



GAVIN NEWSOM
GOVERNOR



JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

June 2, 2021

Val Marinov
345 Franklin Street
San Francisco, CA 94102
vvfinejewelry@gmail.com

Valentin Marino/Valentin Marinov
141 Amaryllis Ct
San Ramon, CA 94582

Dear Mr. Marinov:

Subject: Notice of Violation and Transmittal of Inspection Report for April 23, 2021 Inspection of Humboldt County Assessor's Parcels 217-401-021 and 022

File: Cannabis Program Inspections, Humboldt County, April 2021, CIWQS Place ID 874375

This letter is to notify you of observed violations of the requirements listed below, and cited in Attachment A, at the property identified as Humboldt County Assessor's Parcel Numbers (APN) 217-401-021 and 022 (the Property):

1. Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
2. California Water Code (Water Code) Section 13260 and 13264
3. Federal Clean Water Act Section 301

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

Background

LandVision records show that as of May 18, 2020, APN 217-401-021 is owned Valentin Marino and APN 217-401-022 is owned by Valentino Marinov.

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

With your consent, on April 23, 2021, staff from the Regional Water Board (Staff) inspected the Property, accompanied by you, as well as staff of CDFW and your consultant, Green Roads Consulting. 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 B – April 23, 2021 Facilities 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 and projects/activities that result in discharges of waste to receiving waters.

Relevant Requirements

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

Observed Violations

As documented in the April 23, 2021 Inspection Report, Regional Water Board staff observed violations of the Basin Plan Section 4.2.1 Prohibitions 1 and 2, and Water Code sections 13260 and 13264, and federal Clean Water Act section 301. Staff observed these violations at Property locations identified in the April 23, 2021, Inspection Report as WQ1-WQ3, as summarized in Table 1.

Table 1. Summary of violations documented by Regional Water Board staff during the April 23, 2021 Inspection.

Locations	Violation Types
WQ1, WQ2, WQ3	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1
WQ2	California Water Code (Water Code) section 13260 and 13264
WQ2	Federal Clean Water Act Section 301

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 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.

An actual discharge to waters of the state, including waste discharges in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued by a regional board may subject a person to an administrative liability up to \$5,000 per day of violation for each violation, or \$10 for each gallon of waste discharged pursuant to Water Code section 13350 or up to \$10 per gallon for each gallon over 1,000 gallons not cleaned up, and up to \$10,000 per day per violation pursuant to Water Code section 13385.

Directive to Obtain Regulatory Coverage Prior to Future Activities Involving or Resulting in Discharges of Waste to Waters of the State

During the April 23, 2021, inspection, staff observed new site development within and near streams that appeared to be for cannabis cultivation operations of sufficient size and scope to require regulatory coverage under the State Water Resources Control Board (State Water Board) Order No. WQ-2017-0023-DWQ, *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities* (Cannabis General Order), Tier 1 High Risk. Within 90 days of enrollment, you must submit for approval, a site management plan and disturbed area stabilization plan, then implement the management and stabilization measures.

For the purposes of Cannabis General Order, land disturbance is defined as including all activities whatsoever associated with developing or modifying land for cannabis cultivation, related activities, or access. Land disturbance activities include, but are not limited to, construction of roads, buildings, water storage areas, excavation, grading, and site clearing. Disturbed land includes cultivation areas, storage areas where soil or soil amendments (e.g., potting soil, compost, or biosolids) are located. All access roads and water crossings that have not been designed, constructed, and maintained consistent with the Handbook for Forest, Ranch, and Rural Roads and Attachment A of the Cannabis General Order, are considered disturbed areas, as well. If any land disturbance activities have occurred or are occurring within the riparian setback, as defined within the Cannabis General Order, the enrollment under that Cannabis General Order should reflect that the site is a High-Risk site.

Note that the High Risk designation is considered to be a temporary condition, with the requirement that enrollees of High Risk sites will take steps to develop and implement Disturbed Area Stabilization Plans to stabilize the disturbed area and cease all cannabis cultivation-related activities located within the riparian setback. Once the riparian setback

area is stabilized and the Regional Water Board approves the work, you can request to reclassify the site as either low or moderate risk, depending upon the site conditions, allowing a lower annual fee to be assessed. Your High-Risk designation is therefore temporary until you reconfigure your operations to comply with the riparian setback requirements, per an approved plan.

Please be aware that, pursuant to Water Code sections 13260 and 13264, if you elect to resume/continue cannabis cultivation and associated activities on the subject Property, you must either:

- 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://www.waterboards.ca.gov/water_issues/programs/cannabis/

Submit the application fee within **30 days** of submitting the on-line application. Failure to submit the application fee within 30 days will result in the application being voided and authorization terminated. Payments shall be identified using the Fee Payment Application Number (found on the Notice of Receipt). All checks or money orders shall be made payable to: "State Water Resources Control Board," and shall be delivered to:

(By US 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 95814-2828

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
Enforcement Unit
5550 Skylane Boulevard, Suite A

Santa Rosa, CA 95403

Water Code section 13260 states, in relevant part:

(a) Each of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:

(1) Any 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.

Water Code section 13264 states, in relevant part:

(a) No person shall initiate any new discharge of waste or make any material changes in any discharge...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:

(1) The issuance of waste discharge requirements pursuant to Section 13263.

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.

If you have questions about what is required of you to comply with the requirements outlined above, please contact Regional Water Board staff Adona White at Adona.White@waterboards.ca.gov or by phone at (707) 576-2672 to advise as to your plan and schedule to correct the alleged violations as documented in the inspection report.

You may also contact me at Diana.Henriouille@waterboards.ca.gov or by phone at (707) 576-2350. 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

Attachments: Attachment A - Regulatory Citations
Attachment B – April 23, 2021 Facilities Inspection Report

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

Adona White, Adona.White@waterboards.ca.gov

Department of Fish and Wildlife

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

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

Green Roads Consulting

Steve Breitenstein, Steve@greenroadconsulting.com

Humboldt County Planning and Building

Brandon Howton, bhowton1@co.humboldt.ca.us

Karen Meynell, KMeynell@co.humboldt.ca.us

Attachment A- Regulatory Citations

Regulatory Section	Citation
Basin Plan Section 4.2.1, Prohibition 1	Prohibits “[t]he discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses.”
Basin Plan Section 4.2.1, Prohibition 2	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.”
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 style="padding-left: 40px;">(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 style="padding-left: 40px;">(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)	“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).”
California Water Code Section 13264 (a)	“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:”
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.”
California Water Code Section 13350	“A person who (1) violates a cease and desist order or cleanup and abatement order hereafter issued, reissued, or amended by a regional board or the state board, or (2) in violation of a waste discharge requirement, waiver condition, certification, or other order or prohibition issued, reissued, or amended by a regional board or the state board, discharges waste, or causes or permits waste to be deposited where it is discharged, into the waters of the state, or (3) causes or permits any oil or any residuary product of petroleum to be deposited in or on any of the waters of the state, except in accordance with waste discharge requirements or other actions or provisions of this division, shall be liable civilly, and remedies may be proposed, in accordance with subdivision (d) or (e).”

Regulatory Section	Citation
Federal Clean Water Act Section 301 (a):	Section 301(a) provides that subject to certain exceptions, “the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). One of the exceptions allowed for under the Clean Water Act is the discharge from a dredge and fill activity under the auspices of § 404 and 401 of the Clean Water Act. 33 U.S.C. § 1342. The Clean Water Act prohibits the discharge of any pollutant from a point source into waters of the United States without a section 404 dredge and fill permit and a section 401 state water quality certification.
Federal Clean Water Act Section 401	Section 401 (a)(1) “Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates”
Federal Clean Water Act Section 404	Section 404(a) provides, in relevant part, “The Secretary may issue permits...for the discharge of dredged or fill material into the navigable waters...” The Code of Federal Regulations defines the term “dredged material” as material that is excavated or dredged from waters of the United States. 33 C.F.R. § 323.2(c). The term “discharge or dredged material” mean any addition of dredge material into the waters of the United States. 33 C.F.R. § 323.2(d)(1). The Code of Federal Regulations defines “fill material” as material placed in waters of the United States that has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States. 33 C.F.R. § 323.2(e)(1). The term “discharge of fill material” means the additional of fill material into waters of the United States. 33 C.F.R. § 323.2(f).

FACILITIES INSPECTION REPORT

Region/Office: 1	Status: Performed	Reg. Measure ID: 443478
Program Type: IRRICANNABIS	WDID:	Order Number:
Scheduled Insp. Date: 04/23/2021	Actual Insp. Date: 04/23/2021	

Discharger Information

Party ID: 593779	Discharger Organization Name: Marinov, Val		
Address: 345 Franklin Street	City, State, Zip: San Francisco, CA 94102		
Discharger Contact Person:	Discharger Contact Phone:		
Discharger Contact Email Address:			

Facility Information

Place ID 874375	Facility Name: Marinov021		
Address: Homestead Road	City, State, Zip: Blocksburg, CA 95514		
County: Humboldt	Latitude: 40.29407	Longitude: -123.69195	Method: Map Interpolation (digital)

Lead Inspector Information

Lead Inspector Party ID: 526285	Lead Inspector Name: Adona White		
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
1090756	Basin Plan Prohibition	04/23/2021	U	Water Quality Control Plan for the North Coast Region (Basin Plan) Section 4.2.1 at locations WQ1, WQ2, & WQ3
1090757	Unauthorized Discharge	04/23/2021	U	Federal Clean Water Act section 301 at location WQ2
1090760	Unauthorized Discharge	04/23/2021	U	California Water Code section 13260 and 13264 for unauthorized discharge of waste at location WQ2

INSPECTION SUMMARY (REQUIRED) (500 character limit)

Recommendations:

1. Enroll in the Cannabis General Order, address the water quality-related impacts from recent development & ensure future development and uses for cannabis are in conformance with current regulations.
2. Engage a qualified professional to develop and submit a disturbed area stabilization plan to address the threatened and actual discharges of waste between WQ2 and WQ3 associated with the recent earthwork and discharge to Class III.
3. Submit 401 for instream work.

GENERAL NOTES (OPTIONAL) (2000 character limit)

I inspected APN 217-401-021 & 022 by consent, along with CDFW (Manthorne, Hollis, & Agotia), Green Roads (Breitenstein), and operator representatives. Property had no waste discharge regulatory coverage. In application process with Humboldt County for new cultivation on APN 021. APN 022 was abated for cultivation by Humboldt County initially in 2018. Figure 1 shows locations described in text below. I observed water quality issues on APN 021, including an existing watercourse crossing (WQ1), recent grading for a flat including fill in a watercourse (WQ2) and segment of newly constructed road that concentrates runoff and sediment to the aforementioned watercourse (WQ3).

WQ1: 488, Existing Class III culvert crossing is undersized. LSAA is issued but no water quality certification/401 application is on file.

WQ2: 489, Existing Class III crossing is fill pushed into watercourse to facilitate the construction of a cut-and-fill flat. Clumped soil indicates heavy equipment work was done during the winter period with wet soil conditions. Approximately 30 feet of channel is impacted by pushed fill, 2-5 foot high below crossing. I estimate the channel bottom width to be 1 foot.

WQ3: New road is constructed down from flat at 488, to watercourse at 490. The road concentrates stormwater along the road surface to the new road terminus, located within 23' of the watercourse. The road appears poorly located, poorly constructed, not stabilized, with a delivery path to the watercourse.

For Internal Use (Optional)

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



Figure 1. Inspection Map, Valentine Marino, Humboldt County APNs 217-401-021 & 022.

WQ1, 488 – A Class III watercourse crossing:



Figure 2. 488- Class III road crossing culvert inlet.



Figure 3. 488- Class III road crossing culvert outlet.

WQ2, 489- Class III crossing with fill pushed to watercourse



Figure 4. Downstream of watercourse filled with sediment and slash at GPS location 489.



Figure 5. Cut bank of fresh graded area near 489.



Figure 6. Fill and slash paced in watercourse at GPS location 489.



Figure 7. Watercourse downstream of fill placed in channel at GPS location 489.

WQ3, 490 – end of road



Figure 8. New road construction between 489 and 490.



Figure 9. View from watercourse of end of road