
North Coast Regional Water Quality Control Board

August 31, 2021

Certified Mail No. 7016 0750 0001 0048 6177

Charles and Maxine Casarotti
Lester Popp
1001 G Street
Petaluma, CA 94952-4123

Dear Charles and Maxine Casarotti, and Lester Popp:

Subject: **Notice of Violation and Transmittal of Inspection Report for July 30, 2021, Inspection of Sonoma County Assessor's Parcel 111-010-022-000**

File: Charles and Maxine Casarotti, East Austin Creek, Sonoma County, July 30, 2021, CIWQS Place ID 875740

This letter is to notify you of observed violations of the requirements listed below for unauthorized discharges to waters of the state from the above-referenced parcel (Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1, Prohibition 1 and Prohibition 2, at locations WQ1, WQ2, WQ3, and WQ4

Within 30 days of this letter, please contact Regional Water Board staff to discuss your plan to correct the observed violations.

Background

On July 30, 2021, staff from the Regional Water Board, accompanied by staff of the California Department of Fish and Wildlife (CDFW), and County of Sonoma Department of Agriculture, inspected the subject 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 A – July 30, 2021 Inspection Report). 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, timber harvest projects, and projects/activities that result in discharges of waste to receiving waters. More information regarding the necessary permits can be found through the links provided below.

- a. 401 Water Quality Certification:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/
- b. NonPoint Source Timber Operations:
https://www.waterboards.ca.gov/northcoast/water_issues/programs/non_point_source/

Relevant Requirements

During the inspection, Regional Water Board staff identified feature on the Property that violates Basin Plan Section 4.2.1, Prohibitions:

1. Prohibiting “[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.”
2. Prohibiting “[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.”

Observed Violations

As documented in the July 30, 2021 Inspection Report, Regional Water Board staff observed violations of the Basin Plan section 4.2.1 Prohibition 1 at WQ3 where fine sediment from the unauthorized land development without adequate Best Management Practices had migrated or been transported to, and had discharged into the watercourse. Further, staff observed violations of Basin Plan Prohibition 2 at the locations WQ1, WQ2 and WQ4 where conditions threaten future discharges.

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the violations of 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 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.

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.

If you have questions about what is required of you to comply with the requirements outlined above, please contact Regional Water Board staff Jordan Filak at Jordan.Filak@waterboards.ca.gov.

As mentioned above, the July 30, 2021 Inspection Report provides recommendations to correct the alleged violation, 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 Jordan Filak at Jordan.Filak@waterboards.ca.gov of your intentions, plan, and schedule to implement recommendations in the inspection report.

You may also contact me at Diana.Henriouille@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 Henriouille, P.E.
Enforcement Unit

210831_JF_er_Casarotti_NOV

Attachments: Attachment A – July 30, 2021, Inspection Report

Certified Mail – Return Receipt requested

cc: North Coast Regional Water Quality Control Board
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov
Jordan Filak, Jordan.Filak@waterboards.ca.gov

Department of Fish and Wildlife

Timothy Dodson, Timothy.Dodson@wildlife.ca.gov

Sonoma County Agricultural Division

Jesse Cablk, Jesse.Cablk@sonoma-county.org

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444531
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/30/2021	

Discharger Information

Party ID: 626799	Discharger Organization Name: Casarotti, Charles and Maxine		
Address: 1001 G Street	City, State, Zip: Petaluma, CA 94952		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

Facility Information

Place ID 875740	Facility Name: Casarotti		
Address:	City, State, Zip: CA		
County: Sonoma	Latitude: 38.61844	Longitude: -123.09602	Method: Map Interpolation (digital)

Lead Inspector Information

Lead Inspector Party ID: 597888	Lead Inspector Name: Jordan Filak		
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: Miscellaneous inspection

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1093252	Basin Plan Prohibition	07/30/2021	B	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 at locations WQ1, WQ2, WQ3, and WQ4

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Engage a qualified professional to develop and submit an interim and long-term reshaping and stabilization plan for the terrace construction and road features observed.
2. Obtain the necessary timber harvest permitting before performing any post-fire timber salvage operations.
3. Obtain the necessary 401 permitting before performing any in-stream work.
4. Ensure all required local and state permitting is completed before any future developments are constructed.

GENERAL NOTES (OPTIONAL) (2000 character limit)

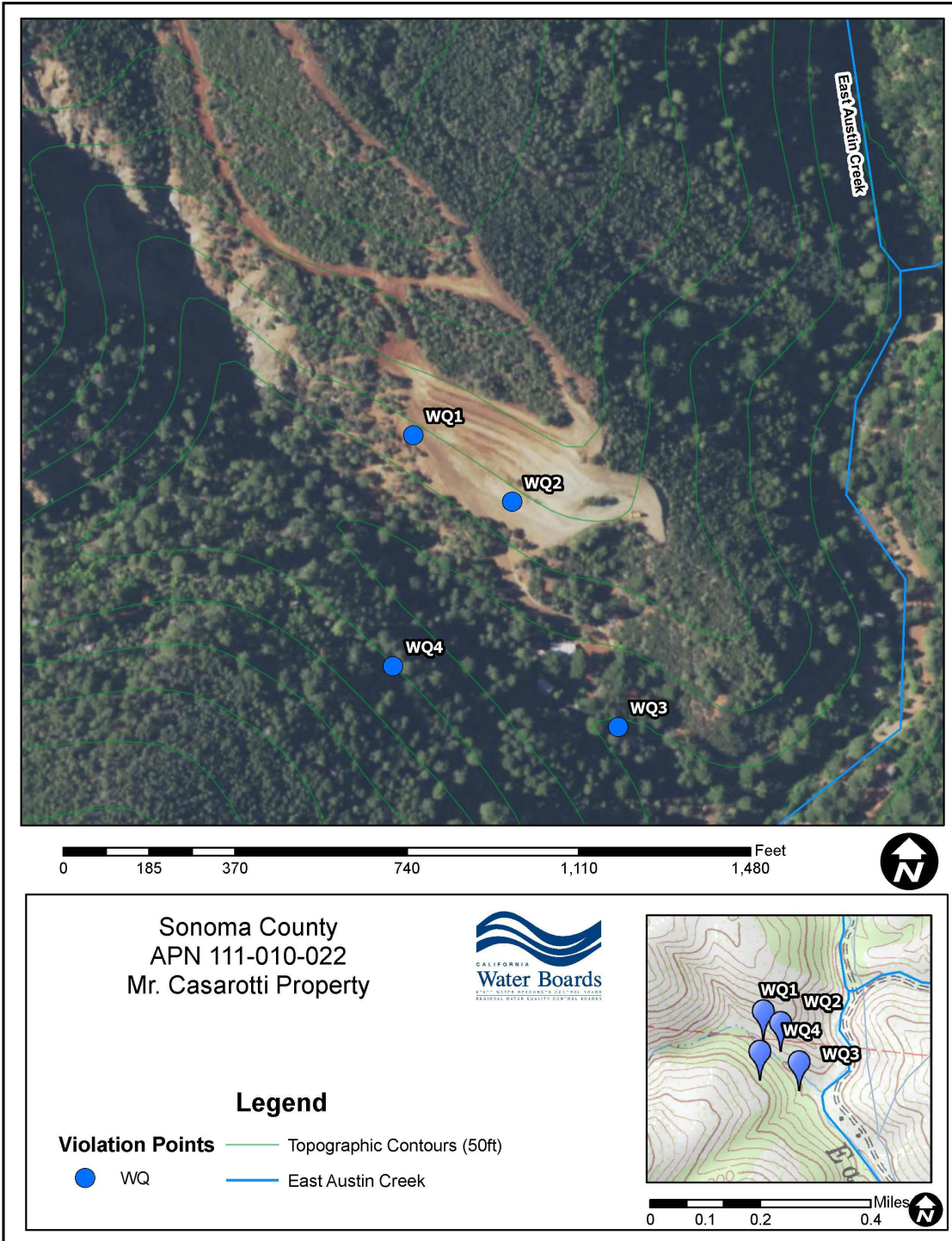
On July 30th, 2021, personnel from CDFW, Sonoma County Department of Agriculture, fellow staff member Brian Fuller, and myself inspected the property. Co-owners, Randy Casarotti and members from the Pops family were present during the inspection. Please see the attached Map and Appendices for locations and details about features of concern to water quality.

Mr. Casarotti invited the attendants to inspect the property and granted us permission to take photographs. Located on the south side of the property, I observed approximately 1.2 acres of unstable hillside terracing as well as a constructed road leading to the feature. Mr. Casarotti explained that he did all of the grading work and that he cut the new road, in part to remove burnt trees from the property. At WQ1, I observed spoils from the terracing project located where they were susceptible to being transported by stormwater downslope into a class II tributary of East Austin Creek.

I also observed evidence of rills forming down the terracing slope and onto the entry road at WQ1. I observed larger rills, spoils, and steep unstable slopes at WQ2. I observed a smaller terracing project located at WQ4 on an adjacent hillside to the west of the large terrace construction. Potting soils containing perlite were observed on the unstable terrace surface at WQ4. I also observed loose sediment spoils at WQ4. Upon entry to the smaller terracing site, I observed a ford constructed in a class II tributary to East Austin Creek at WQ3. I observed fine red sediment in the ford and along the stream. During the inspection, Mr. Casarotti was informed to acquire all Regional Water Board requirements regarding 401 and Timber Harvesting on Private Forest Lands before any work takes place.

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

Casarotti Inspection Map and Photolog



All photographs and GPS locations were taken by Jordan Filak or Brian Fuller, North Coast Regional Water Quality Control Board.

Photo 1: View of terracing and road construction area as seen from WQ1.



Photo 2: View of spoils from terracing project discharging off the road at WQ1.



Photo 3: View of unstable hillside terracing upslope from WQ2.



Photo 4: View of rills forming on terraced hillside at WQ2.



Photo 5: View of spoils and rills adjacent to terracing at WQ2.



Photo 6: View of smaller terrace construction located at WQ4.



Photo 7: View of previous cultivation waste (Perlite) at WQ4.



Photo 8: Wider view of the terrace construction as seen from WQ4.



Photo 9: View of ford in class II tributary to East Austin Creek containing fine red sediment at WQ3.



Photo 10: Closer view of fine red sediment in ford of class II tributary to East Austin Creek at WQ3.

