



North Coast Regional Water Quality Control Board

August 20, 2021

Certified Mail 7016 0750 0001 0048 6078

Andrea Mary Chevalier
1469 S Fitch Mountain RD
Healdsburg CA, 95448

Dear Ms. Chevalier:

**Subject: Notice of Violation and Transmittal of Inspection Report for July 21, 2021
Inspection of Humboldt County Assessor's Parcel Number (APN) 219-051-001-000**

File: Cannabis Program Inspections, Humboldt County, July 21, 2021,
CIWQS Place ID 875451

This letter is to notify you of observed violations of the requirements listed below, at the property identified as Humboldt County APN 219-051-001-000 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) section 4.2.1

On July 21, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed an abandoned road failing and threatening to discharge its road prism into a tributary to Kinsey Creek. Staff also observed watercourses crossing roads on the property without a culvert at WQ6 and through a suspected undersized culvert at WQ3, which present a threat of discharge of fine sediment to receiving waters. Within 30 days, please contact Regional Water Board staff to discuss your plan to correct the observed violation.

Background

On July 21, 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.

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

Attached is a copy of the water quality inspection report (Attachment A –Facilities Inspection Report and Attachment B – 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 feature on the Property that violates Basin Plan Section 4.2.1, Prohibition 2 which 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.”

Observed Violations

As documented in the July 21, 2021 inspection report, Regional Water Board staff observed an abandoned road failing and threatening to discharge its road prism into a tributary to Kinsey Creek. Staff also observed watercourses crossing roads on the property without a culvert at WQ6 and through a suspected undersized culvert at WQ3, which present a threat of discharge of fine sediment to receiving waters.

Inspection Report Recommendations

As mentioned above, the July 21, 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 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 or by phone at (707) 576-2806.

Additional Potential Liabilities

The Regional Water Board is in the process of considering whether the observed Basin Plan violation warrants further enforcement. We encourage you to take steps, to correct the violation 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 violation 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.

You may also contact me by email at 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

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

Certified Mail – Return Receipt requested

cc: North Coast Regional Water Quality Control Board
Northcoast.Cannabis@waterboards.ca.gov
Claudia Villacorta, Claudia.Villacorta@waterboards.ca.gov
Kason Grady, Kason.Grady@waterboards.ca.gov
Brian Fuller, Brian.Fuller@waterboards.ca.gov

Division of Water Rights

Stormer Feiler, Stormer.Feiler@waterboards.ca.gov
Karen Kramer, Karen.Kramer@Waterboards.ca.gov
Taro Murano, Taro.Murano@waterboards.ca.gov
Richard Ramirez, Richard.Ramirez@Waterboards.ca.gov

Department of Fish and Wildlife

Ryan Bourque, Ryan.Bourque@wildlife.ca.gov

Scott Bauer, Scott.Bauer@wildlife.ca.gov

Humboldt County Code Enforcement

Branden Howton, BHowton1@co.humboldt.ca.us

Humboldt County Sheriff's Office

Sergeant Conan Moore, CMoore@co.humboldt.ca.us

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444341
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/21/2021	

Discharger Information

Party ID: 626400	Discharger Organization Name: Chevalier, Andrea	
Address: 1469 South Fitch Mountain Road	City, State, Zip: Healdsburg, CA 95448	
Discharger Contact Person:	Discharger Contact Phone:	
Discharger Contact Email Address:		

Facility Information

Place ID 875451	Facility Name: Andrea Chevalier		
Address: 4300 Lower Thomas Road	City, State, Zip: Miranda, CA 95553		
County: Humboldt	Latitude: 40.2054	Longitude: -123.89694	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

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1093340	Basin Plan Prohibition	07/21/2021	B	Section 4.2.1 for threatened discharge associated with failing road at WQ1, road crossing watercourse at WQ3 and WQ6.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Move generator at WQ2 away from watercourse.
2. Prior to cultivating cannabis or developing the property, obtain required authorizations.
3. Engage a qualified professional to develop and submit a work plan to decommission road near WQ1 and correct watercourse crossings on the property to conform with the Cannabis Policy.
4. Submit application for and obtain 401 WQC from Water Board before performing any instream work associated with Rec. 3. 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 from the east and parked northeast of WQ1. I observed a topographic gully originating near to where I parked and a road east of the gully. I observed the road was covered with leaf litter, had small plants growing on its surface and had rills forming from concentrated stormwater. I observed rills leading to the eroded edge of the road at WQ1. I followed the road to WQ2 and observed a generator parked next to the gully/watercourse. I measured a bank-full width of 6 feet with a tape measure at WQ2, and a culvert diameter of 3 feet at WQ3.

I observed recently cut cannabis plants at WQ4 over an area of approximately 1,000 square feet. I walked west to a reservoir at WQ5. I looked for but could not find an overflow structure for the reservoir. I did not see any evidence that stormwater had eroded the outboard face of the reservoir berms nor did I observe any cracks or signs of instability on the reservoir berm.

I walk east across a historical cultivation pad and then north up the road passing WQ1. Near to where I I continued walking east and observed a watercourse entering an area east of WQ1 populated with ferns and equisetum. I walked the perimeter of the area with distinct vegetation and identify it as a wetland in the attached map. I continued walking west and I observed a perched culvert at WQ4, crossing a road south of the road I used to access the property.

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 21, 2021

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

Inspection Map

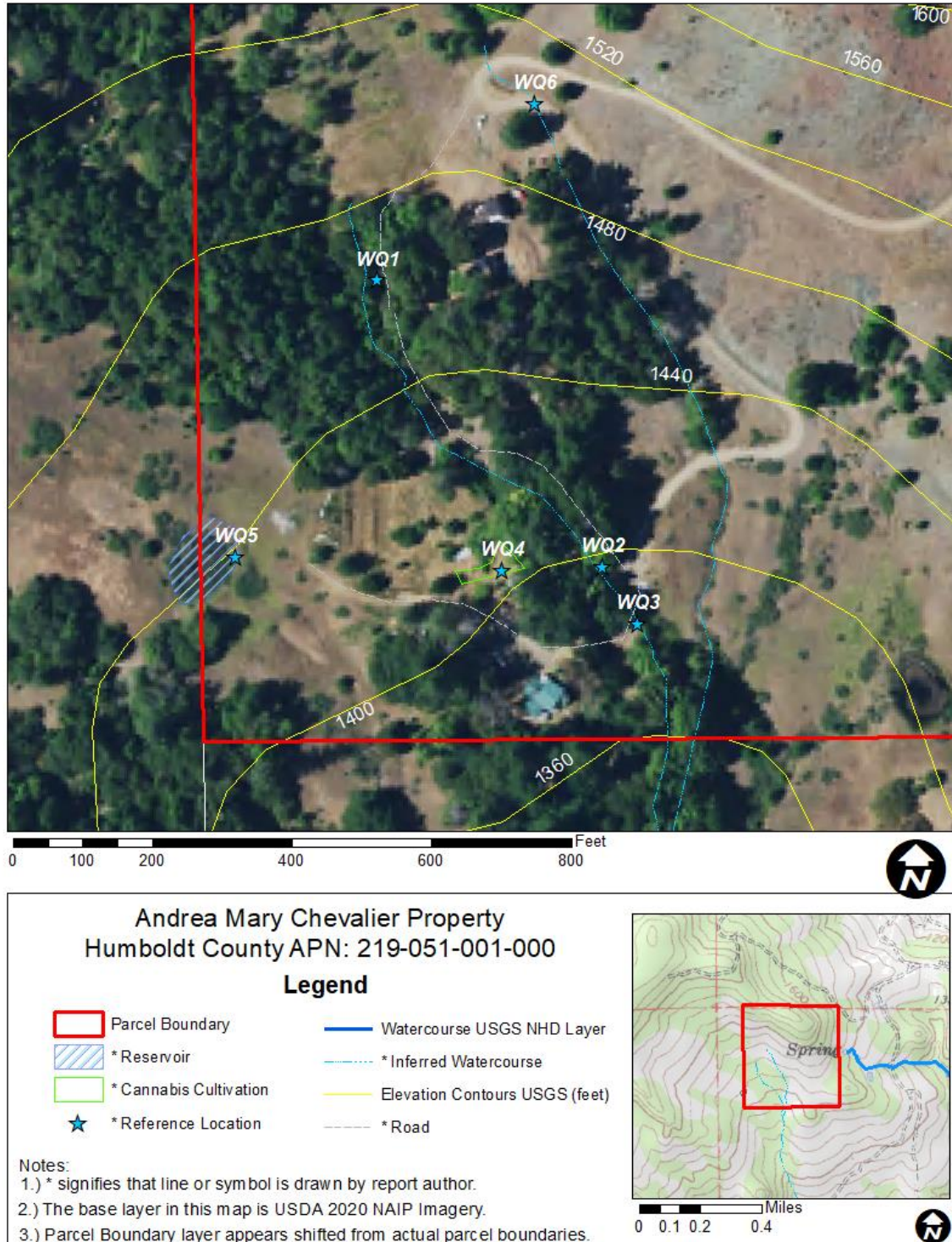


Figure 1: Map of Property, including inspection points of interest.

Photo Appendix:



Photo 1—Looking south where road prism is eroding and delivering sediment to the topographic gully visible in the right of the image. The road to the back of the photographer is shaped such that stormwater collects and concentrates at the edge of the road. The gully is tributary to Kinsey creek.



Photo 2—Looking north and upslope at eroding road prism pictured in previous image.



Photo 3—Looking west from road in the vicinity of WQ2. Log bridges are visible crossing the gully/watercourse from the road to a historical cultivation area in the left of the image.



Photo 4—Looking south at a generator in the vicinity of WQ2. The generator is adjacent to the gully/watercourse pictured in the center of the image.



Photo 5—Watercourse adjacent to generator pictured in previous image. I measured a bank-full width of six feet with a tape measure. The channel bed is comprised of rounded small boulders and cobbles and has a trickle of flowing water.



Photo 6—Stream crossing at WQ3. The culvert is three feet in diameter, which is substantially narrower than the bank-full width of the channel upstream.



Photo 7—Recently cut cannabis plants growing in the vicinity of WQ4. The existing cannabis cultivation area may have been less than 1,000 square feet.



Photo 8—Reservoir at WQ5. The impounding berm is approximately ten feet wide and I was unable to identify an overflow structure or outlet pipe.



Photo 9—Road fording watercourse at WQ6.



Photo 10—Looking downstream from where road fords watercourse at WQ6. A piece of refuse is visible within the channel.