Photo 5—Cannabis cultivation waste in plant drying area located at WQ4.



Photo 6—Cannabis cultivation waste in plant drying area located at WQ4.



Photo 7—Looking north from WQ3.



Photo 8— Road north of WQ3. The road is steep, rutted and lacks features to prevent stormwater from eroding the road surface.



Photo 9—Watercourse located at WQ5. Water tank is visible within the banks of the watercourse, and several black plastic pipes run along the channel.



Photo 10—Watercourse in previous image crossing over the road surface north of WQ5.



*Photo 11—Above ground pool located at WQ6, used to store water for cannabis cultivation to the west. Waste pesticides, petroleum products and fertilizer containers litter the ground surrounding the pool.*



*Photo 12—Backpack sprayer with unknown contents adjacent to pool at WQ6.*



*Photo 13—Waste black plastic bags with imported potting soils abandoned at WQ7.*



*Photo 14—Steelhead creek north of WQ7.*