



North Coast Regional Water Quality Control Board

August 19, 2021

Certified Mail 7016 0750 0001 0048 6085

Daniel Dennis
PO Box 1
Alderpoint CA, 95511

Dear Mr. Dennis:

**Subject: Notice of Violation and Transmittal of Inspection Report for July 20, 2021
Inspection of Humboldt County Assessor's Parcel Number (APN) 216-382-035-000**

File: Cannabis Program Inspections, Humboldt County, July 20, 2021,
CIWQS Place ID 875458

This letter is to notify you of observed violations of the requirements listed below, at the property identified as Humboldt County APN 216-382-035-000 (the Property):

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

On July 20, 2021, North Coast Regional Water Quality Control Board (Regional Water Board) staff inspected the Property and observed a watercourse crossing a road through a culvert that is perched, presenting 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 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.

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 20, 2021 inspection report, Regional Water Board staff observed a culverted watercourse crossing at WQ4 that that is perched, presenting a threat of discharge of fine sediment to receiving waters.

Inspection Report Recommendations

As mentioned above, the July 20, 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
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Division of Water Rights

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

Department of Fish and Wildlife

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

Humboldt County Code Enforcement

Brady Wylie, BWylie@co.humboldt.ca.us

Humboldt County Hazardous Materials

Dean Adams, DAdams@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: 444338
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/20/2021	

Discharger Information

Party ID: 626411	Discharger Organization Name: Dennis, Daniel		
Address: Po Box 1	City, State, Zip: Alderpoint, CA 95511		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

Facility Information

Place ID 875458	Facility Name: Daniel Dennis		
Address: 5160 Rancho Sequoia Drive	City, State, Zip: Alderpoint, CA 95511		
County: Humboldt	Latitude: 40.14566	Longitude: -123.6688	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
1093313	Basin Plan Prohibition	07/20/2021	B	Section 4.2.1 for threatened discharge associated with culverted watercourse at WQ4.

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 from the east and parked near a house type structure at WQ1. The structure appears west of the mapped parcel lines, but the mapped parcel lines are shifted east from the actual property lines in this area leading me to suspect that the area extending west of WQ2 is part of the warranted parcel.

The doors to the structure at WQ1 were open and I observed raised beds filled with imported potting soil inside the structure. County permitting staff informed me that there was not a building permit on file with the County for the structure. I walked west and observed a historical outdoor cultivation area and waste cannabis stalks at WQ2. I observed a diesel generator without secondary containment at WQ3. Nearby I observed an area where several types of fertilizer amendments were stored.

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 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 inside ground floor of structure at WQ1. Raised beds filled with imported potting soils fill the space.



Photo 2—Waste cannabis plant stalks partially covered with a tarp at WQ2.



Photo 3—Generator building located at WQ3. The generator lacks secondary containment and the building has an earthen floor.



Photo 4—High concentration nutrients located area east of WQ3.



Photo 5—Nutrient mixing area east of WQ3.



Photo 6—Wetland area east of WQ1.



Photo 7—Surface water in a three-foot-wide channel flowing from the south into the wetland area located east of WQ1.



Photo 8—Culverted road crossing located at WQ4. The culvert is two feet in diameter and the outlet is perched four feet above the channel below.