



North Coast Regional Water Quality Control Board

August 10, 2021

Certified Mail No. 7016 2070 0000 6486 2135

Grazing Land Conservancy LLC
800 Helman Lane
Cotati, CA 94931

Dear Grazing Land Conservancy LLC:

Subject: Notice of Violation, Directive to Obtain Regulatory Coverage for Cannabis Cultivation, and Transmittal of Inspection Report for July 8, 2021 Inspection of Mendocino County Assessor's Parcels 154-150-12-00 and 154-150-13-00

File: Cannabis Program Inspections, Mendocino County, Grazing Land Conservancy LLC, CIWQS Place ID 875358

This letter is to notify you of observed violations of California Water Code (Water Code) sections 13260 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 July 8, 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), 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 (July 8, 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.

Additional Potential Liabilities

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

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

- 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 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 July 8, 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. Kate 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**
Timothy Dodson, Timothy.Dodson@wildlife.ca.gov
Kari Gahan, Kari.Gahan@wildlife.ca.gov

Division of Water Rights
Stormer Feiler, Stormer.Feiler@Waterboards.ca.gov

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

Mendocino County
Cannabis Program, CannabisProgram@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>

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 444268
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date:	Actual Insp. Date: 07/08/2021	

Discharger Information

Party ID: 626296	Discharger Organization Name: Grazing Land Conservancy LLC		
Address: 800 Helman Lane	City, State, Zip: Cotati, CA 94931		
Discharger Contact Person:	Discharger Contact Phone:		

Facility Information

Place ID 875358	Facility Name: Grazing Land Conservancy LLC		
Address: 13405 Low Gap Road	City, State, Zip: Ukiah, CA 95482		
County: Mendocino	Latitude:	Longitude:	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

VIOLATIONS

Were Violations noted during this inspection? Yes No

Violation ID	Violation Type	Occurrence Date	Rank	Description
1092821	Unauthorized Discharge	07/08/2021	B	Cannabis cultivation of sufficient size and scope to require regulatory coverage under Order No. WQ 2019-0001-DWQ.

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Referenced photos are in the attached photo log

Observations

On parcel 154-150-12-00, I observed an outdoor cultivation area with multiple hoop houses full of cannabis plants in pots (Photo 1). Throughout the cultivation area, I observed fertilizer containers, mixing tanks, and cannabis plant waste. I observed one water storage tank, pump, fuel can, and generator located near the head of a Class III watercourse (Photo 2).

GENERAL NOTES (OPTIONAL) (2000 character limit)

On parcel 154-150-13-00, I observed another outdoor cannabis cultivation area with multiple hoop houses (Photo 3). This cultivation area was located on the top of a ridge. The dirt access road up to the cultivation area had rill erosion (Photo 4). Continuing along the access road to the east I observed a pond receiving flow from a watercourse (Photo 5). The pond had an outlet culvert high in the berm. I observed an eroded channel below the pond outlet, that eventually connected to a roadside ditch (Photo 6). The roadside ditch continued off the parcel boundary to the east.

Recommendations:

1. If the property owner and/or tenant(s) plan to continue cultivating cannabis on the Property, enroll for coverage under the State Water Board’s Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities here: <https://public2.waterboards.ca.gov/cgo>
2. Retain a licensed professional to assess the pond and restore the watercourse channel and riparian areas as necessary. Work with the California Department of Fish and Wildlife and the State Water Board Division of Water Rights on permitting options for the instream impoundment.
3. Relocate the tank, pump, generator, and fuel container at the lower cultivation area at least 50 feet away from the Class III watercourse.
4. Store and contain all potting soil, cultivation-related waste, and chemicals, including pesticides and petroleum products, properly to prevent spillage and potential for migration/transport into receiving waters. Storage areas shall comply with the riparian setbacks and have secondary containment as necessary.

For Internal Use (Optional)

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

Grazing Land Conservancy July 8, 2021 Inspection Photo Log
Photos Taken by Kate Hawken



Photo 1:
Lower
outdoor
cultivation
area with
cannabis
plants in pots



Photo 2:
Tank, pump,
and generator
near head of
Class III
watercourse



Photo 3:
Upper
outdoor
cannabis
cultivation
area on top of
ridge



Photo 4: Access road with surface erosion



Photo 5:
Onstream
pond



Photo 6: Diverted stream/
roadside ditch