



North Coast Regional Water Quality Control Board

June 23, 2021

Certified Mail No. 7016 2070 0000 6486 1855

Deann Green
P.O. Box 643
Willits, CA 95490

Dear Deann Green:

Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for May 24, 2021 Inspection of Mendocino County Assessor's Parcels 108-192-11-00 and 108-191-11-00

File: Cannabis Program Inspections, Mendocino County, Deann Green, CIWQS Place ID 874227

This letter is to notify you of observed violations of California Water Code (Water Code) sections 13260 and 13264 for unauthorized discharges to waters of the state from the above-referenced parcels (Property).

This letter directs you, within 30 days, to take action to comply with Water Code 13260. In addition, this letter directs you, within 30 days, to contact Regional Water Board staff to advise of your plan to implement recommendations in the enclosed report.

Background

On May 24, 2021, staff from the North Coast Regional Water Quality Control Board (Regional Water Board), accompanied by personnel from the California Department of Fish and Wildlife (CDFW), State Water Resources Control Board Division of Water Rights (DIV), and Mendocino County Sheriff's Office 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.

Enclosed is a copy of the water quality inspection report (May 24, 2021 Inspection Report). Please review the inspection report carefully and completely. The inspection report contains recommendations for correcting observed violations and water quality concerns observed on the Property 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.

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

Relevant Requirements

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

Observed Violations

As documented in the inspection report, Regional Water Board staff observed cannabis cultivation and associated site disturbance of sufficient size and scope to require regulatory coverage under State Water Resources Control Board (State Water Board) Order No. WQ-2019-0001-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Statewide General Order). The Regional Water Board has no record of this Property's enrollment under the Statewide General Order. Outdoor cannabis cultivation activities in California with land disturbance of 2,000 square feet or more that are not enrolled for coverage under the Statewide General Order or individual waste discharge requirements violate Water Code section 13260.

Staff also observed violations of Water Code section 13264 associated with unauthorized discharge of waste to surface waters at the location identified as cultivation area 1 in the inspection report.

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 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.

Directive to Obtain Regulatory Coverage

Based on the observations detailed in the attached inspection report, and mentioned above, the Regional Water Board has determined that you are required to comply with Water Code section 13260 by taking one of the following actions within **30 calendar days of this letter**:

- 1) Enroll the property under the Statewide General Order by providing the information required in the online application process. The application can be accessed at: <https://public2.waterboards.ca.gov/cgo>. You must also submit an application fee to the State Water Board within 30 days of submitting the online application. The fee must be submitted to one of the following addresses, based on the method of delivery.

By U.S. Mail: Accounting Office Attn: Water Quality Fees – Cannabis General Order P.O. Box 1888 Sacramento, CA 95812-1888	In person or by courier delivery: Accounting Office Attn: Water Quality Fees – Cannabis General Order 1001 I Street Sacramento, CA 95814
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OR

- 2) File a Report of Waste Discharge in order to obtain individual Waste Discharge Requirements (WDRs) specific to your property.

Please submit the appropriate documents and payments to:

North Coast Water Board
Attn: Diana Henriouille
Cannabis Waste Discharge Regulatory Program
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

OR

- 3) If you believe regulatory coverage is not required under any of the options listed above, either because **there is no cultivation** or associated activities occurring, or because the operations that are occurring are not subject to regulation under the Statewide General Order or individual WDRs, please **provide a written response** explaining your non-applicability (with all supporting documentation including photos if necessary) to the Regional Water Board at the address provided above. Regional Water Board staff may contact you to verify your response.

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.

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.

Inspection Report Recommendations

As mentioned above, the May 24, 2021 Inspection Report provides recommendations to correct violations, as well as to address features and conditions that threaten to impact water quality. **Within 30 days of this letter**, please advise Kate Hawken of your intentions, plan, and schedule to implement recommendations in the inspection report. Ms. Hawken can be reached by email at Katherine.Hawken@waterboards.ca.gov or by phone at (707) 445-6127.

Sincerely,

Mona Dougherty, P.E.
Senior Water Resource Control Engineer

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cc: **California Department of Fish and Wildlife**
Angela Liebenberg, Angela.Liebenberg@wildlife.ca.gov
Justin Rhoades, Justin.Rhoades@wildlife.ca.gov

Division of Water Rights
Richard Ramirez, Richard.Ramirez@Waterboards.ca.gov
Gagan Bhullar, Gagan.Bhullar@Waterboards.ca.gov

North Coast Regional Water Quality Control Board
Kason Grady, Kason.Grady@waterboards.ca.gov

Mendocino County
Trent Taylor, taylor@mendocinocounty.org

Attachment A – Regulatory Citations

Regulatory Section	Citation
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)	<p>“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).”</p>
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> <p>(2) The expiration of 140 days after compliance with Section 13260 if the waste to be discharged does not create or threaten to create a condition of pollution or nuisance and any of the following applies:...</p> <p>(3) The issuance of a waiver pursuant to Section 13269.”</p>

Regulatory Section	Citation
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."

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 443417
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 05/24/2021	

Discharger Information

Party ID: 624662	Discharger Organization Name: Green, Deann	
Address: Po Box 643	City, State, Zip: Willits, CA 95490	
Discharger Contact Person:	Discharger Contact Phone:	

Facility Information

Place ID 874227	Facility Name: Deann Green	
Address: 22341 Tomki Road	City, State, Zip: Willits, CA 95490-9207	
County: Mendocino	Latitude: 39.44373	Longitude: -123.23992 Method:

Lead Inspector Information

Lead Inspector Party ID: 569684	Lead Inspector Name: Katherine Hawken		
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

VIOLATIONSWere Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1090960	Unauthorized Discharge	05/24/2021	B	Cannabis cultivation of sufficient size and scope to require regulatory coverage under Order No. WQ 2019-0001-DWQ. Observed discharge of irrigation runoff and road runoff to a watercourse.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

I observed a steep access road with a large rut leading to cultivation area 1. I observed a trench around the four hoop houses that discharges to a plastic culvert. The plastic culvert extends downhill, discharging road and irrigation runoff to a Class III watercourse. I observed a pile of spent grow bags at inactive cultivation area 2. At cultivation area 3, on a conservation easement, I observed stems with green plastic pieces thrown over a fence, and cannabis plants in grow bags.

GENERAL NOTES (OPTIONAL) (2000 character limit)

Recommendations:

1. If the property owner and/or tenant(s) choose to continue to cultivate cannabis, enroll for coverage under and take steps to comply with the requirements of the CANGO Order WQ 2019-0001-DWQ. Learn about the CANGO here: www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html#general_order

2. Contain and properly dispose of excess soil and trash associated with cannabis cultivation activities to prevent discharge to waters of the state. Use erosion control techniques, as needed, for any reused or stored spent growth medium to prevent polluted runoff.

3. Improve access road alignment, surfacing, and drainage to minimize erosion and sediment transport. Remove culvert that is directing irrigation and road runoff into the Class III watercourse. Do not discharge irrigation runoff or road runoff to surface waters.

4. This site is subject to the requirements of Cleanup and Abatement Order No. R1-2010-0071, for extensive unpermitted site development work resulting in significant and ongoing discharges and threatened discharges of waste to receiving waters. CAO milestones remain unfulfilled and are long past due. My inspection did not cover the entire site, nor did it include an assessment of current site conditions with respect to CAO compliance. I recommend that the Discharger provide a report on the status of compliance with the CAO, and a plan and schedule to complete work needed to correct any outstanding violations. In the event that the Discharger enrolls the site for coverage under the CANGO, the Site Management and Site Erosion and Sediment Control Plans must include and provide plans/schedule to address all outstanding pollutant sources associated with site development, as described in the 2010 CAO, as well as any subsequent site development and activities including the current cannabis cultivation operations.

For Internal Use (Optional)

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



Photo 1 - Cultivation Area 1: Rut on steep dirt access road to four hoop houses



Photo 2 - Cultivation Area 1: Culvert directs irrigation and road runoff downhill



Photo 3 - Cultivation Area 1: Culvert discharges to head of Class III watercourse. Fine sediment is visible around the culvert outlet



Photo 4 – Cultivation Area 2: Spilt, used grow bags with hoop house in background



Photo 5 – Cultivation Area 3: Hoop houses and grow bags